

9-1-4: PURPOSE:

A. Purpose: The purpose of this title is to provide a unified regulatory system for land use in the county dependent upon the concentration of development. It is designed to protect and promote the health, safety, and general welfare of present and future inhabitants of the county.

B. Intent: The intent of this title is, as well, to protect both property rights and property values, minimize the adverse impact of development; control the sequence and timing of development; assure that development is maintained properly, requiring for on site and off site public facilities or services; discouraging urban sprawl; requiring strict standards for commercial and residential development, including provisions for affordable housing; and encouraging efficient use of land while maintaining the open space and rural feel of the county by encouraging cluster development where appropriate. This title is further intended to protect the public health, safety, and general welfare by regulating activities and development in hazardous areas.

C. Standards: Standards of this title additionally intend to encourage well planned development; to improve land records and resource data; to safeguard the interests of the public, adjacent property owners, developers, and purchasers; and, to assure equitable handling of all proposals by providing uniform procedures and standards.

9-1-8: ORGANIZATION AND USE OF TITLE:

A. Concepts: All lands or area of city impact, except as may be altered under Idaho Code sections 67-6525 and 67-6526 in the unincorporated areas of the county, are hereby classed into one multiple use district. The purpose of one land use classification is to grant landowners maximum flexibility in using and developing their properties. This concept is unlike traditional zoning where general categories of land use are separated geographically from each other in order to reduce the occurrence of incompatible uses on adjoining properties. The multiple use concept depends on other methods to ensure compatibility. In the county, where existing agricultural and open land uses that protect, retain or enhance the natural beauty and open space characteristics have been established as the desired standard for neighborhood development, it is not necessary to review and evaluate those proposed changes in use which continue similar practices, character and level of activity and are inherently compatible with the agrarian heritage. However, agricultural uses which change the character of the existing neighborhood development, either by practice, intensity or structure, shall be reviewed as a conditional use. **It is also necessary to classify some other land uses as conditional so they can be reviewed and evaluated individually by the commission and commented upon by neighboring landowners as to their compatibility with existing uses.** This title is organized to first define and set standards and procedures for those uses which are considered inherently compatible or "permitted" uses. Secondly, to define and set standards and procedures for those uses which are considered "conditional". Finally, this title defines and sets standards and procedures for special areas, sign standards, cell towers, planned unit developments, and provides guidelines for administration and enforcement.

B. Questions In Posing Land Use Change: In using this title, any person proposing a land use change will need to know the answer to the following questions:

1. Is the land use proposed a permitted use or a conditional use?
2. Is the land use proposed within a special area?
3. What standards and procedures will apply to the proposed use?

C. Multiple-Use District:

2. Conditional Uses:

a. "Conditional uses" within the multiple use district are defined in chapter 5 of this title. There may be additional standards affecting the proposed use in chapter 6, "Special Areas", of this title; chapter 8, "Wireless Telecommunications Towers And Antennas", of this title; or chapter 9, "Planned Unit Developments", of this title.

b. "Conditional uses" within the multiple use district are defined in chapter 5 of this title. Standards and procedures for conditional uses are also contained in chapter 5 of this title. There may be additional standards affecting the proposed use in chapter 6 of this title; chapter 8 of this title, or chapter 9 of this title.

9-5-1: GENERAL PROVISIONS:

A. Standards And Procedures: This chapter contains standards and procedures for those uses which may be incompatible with permitted uses in the multiple use district of the county and, therefore, are subject to review and evaluation by the commission and the public. Conditional uses may be allowed only after proper application, review, approval, and mitigation of impacts through conformance with the conditions of approval.

9-5-2: POLICY:

A. The comprehensive plan states in part that the rural atmosphere of the valleys be protected, that recreation should be encouraged, and that the economic value of privately owned land be increased.

B. This chapter is intended to fulfill those goals and objectives by:

1. Defining those uses which are not inherently compatible with the "permitted uses" defined in chapter 4 of this title.
2. Limiting the impact of conditional uses through standards and procedures.
3. Allowing conditional uses in areas and to standards that will increase the value of privately owned property without undue adverse impact on the environment, adjoining properties, or governmental services and where consistent with the county comprehensive plan. In order to achieve these goals, the maintenance of agricultural uses and low density development will be more acceptable located on the valley floor; higher density development will be more acceptable adjacent to the valley perimeter; commercial and industrial development will be more acceptable in commercial hubs, villages, or near existing established incorporated communities with similar characteristics and infrastructure to serve the more intense land use needs.

C. The interpretation of the standards and procedures herein shall be to encourage conditional uses where, in the opinion of the commission, noncompatible aspects can be satisfactorily mitigated through development agreements for the costs to service providers, provision for community housing, site selection, application of technology, design, construction techniques, topography, landscaping and structure location. (Ord. 10-06, 8-23-2010)

9-5-3: STANDARDS:

The provisions of this chapter shall apply to the various buildings and uses designated herein as conditional uses.

A. Lot Areas:

2. Minimum Lot Size And Configuration: The minimum lot size and configuration for any use shall be at least sufficient to accommodate water supply facilities, sewage disposal facilities, replacement sewage disposal facilities, buildings, parking areas, streets or driveways, stormwater containment, snow storage, open areas, accessory structures, and setbacks in accordance with provisions herein. All lots shall have a reasonable building site and access to that site.

3. Direct Frontage Along Public Or Private Road: All lots or parcels for conditional uses shall have direct frontage along a public or private road with minimum frontage distance as specified in the site or development standards for the specific use.

B. Setbacks:

1. Structures Exceeding Three Feet In Height: The setbacks for all structures exceeding three feet (3') in height are specified herein under the site and development standards for the specific use.

2. Highway 55: All structures shall be set back one hundred feet (100') from the right of way line of Highway 55 unless a more restrictive setback is required within other sections of this title.

3. High Water Line: All residential buildings shall be set back at least thirty feet (30') from high water lines. All other buildings shall be set back at least one hundred feet (100') from high water lines.

4. Front Yards: Front yards shall be determined by the structure establishing the principal use on the property and the location of the access street or road.

5. Encroachment On Yards: No other structure may encroach on the yards determined for the structure establishing principal use.

6. Measurement: All building setbacks shall be measured horizontally, on a perpendicular to the property line, to the nearest corner or face of the building including eaves, projections, or overhangs. (Ord. 10-06, 8-23-2010)

C. Buildings:

1. Permanent Foundation; Minimum Roof Area; Building Regulations: All buildings or structures to be set on a permanent foundation and exceeding one hundred twenty (120) square feet in roof area are subject to the provisions of title 6, chapter 1 of this code or any subsequent updates or adoptions. Compliance with the provisions of said title 6, chapter 1 shall be a condition of approval of the conditional use permit. (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)

2. Building Permits Required: Building permits are required and may be obtained from the county building department after the conditional use permit is issued. The building department will assist the zoning department by imposing pertinent conditions of approval on the building permit.

3. Site And Development Standards: Building height, shape, floor area, construction material, and location on the property may be regulated herein under the site and development standards for the specific use as well as by provisions of the building code.

D. Impact Report:

1. Required: An impact report shall be required for all proposed conditional uses.

(See Application Section IV for applicant's responses.)

2. Potential Environmental, Economic And Social Impacts: The impact report shall address potential environmental, economic, and social impacts and how these impacts are to be minimized as follows:

a. Traffic: Traffic volume, character, and patterns including adequacy of existing or proposed street width, surfacing, alignment, gradient, and traffic control features or devices, and maintenance. Contrast existing with the changes the proposal will bring during construction and after completion, build-out, or full occupancy of the proposed development. Include pedestrian, bicycle, auto, and truck traffic.

b. Housing Affordability; Community Housing: Provision for the mitigation of impacts on housing affordability.

c. **Noise And Vibration Levels:** Noise and vibration levels that exist and compare to those that will be added during construction, normal activities, and special activities. Include indoor and outdoor, day and night variations.

d. **Heat And Glare:** Heat and glare that exist and that might be introduced from all possible sources such as autos in parking areas, outdoor lights, water or glass surfaces, buildings or outdoor activities.

e. **Particulate Emissions:** Particulate emissions to the air including smoke, dust, chemicals, gases or fumes, etc., both existing and what may be added by the proposed uses.

f. **Water:** Water demand, discharge, supply source, and disposal method for potable uses, domestic uses, and fire protection. Identify existing surface water drainage, wetlands, flood prone areas and potential changes. Identify existing groundwater and surface water quality and potential changes due to this proposal.

g. **Fire, Explosion And Other Hazards:** Fire, explosion, and other hazards existing and proposed. Identify how activities on neighboring property may affect the proposed use.

h. **Existing Vegetation:** Removal of existing vegetation or effects thereon including disturbance of wetlands, general stability of soils, slopes, and embankments and the potential for sedimentation of disturbed soils.

i. **Stabilization Of Soil; Restoration Or Replacement Of Vegetation:** Include practices that will be used to stabilize soils and restore or replace vegetation.

j. **Soil Characteristics And Potential Problems:** Soil characteristics and potential problems in regard to slope stability, embankments, building foundation, utility and road construction. Include suitability for supporting proposed landscaping.

k. **Site Grading And Improvements:** Site grading or improvements including cuts and fills, drainage courses and impoundments, sound and sight buffers, landscaping, fencing, utilities, and open areas.

l. **Visibility:** Visibility from public roads, adjoining property, and buildings. Include what will be done to reduce visibility of all parts of the proposal but especially cuts and fills and buildings. Include the effect of shadows from new features on neighboring property.

m. **Reasons For Selecting Particular Location:** Reasons for selecting the particular location including topographic, geographic and similar features, historic, adjoining land ownership or use, access to public lands, recreation, utilities, streets, etc., in order to illustrate compatibility with and opportunities presented by existing land uses or character.

n. **Increased Revenue:** Approximation of increased revenue from change in property tax assessment, new jobs available to local residents, and increased local expenditures.

o. **Economic Impacts:** Approximation of costs for additional public services, facilities, and other economic impacts.

p. **Existing Developments:** State how the proposed development will impact existing developments providing the same or similar products or services.

q. **Natural Resources Or Materials:** State what natural resources or materials are available at or near the site that will be used in a process to produce a product and the impacts resulting from the depletion of the resource. Describe the process in detail and describe the impacts of each part.

r. **Impacts If Project Abandoned At Partial Completion:** What will be the impacts of a project abandoned at partial completion?

s. Number Of Dwelling Units, Building Sites, Nonresidential Floor Space Available: Number of residential dwelling units, other buildings and building sites, and square footage or gross nonresidential floor space to be available.

t. Stages Of Development: Stages of development in geographic terms and proposed construction time schedule.

u. Range Of Sale, Lease Or Rental Prices: Anticipated range of sale, lease or rental prices for dwelling units, building or other site, or nonresidential floor space in order to ensure compatibility with adjacent land use and development.

E. Bonds And Fee:

1. Recommendation Of Administrator; Board Option: Dependent on the impact report and the compatibility rating as well as the applicant's proposed site improvements and structure to be used or constructed, the administrator may recommend bonds, a development agreement, reimbursement fees or the impact fee of the applicant. The board shall have the option of exclusively dealing with the issues of bonds, reimbursement fees, and/or application fees, in the case of developments, which are deemed by the board to be large enough in scale to have significant impact on county services and infrastructure. In such case, pursuant to the direction of the board, the commission shall defer such matters to the board.

Staff Comment: A Development Agreement will be required and is proposed in the application.

2. Imposition And Collection Of Fees: The commission or administrator shall have discretion as an inherent condition of the permit to impose and collect fees from the applicant for the cost of monitoring and enforcement of standards. (Ord. 10-06, 8-23-2010)

9-5A-1: GRADING:

A. Permit Required: Grading to prepare a site for a conditional use or grading, vegetation removal, construction or other activity that has any impact on the subject land or on adjoining properties is a conditional use. A conditional use permit is required prior to the start of such an activity.

D. **Wetlands:** Grading or disturbance of wetlands is subject to approval of the U.S. corps of engineers under the federal clean water act. The federal permit, if required, shall be part of the conditional use permit.

E. Site Grading Plan:

1. The conditional use permit application shall include a site grading plan, **or preliminary site grading plan for subdivisions**, clearly showing the existing site topography and the proposed final grades with elevations or contour lines and specifications for materials and their placement as necessary to complete the work. The plan shall demonstrate compliance with best management practices for surface water management for permanent management and the methods that will be used during construction to control or prevent the erosion, mass movement, siltation, sedimentation, and blowing of dirt and debris caused by grading, excavation, open cuts, side slopes, and other site preparation and development. The **plan shall be subject to review of the county engineer and the soil conservation district**. The information received from the county engineer, the soil conservation district, and other agencies regarding the site grading plan shall be considered by the planning and zoning commission and/or the board of county commissioners in preparing the conditions of approval or reasons for denial of the applications. (Ord. 10-06, 8-23-2010)

Staff Comment: Have received comments from county engineer and VSWCD.

2. For subdivisions, preliminary site grading plans and stormwater management plans must be presented for review and approval by the commission as part of the conditional use permit application. However, prior to construction of the infrastructure, excavation, or recordation of the final plat, the final plans must be approved by the county engineer. (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)

F. Land Surfaces Not Used For Roads, Buildings And Parking: All land surfaces not used for roads, buildings and parking shall be covered either by natural vegetation, other natural and undisturbed open space, or landscaping.

G. Stormwater Management Plan: Prior to issuance of building permits, the administrator must receive a certification from the developer's engineer verifying that the stormwater management plan has been implemented according to approved plans. (Ord. 10-06, 8-23-2010)

9-5A-2: ROADS AND DRIVEWAYS:

A. Roads For Public Dedication And Maintenance: Roads for public dedication and maintenance shall be designed and constructed in accordance with title 10 of this code and in accordance with "Construction Specifications And Standards For Roads And Streets In Valley County, Idaho".

B. Access Roads Or Driveways: Residential developments, civic or community service uses, and commercial uses shall have at least two (2) access roads or driveways to a public street wherever practicable.

C. Private Roads: Private roads shall meet the provisions of the Valley County subdivision ordinance and any policies adopted by the board of county commissioners.

9-5A-3: PARKING AND OFF STREET LOADING FACILITIES:

A. Site Plan: The site plan for a conditional use permit shall include a detailed scale drawing showing the parking area plan including driveways, parking spaces, setbacks, landscaping, buildings, vehicle maneuver areas including firetrucks and refuse collection trucks, snow storage, and drainage.

B. Accessory Parking And Loading Facilities Required: Accessory parking and loading facilities shall be provided as required herein for every building and structure erected, and every land use established after the effective date hereof; unless the commission or the board determines that the proposed parking is adequate.

C. Required Spaces: The minimum number of spaces required is specified herein under the site and development standards for the specific use.

D. Parking Space, Maneuvering Area And Aisle Dimensions: All parking spaces and on site vehicular circulation areas shall comply with the following minimum sizes 1 :

1. Parking Area Dimensions:

- a. Minimum size parking spaces shall measure eight feet six inches by eighteen feet (8'6" x 18').
- b. All parallel parking spaces shall measure a minimum of eight feet six inches by twenty two feet (8'6" x 22').
- c. Recreational vehicle parking spaces shall measure a minimum of ten feet by twenty four feet (10' x 24').

2. End Parking Space Maneuvering: A three foot (3') wide maneuvering area shall be provided for end parking spaces in single access parking areas as shown below.

3. Vehicle Overhang:

a. Recreational Vehicles And Parking Spaces: Recreational vehicles and parking spaces are not allowed to overhang sidewalks, curbs or landscape areas.

b. Standard Size Parking Spaces:

(1) Landscaped Areas: Standard size parking spaces are allowed to overhang landscaped areas and curbs but this overhang shall not encroach into any required setback and this area shall not be considered in meeting any required percentage of lot to be landscaped.

(2) Sidewalks: Standard size parking spaces are allowed to overhang sidewalks only where the sidewalk is a minimum of six feet (6') in width.

c. Access To And From Streets: Parking areas must have safe, convenient, and unobstructed access to and from streets by means of a driveway not less than ten feet (10') wide nor more than forty feet (40') wide that extends onto the private property at least twenty feet (20') beyond the property line. Driveways to loading facilities will enable vehicles to leave and enter streets in a forward direction.

d. Driveways: All driveways shall be designed and constructed in accordance with the county approach policies.

e. Surface: Parking areas and driveways shall be surfaced with asphalt, concrete, compacted gravel, and crushed rock, or other dust free, durable material.

f. Surface Water Drainage: Drainage of surface water shall be provided that will be adequate to drain the surface of the parking area while preventing flows of water onto adjacent properties. Surface waters shall be managed in accordance with best management practices to protect or improve water quality.

g. Screening: Parking areas containing more than ten (10) spaces shall be effectively screened on all sides adjoining residential uses by a wall, fence, or plantings not less than four feet (4') in height.

h. Prohibited In Setback Zone: No part of a parking area shall be located within a required setback zone such as a side, front, or rear yard.

i. Off Street Loading Facilities: Off street loading facilities shall be provided separately from parking spaces for commercial, industrial, and institutional uses. The facilities shall be adequate to provide loading and unloading without obstruction to the street or parking areas.

j. Maintenance: Parking areas and off street loading facilities shall be maintained in good order, clear of debris, and shall not be used for any other use that interferes with or limits the intended use.

k. Lighting: Only indirect lighting may be used to illuminate a parking area. See other lighting regulations in section 9-5B-2 of this chapter. (Ord. 10-06, 8-23-2010)

Notes

1. See parking diagram in section 9-5-4 of this chapter.

9-5A-4: LANDSCAPING:

A. Purpose And General Regulations:

1. Introduction:

a. This section provides minimum standards for landscaping, walls, screening devices and lighting so as to promote the general welfare of the community. This is accomplished by encouraging the creation of an attractive appearance as well as screening from view any and all uses which may be unattractive to public view. Landscaping materials, including ground covers, shrubs and trees not only improve appearance, but also facilitate control of erosion, reduction of dust and glare, and visually soften building masses. Additionally, walls and screening devices allow for separation and aid in buffering incongruous and intense activities. Used together, landscaping, walls, screening devices and lighting help ensure privacy, aid in promoting logical land development and enhance property values.

b. The county encourages the use of low water plant material in such a way that a lush appearance is presented. Plant material that is high in pollen production is discouraged. Also, extreme care should be exercised when using plants that are known to be poisonous. Noxious weeds shall not be used.

c. Plants should be placed in such a way as to maximize survivability (i.e., low water use plants should not be placed in drainageways, and the use of frost tender plants should be limited to accent locations, not primary focal points).

2. Definitions:

3. General Regulations 1 :

a. Applicability: The provisions of this subsection A3 shall apply to all new buildings, all new uses of land, and any addition to existing buildings and uses requiring a conditional use permit. Maintenance requirements of this section shall apply to all sites and uses where a conditional use permit was issued.

b. Site Plan And Landscape Plan: The approved site plan and landscape plan shall be a part of the conditional use permit.

c. Installation Of Walls, Screening Devices And Lighting:

(1) Required Prior To Issuance Of Occupancy Permit: Prior to issuance of an occupancy permit, the walls, screening devices and lighting shall be installed in accordance with the approved construction plans.

(2) Cash Deposit Or Letter Of Credit In Lieu Of Installation: In lieu of the installation of plant material or public art prior to issuance of an occupancy permit, a cash deposit or an irrevocable letter of credit in an amount guaranteeing the complete installation of the plant material or public art within six (6) months may be accepted by the administrator. Failure to install the material in the six (6) month time period shall result in the forfeiture of the deposit or bond, and deemed to be a violation of this section.

d. Strip, Excavate, Remove Topsoil Or Berm Up Soil On Site: No person, firm or corporation shall strip, excavate or remove topsoil nor shall they berm up soil on a site, except to accommodate an approved building, building addition or facilitate necessary and approved site improvements. These changes must be part of the approved site grading and stormwater management plan. This subsection does not apply to sites where permitted uses exist or are proposed.

e. Landscape Areas In Public Right Of Way: Any landscape areas in the public right of way shall meet these requirements. A permit is required prior to any work.

f. Use Of Landscaped Areas: Landscaped areas shall not be used for parking of vehicles, display of merchandise or other uses detrimental to the landscaping.

g. Naturally Occurring Vegetation: Naturally occurring vegetation in good condition and conforming with the goals for landscaping herein can be included as essential parts of the plan. The boundary of groves or masses of trees can be shown on the plan in lieu of showing the location of each individual tree.

4. Maintenance:

a. Responsibility For Maintenance: The landscape areas on site, as well as in the right of way, shall be maintained by the owner or owner's association (should the property be subdivided) or the lessee of the site. Any areas designated and intended for the purposes of on site water retention shall be maintained and reserved for that specific purpose. Any alteration or deterioration of those areas shall be considered a violation of this title and any applicable ordinance.

b. **Replacement Of Plant Material:** Any plant material that does not survive shall be replaced within thirty (30) days of its demise.

c. **Removal Or Destruction Of Landscape Material:** The removal or destruction of landscape material previously approved by the county shall constitute a violation of this title. Replacement of landscape material shall be of like size as that which was removed or destroyed.

d. **Maintained In Accordance With Site And/Or Landscape Plan:** Landscaping, irrigation systems, walls, screening devices, curbing and lighting shall be reasonably maintained in accordance with the approved site and/or landscape plan. Plant material shall not be severely pruned such that the natural growth pattern or characteristic forms are significantly altered.

e. **Modification And/Or Removal Of Existing Landscaping:** Modifications and/or removal of existing landscaping shall require prior approval.

f. **Lack Of Maintenance:** The lack of maintenance shall constitute a violation of this title.

g. **Sight Obscuring Landscape Features:** Sight obscuring landscape features such as hedges shall be maintained in such a manner that vision necessary for safe operation of motor vehicles or bicycles along or entering public roadways is not obstructed.

B. Landscaping; Standards Of Design:

1. **Minimum Requirements:** Each site to be developed under a conditional use permit shall be required to provide landscape areas equal to or exceeding the following minimum amounts:

a. **Multi-Family Use:** Each site for a proposed multi-family use shall have a minimum of thirty percent (30%) of the net site/lot area in landscaping.

b. **Service/Commercial Use:** Each site for proposed service/commercial use shall have a minimum of fifteen percent (15%) of the net site/lot area in landscaping.

c. **Industrial Use:** Each site for a proposed industrial use shall have a minimum of ten percent (10%) of the net site in landscaping.

d. **Additional Landscaping:** In addition to the minimum on site landscaping, there shall be landscaping in the entire area of the right of way, between street property line and back of street curb, road, back slope, or fill slope, except for approved driveways, walkways, bike paths, and snow storage areas.

2. **Future Commercial And Industrial Development:** Future commercial and industrial development sites shall be landscaped in the first phase of construction, unless a phased plan is approved by the commission.

3. **Uses Adjacent To Multi-Family Residential Development:** Fifteen (15) gallon size trees (of a nondeciduous variety) fifteen feet (15') on center shall be planted along any property lines of parcels developed for multi-family, commercial, office, or industrial uses which are adjacent to or separated by an alley from a multi-family residential development. Minimum width of landscape buffer shall be six feet (6') clear. For commercial/industrial users of over fifty thousand (50,000) square feet, see subsection B5 of this section.

4. **Use Adjacent To Single-Family Residential Development:** Where multi-family, commercial, office or industrial uses are adjacent to or separated by an alley or lesser separation from a single-family residential development, such trees shall be planted at ten feet (10') on center, with every other tree being a minimum twenty four inch (24") box size.

5. **Commercial, Office Or Industrial Use Adjacent To Residence:** Where a commercial, office or industrial user of over fifty thousand (50,000) square feet building area is located adjacent to a

residence, the landscape buffer described in subsection B3 of this section shall be increased to fifteen feet (15') (adjacent to that user), with two (2) rows of trees along the interior side of the property line. Each row is to contain minimum fifteen (15) gallon trees spaced fifteen feet (15') on center, staggered for maximum effect in buffering the two (2) uses.

6. Criteria For Trees Along Street Frontage: Trees shall be required along all street frontages according to the following criteria:

a. A minimum of one tree shall be planted for every twenty five feet (25') of linear street frontage. The trees may be grouped or planted in groves;

b. Fifty percent (50%) shall be twenty four inch (24") box size or larger with the balance being minimum fifteen (15) gallon size;

c. The trees selected shall be compatible with the overall site and landscape plan as well as adjacent sites.

7. Standard Tree Planting Detail: All trees shall be planted and staked in accordance with the "Standard Tree Planting Detail" diagram in section [9-5-4](#) of this chapter. Plant sizes to be in accordance with Nurseryman Association standards.

8. On Site Water Retention Areas: All on site water retention areas, other than paved surfaces, shall be entirely landscaped and shall comply with the following criteria:

a. The retention areas shall not occupy more than sixty seven percent (67%) of the on site street frontage landscape area;

b. All retention areas shall maintain slopes no steeper than three to one (3:1).

9. Mounding And Berming: All mounding and berming shall have slopes no steeper than three to one (3:1).

10. Ground Cover: A minimum of fifty percent (50%) of the landscaped areas is to be planted with vegetative ground cover. Minimum size and spacing to be one gallon size plants at a maximum three feet (3') on center.

11. Landscape Designs: Landscape designs shall be compatible with adjacent properties. Selected stock shall be especially suited for this climate or shall be from native stock. (Ord. 10-06, 8-23-2010)

Notes

1. See landscaping diagrams in section [9-5-4](#) of this chapter.

9-5A-5: FENCING:

A. Substituted For Planting Screens: Fencing may be substituted for planting screens subject to the approval of the staff and the commission.

B. Separation Or Screening: Fencing shall be installed to provide separation or screening as specified in the site or development standards for the specific use. A sight obscuring fence required by the commission for any conditional use shall be stained or painted a single solid color, shall not be used for advertising, and shall be maintained in good repair.

C. Livestock In Residential Development: If livestock are allowed in a residential development, then fencing shall be installed to keep livestock out of public street rights of way. Cattle guards shall not be installed in public roads within residential developments.

D. Random Entry: Fencing shall be installed to secure against random entry into hazardous areas or operations.

E. Construction And Materials: Fence construction and materials shall be in accordance with commonly accepted good practices to produce a neat appearing durable fence. The location, height, and materials used for constructing a fence shall be approved by the commission and specified in the conditional use permit. Fences required for any conditional use shall be maintained in good repair.

F. Conditional Use Adjoins Agricultural Uses: Where a conditional use adjoins an agricultural use where animal grazing is known to occur for more than thirty (30) consecutive days per year, the permittee shall cause a fence to be constructed so as to prevent the animals from entering the use area. The permittee shall provide for the maintenance of said fence through covenants, association documents, agreement(s) with the adjoining owner(s), or other form acceptable to the commission prior to approval of the permit so that there is reasonable assurance that the fence will be maintained in functional condition so long as the conflicting uses continue.

G. Obstruction Of Vision: Sight obscuring fences, hedges, walls, latticework, or screens shall not be constructed in such a manner that vision necessary for safe operation of motor vehicles or bicycles on or entering public roadways is obstructed. (Ord. 10-06, 8-23-2010)

9-5A-6: UTILITIES:

A. Direct Access Required: All lots or parcels, for or within conditional uses, shall be provided, or shall have direct access to, utility services including telephone, electrical power, water supply, and sewage disposal.

B. Central Water Supply And Sewage Systems: Central water supply and sewage systems serving three (3) or more separate users shall meet the requirements of design, operation, and maintenance for central water and sewage systems in the subdivision ordinance.

C. Probability Of Water Supply: Probability of water supply, as referred to in subsection A of this section, can be shown by well logs in the general area or by a determination of a professional engineer, hydrologist, or soil scientist.

E. Easements Or Rights Of Way: Easements or rights of way shall be set aside or dedicated for the construction and maintenance of utilities in accordance with the provisions of the subdivision ordinance.

F. Utility Plan: A utility plan showing the schedule of construction or installation of proposed utilities shall be a part of the conditional use permit. (Ord. 10-06, 8-23-2010)

ARTICLE B. PERFORMANCE STANDARDS

SECTION:

9-5B-1: Noise

9-5B-2: Lighting

9-5B-3: Electrical Interference

9-5B-4: Emissions

9-5B-5: Dust

9-5B-6: Open Storage

9-5B-7: Fire Protection

9-5B-2: LIGHTING:

A. Purpose: These regulations are intended to establish standards that ensure minimal light pollution, reduce glare, increase energy conservation, and maintain the quality of the county's physical and aesthetic character.

B. Applicability: These standards shall apply to all outdoor lighting including, but not limited to, search, spot, or flood lights for:

1. Buildings and structures.
2. Recreational areas.
3. Parking lot lighting.
4. Landscape lighting.
5. Signage.
6. Other outdoor lighting.

C. Standards:

1. Prevention Required: All exterior lighting shall be designed, located and lamped in order to prevent:

- a. Over lighting or excessive lighting.
- b. Energy waste.
- c. Glare.
- d. Light trespass.
- e. Skyglow.

2. Turn Off Required: All nonessential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.

3. Recreational Facilities: Recreational facilities such as baseball, softball, soccer, volleyball or football fields; driving ranges; outdoor arenas and amphitheaters; ski trails; or other outdoor field recreation facilities are exempt from height restrictions provided the lights are used only while the field is in use. (Ord. 10-06, 8-23-2010)

4. All Other Outdoor Lighting: All other outdoor lighting shall meet the following standards and at a minimum the standards in title 6, chapter 2 of this code: (Ord. 17-02, 2-13-2017)

- a. The height of any light fixture or illumination source shall not exceed twenty feet (20').
- b. All lighting or illumination units or sources shall be hooded or shielded in a downward direction so they do not produce glare or cause light trespass on any adjacent lot or real property as depicted in section 9-5-4 of this chapter.
- c. Lights or illumination units shall not direct light, either directly or through a reflecting device, upon any adjacent lot or real property. Lighting should not illuminate the sky or reflect off adjacent water bodies or produce glare or cause light trespass on any adjacent lot or real property.
- d. External lighting of the face of signs shall be placed above the sign and shielded and directed in a manner that the illumination source shall not be visible from any adjacent lot or real property. Sign lighting shall not reflect or glare beyond the face of the sign and immediately below the sign 1.

5. **Parking Areas, Walkways Or Similar Uses:** All outdoor lights used for parking areas, walkways, and similar uses mounted on poles eight feet (8') or greater in height shall be directed downward. The light source shall be shielded so that it will not produce glare or cause light trespass on any adjacent lot or real property.

6. **Searchlights:** Searchlights shall only be operated for special events or grand openings for a maximum of one week. Searchlights shall not be operated on residential or agricultural property.

7. **Mercury Vapor Lights:** The installation of mercury vapor lamps is hereby prohibited.

8. **Flashing, Intermittent Or Moving Lights Prohibited:** Flashing or intermittent lights, lights of changing degree of intensity, or moving lights shall not be permitted. This subsection shall not be construed so as to prohibit the flashing porch light signal used only while emergency services are responding to a call for assistance at the property, or holiday lights.

9. **Industrial And Exterior Lighting:** Industrial and exterior lighting shall not be used in such a manner that produces glare on public highways and neighboring property. Arc welding, acetylene torch cutting, or similar processes shall be performed so as not to be seen from any point beyond the property line. Exceptions will be made for necessary repairs to equipment.

10. **Sensor Activated Lights:** Sensor activated lights, provided:

a. They are located in such a manner as to prevent glare and lighting onto properties of others or into a public right of way.

b. They are set to only go on when activated and to go off within five (5) minutes after activation has ceased.

c. They shall not be triggered by activity off the property.

11. **Towers, Power Lines And Power Poles:** Lighting of radio, communication and navigation towers along with power lines and power poles, provided the owner or occupant demonstrates that the federal aviation administration (FAA) regulations can only be met through the use of lighting.

12. **Outdoor Lighting Plan:** All applications for a conditional use permit shall include an outdoor lighting plan for the entire site which indicates how the above standards are to be met. The approved permit shall be a part of the conditional use permit and/or the building permit. (Ord. 10-06, 8-23-2010)

9-5B-4: EMISSIONS:

C. **Wood Burning Devices:** Wood burning devices shall be limited to one per site. Wood burning devices shall be certified for low emissions in accordance with EPA standards. (Ord. 10-06, 8-23-2010)

9-5B-5: DUST:

9-5B-6: OPEN STORAGE:

9-5B-7: FIRE PROTECTION:

Provisions must be made to implement prefire activities that may help improve the survivability of people and homes in areas prone to wildfire. Activities may include vegetation management around the home, use of fire resistant building materials, appropriate subdivision design, removal of fuel, providing a water source, and other measures. Recommendations of the applicable fire district will be considered. (Ord. 10-06, 8-23-2010)

ARTICLE C. RESIDENTIAL USES

SECTION:

9-5C-1: Compliance Required

9-5C-2: Minimum Lot Area

9-5C-3: Minimum Setbacks

9-5C-4: Maximum Building Height And Floor Area

9-5C-5: Site Improvement

9-5C-6: Density

9-5C-1: COMPLIANCE REQUIRED:

A. Site Or Development Standards: Residential uses requiring a conditional use permit shall meet the following site or development standards.

B. Subdivision Regulations: Subdivisions of land shall also comply with the standards of the "Subdivision Regulations For Valley County, Idaho", adopted April 29, 1970, and as revised hereafter, and referred to as title 10 of this code.

D. Planned Unit Developments, Condominiums And Multi-Family Residential Developments: Planned unit developments, condominiums, and multi-family residential developments shall be platted in accordance with the regulations of this chapter, title 10 of this code, or as may be approved in accordance with chapter 9 of this title as a planned unit development prior to the sale or transfer of title to any lot, parcel, or unit. (Ord. 11-5, 6-6-2011)

9-5C-2: MINIMUM LOT AREA:

A. Equivalent Minimum Lot Area: The equivalent minimum lot area shall be unlimited herein, except for provisions of:

Subsection B of this section

Section 9-4-3-1 of this title

Subsection 9-5-3A2 of this chapter

Section 9-5-4, table 5-A of this chapter

Section 9-5C-6 of this article

Subdivision regulations, title 10 of this code

Mobile home standards, title 12, chapter 1 of this code

B. New Subdivisions:

1. Single-Family Residences: New subdivisions for single-family residences shall provide the following minimum lot sizes:

- a. One acre where individual sewage disposal systems and individual wells are proposed.
- b. Twenty thousand (20,000) square feet where a central water supply system and individual sewage disposal systems are proposed.
- c. Twelve thousand (12,000) square feet where a central sewage collection and disposal system and individual wells are proposed.
- d. Eight thousand (8,000) square feet where both central systems are proposed.

2. Density Limitation: These minimum lot sizes may not be used to exceed the density limitation of section 9-5C-6 of this article for any development plans.

3. **Planned Unit Developments:** Lot sizes within new planned unit developments and new multi-family residential subdivisions may vary from these minimums because of reduced setbacks or other consideration in accordance with the provisions of chapter 9 of this title.

C. **Frontage On Public Or Private Road:** Frontage on a public or private road shall not be less than thirty feet (30') for each lot or parcel. The lot width at the front building setback line shall not be less than ninety feet (90'). A PUD, condominium, or other cluster development may contain lots without frontage on a road and widths less than ninety feet (90') in accordance with the approved development plan or plat. (Ord. 11-5, 6-6-2011; amd. Ord. 20-12, 7-6-2020; Ord. 21-01, 11-23-2020)

9-5C-3: MINIMUM SETBACKS:

The minimum building setbacks shall be thirty feet (30') from front, rear, and side street property lines and fifteen feet (15') from all side property lines. Setbacks for mobile homes in subdivisions or parks shall be in accordance with title 12, chapter 1 of this code. A PUD, condominium or other cluster development may include zero lot line development and other reduced setbacks in accordance with the approved development plan or plat. (Ord. 11-5, 6-6-2011)

9-5C-4: MAXIMUM BUILDING HEIGHT AND FLOOR AREA:

A. **Maximum Height:** Building heights, except as may be modified by a PUD, shall not exceed thirty five feet (35') above the lower of existing or finished grade.

B. **Building Size Or Floor Area:** The building size or floor area, except as may be modified by a PUD, shall not exceed the limitations of subsections A and C of this chapter.

C. **Lot Coverage:** No structure or combination of structures, except as may be modified by a PUD, may cover more than forty percent (40%) of the lot or parcel. (Ord. 11-5, 6-6-2011)

9-5C-5: SITE IMPROVEMENT:

A. **Off Street Parking Spaces:** Two (2) off street parking spaces shall be provided for each dwelling unit. These spaces may be included in driveways, carports, or garages.

B. **Utility Lines:** All utility lines, including service lines, that are to be located within the limits of the improved roadway in new residential developments must be installed prior to placing the leveling coarse material. (Ord. 11-5, 6-6-2011)

9-5C-6: DENSITY:

A. The density of any residential development or use requiring a conditional use permit shall not exceed two and one-half (2.5) dwelling units per acre, except for planned unit developments or long-term rentals. Long-term rental density can be determined by the Planning and Zoning Commission in regards to compatibility with surrounding land uses and will require a deed restriction.

B. Density shall be computed by dividing the total number of dwelling units proposed by the total acreage of land within the boundaries of the development. The area of existing road rights of way on the perimeter of the development and public lands may not be included in the density computation. (Ord. 11-5, 6-6-2011; amd. Ord. 20-12, 7-6-2020)

ARTICLE F. COMMERCIAL AND INDUSTRIAL USES

SECTION:

9-5F-1: Commercial Uses; Site Or Development Standards

9-5F-2: Industrial Uses; Site Or Development Standards

9-5F-1: COMMERCIAL USES; SITE OR DEVELOPMENT STANDARDS:

Commercial uses requiring a conditional use permit shall meet the following site or development standards, except as may be modified by a PUD:

A. Minimum Lot Area:

1. The minimum lot area shall be unlimited herein except for the provisions of subsection 9-5-3A2 of this chapter, and except the minimum area for a ski area shall be forty (40) acres.
2. Frontage on a public or private road shall not be less than seventy five feet (75') for each lot or parcel.
3. No frontage is required for recreation business.

B. Minimum Setbacks:

1. The minimum setbacks for neighborhood businesses shall be thirty feet (30') from front, rear, and side street property lines and ten feet (10') from all side property lines.
2. The minimum setbacks for service and recreation businesses shall be fifty feet (50') from rear, front, and side street property lines and thirty feet (30') from side property lines.
3. The minimum setbacks for area businesses shall be the same as those for neighborhood businesses. Salvage yards, auto wrecking yards, or commercial agricultural businesses shall be located not less than one thousand feet (1,000') from any residential development, civic or community service use, or other noncompatible commercial use, unless the impacts are adequately mitigated by implementation of standards as approved by the commission. The setbacks will be determined in relation to impact mitigation.

C. Maximum Building Height And Floor Area:

1. Building heights shall not exceed thirty five feet (35') above the lower of the existing or finished grade.
2. The building size or floor area shall not exceed the limitations of subsections 9-5-3A and C of this chapter and title 6, chapter 1 of this code.
3. No building or combination of buildings may cover more than forty percent (40%) of the lot or parcel, except recreation business buildings may not cover more than one percent (1%) of the lot and agricultural business buildings may not cover more than twenty percent (20%) of the lot or parcel.

D. Site Improvements:

2. Parking spaces for neighborhood and area businesses shall be provided at the rate of one, plus one per each two hundred fifty (250) square feet of floor area.
4. Parking spaces for recreation businesses shall be provided at the rate of one per each four (4) occupants or as determined by the commission. (Ord. 10-06, 8-23-2010)

PLANNED UNIT DEVELOPMENT

9-9-1: DEFINITION:

A "planned unit development" (hereinafter referred to as a PUD) is an area of land controlled by one or more landowners, which is to be developed under a single and comprehensive plan of development. Any mix of residential building types, or any mix of residential commercial, industrial recreational, and agricultural uses may be permitted to provide greater flexibility in land usage. Additional flexibility in development is furnished because setbacks, height, lot size, density, and other site regulations may differ from those normally imposed for similar uses. Residential units and other buildings, if any, may be constructed by either the developer or individual buyers; however, the application must be accompanied by plans and other documents sufficient for the administrator, staff and commission to review the application for compliance with the requirements of this title. (Ord. 10-06, 8-23-2010; amd. Ord. 11-5, 6-6-2011)

9-9-2: PURPOSE:

The PUD concept allows the site planner to propose the best use and arrangement of development on the parcel of land by reducing the more rigid regulations herein. A PUD is designed so that buildings are clustered together to create open space of common ownership, preserve natural features and landscape character, more efficiently use the site and to minimize development costs by sharing common walls, shortening and narrowing roads, and concentrating utilities. It is expected that a PUD will provide certain amenities like recreational facilities, landscaping, and natural open spaces for the enjoyment of all owners, employees, etc., and will demonstrate better than average quality of development. (Ord. 10-06, 8-23-2010)

9-9-3: PUD REVIEW AND DETERMINATION:

In considering whether to approve a PUD, the commission shall determine:

A. That the proposed use nets a positive score on the compatibility rating system herein. The compatibility rating shall be completed by the commission and computed for the full application as presented to the commission after revisions requested during any preliminary review and after the public hearing is closed;

In the case of PUDs in which the board determines that it is in the public's interest that the board deal exclusively with certain of the nine (9) compatibility questions contained in section 9-11-1, appendix A of this chapter, then, subject to the board's direction, the commission shall not consider such questions as part of its compatibility rating of the proposed use;

B. That the proposal works with the characteristics of the site by protecting or highlighting attractive features and by minimizing the impact of development where natural constraints exist;

C. That the proposal's layout promotes the clustering and separation of different kinds of land uses so that both internal compatibility and common open spaces can be maintained;

D. That the proposal's layout and design provides economics in the provision of roads and other site improvements; and

E. That it is more desirable to have a PUD than a subdivision or some other singular use, and that the PUD is not being proposed simply to bypass or vary the more restrictive standards required of a subdivision, business, industry, or other similar use. (Ord. 10-06, 8-23-2010)

9-9-4: TIME FOR COMPLETION:

The proposed development shall be completed within the time specified in the phasing plan. Extensions may be approved by the commission if it can be shown as necessary and in the public interest. (Ord. 10-06, 8-23-2010)

9-9-5: CHANGES FROM APPROVED PLANS:

Changes in building design and layout may be approved by the commission if it can be shown as being necessary or more desirable. (Ord. 10-06, 8-23-2010)

9-9-6: SUBMISSION REQUIREMENTS:

In addition to the items required for a conditional use permit, graphic and written material shall also be submitted regarding: [\(See application pg 10\)](#)

- A. Proposed Setbacks: Proposed front, side, and rear setbacks as different from those required under normal standards for like uses and any other changes in similar kinds of standards including, but not limited to, building height, minimum number of parking spaces per unit, street widths, and lot size.

- Front Yard – 15 feet,
- Rear Yard – 20 feet,
- Single-story Side Yard – 5 feet,
- Multi-story – side yard – 7.5 feet

- B. Proposed Building Sites: Proposed building sites if these are to be indicated without, or in addition to, lots, complete with dimensions.

- C. Common Open Space And Facilities: Common open space and facilities with conditions for their permanency.

- D. Phase Of Development; Time Schedule: Phase of development to be shown geographically and indicating stages in the construction program and time schedule for progressive completion.

- E. Outline Of Restrictive Covenants: An outline of the restrictive covenants expressing key provisions.

- F. Maintenance Plans: Plans for maintaining roads, parking, and other areas of circulation, snow removal, snow storage, and any other necessary upkeep.

- G. Surface Water Management: Plans for surface water management.

- H. Other Information: Any other information deemed necessary by the commission because of the proposed use. (Ord. 10-06, 8-23-2010)

9-9-7: STANDARDS: [\(See application pg 11\)](#)

- A. Size: The acreage shall be large enough to accommodate the proposed PUD.

- B. Streets, Utilities And Other Site Improvements: Streets, utilities, and other site improvements shall be made for their later installation, at the developer's expense, prior to recording the plat. Streets shall be constructed in accordance with the minimum standards set forth in chapter 5 of this title and all references made therein if they are to be dedicated to the county.

- C. Waiver Or Modification Of Specifications, Standards And Requirements: It is [recognized that the uniqueness of each proposal for a PUD requires that the specifications, standards, and requirements for various facilities, including, but not limited to: roads, alleys, easements, utilities, signs, parking areas, storm drainage, water supply and distribution, and sewage collection and treatment, may be subject to modification from the specifications, standards, and requirements established for subdivisions and like uses in this title.](#) The commission may, therefore, at the time of general submission as requested by the applicant, waive or modify these specifications, standards, and requirements which otherwise shall be applicable.

- D. [Averaging And Transferring Densities](#): Averaging and transferring densities within the PUD shall be allowed: 1) upon a showing that it fits the definition of a PUD; 2) as long as the overall average residential density is no greater than six (6) dwelling units per gross acre; and 3) only if residential units are to be connected to central water and sewer systems. The overall average residential density shall be

calculated by summing the number of residential dwelling units planned within the boundary of the PUD and dividing by the total gross area expressed in acres within the boundaries of the PUD, except public lands. It is recognized that the increased residential density of a PUD shall be in relationship to the site and structure location, application of technology, design, construction techniques, landscaping and topography. Dwelling units per gross acre may be increased to provide community and workforce housing at negotiated percentages that are memorialized in a development agreement with the Board of County Commissioners; consideration will be based upon distance from incorporated cities, impact areas, and available infrastructure.

E. **Lot And Building Setbacks**: Lot and building setbacks may be decreased below or otherwise altered from the standards of like uses set forth elsewhere in this title.

F. **Maximum Height**: The maximum height of buildings may be increased above those for like uses mandated elsewhere in this title in consideration of the following characteristics:

1. Unreasonable adverse visual effect on adjacent sites or other areas in the immediate vicinity.
2. Potential problems for adjacent sites caused by shadows, loss of air circulation, or loss of view.
3. Influence on the general vicinity with regard to extreme contrast, vistas, and open space.

G. **Parking Spaces**: The design and construction standards for parking spaces shall conform to section 9-5A-3 of this title, and the number of parking spaces required may be increased or decreased relative to the number mandated for like uses elsewhere in consideration of the following factors:

1. Estimated number of cars owned by occupants of dwelling units in the PUD.
2. Parking needs of each specific use.
3. Varying time period of use whenever joint use of common parking areas is proposed.
4. Surface parking areas shall not be considered open space for the purposes of subsection I of this section.

H. **Internal Street Circulation System**: The PUD shall provide an adequate internal street circulation system designed for the type of traffic generated, safety, separation from living areas, convenience, and access. Private internal streets may be narrower than normally required; provided, that adequate access for police and fire protection and snow removal equipment is maintained.

I. **Common Open Space**: At least fifty percent (50%) of the total area within the boundary of any residential PUD and twenty percent (20%) of any commercial or industrial PUD shall be devoted to common open space; provided, however, that the commission may reduce this requirement if they find that such a decrease is warranted by the design of, and the amenities and features incorporated into, the plan and that the needs of the occupants of the PUD for open space can be met in the proposed development. Each residential unit shall have ready access to common areas and facilities.

J. **Materials, Textures And Colors**: Harmonious variations in materials, textures, and colors shall complement and supplement the natural beauty and pleasant environment of the site and the individual buildings. The site, design, and construction of all residences shall be planned in such a manner that there is a substantial resemblance of uniformity.

→ There are no renderings or design plans. Application states per Valley County requirements; there are no Valley County requirements.

K. **Assurances Of Performance Bond**: It is recognized that the uniqueness of each proposal for a PUD requires that the applicant must make adequate assurances of performance of each phase of the proposal. The commission may impose any form of bond on those portions of the proposal which will

provide common services to the public or users of the PUD as deemed appropriate by the commission under the circumstances.

(Ord. 10-06, 8-23-2010; amd. Ord. 2023-01, 7-10-2023)

9-9-8: OTHER INFORMATION AND DISCLOSURE REQUIREMENTS:

The applicant shall disclose and provide the following:

- A. The name, address, telephone number of any owner, equitable interest holder, stockholder, partner, associate, or any other person having a financial interest of ten percent (10%) or greater in the proposed planned unit development.
- B. The method of financing and the cost of improvements that serve the common services of the public and users of the PUD.
- C. The cost of the proposed planned unit development.
- D. The cost of each phase of the planned unit development.
- E. The ratio of the amount of all loans to the value of the property throughout the development of the planned unit development.
- F. Plans for housing employees, construction workers, subcontractors, independent contractors or any other person related to or associated with the applicant's buildings, improvements, developments or temporary uses during and after the proposal.
- G. Plans for providing any additional fire protection and emergency medical services which may be necessary during and after construction.
- H. Proposals for guarantees that the applicant will complete all those improvements that serve the common services of the public and users of the PUD or that the land will be reclaimed to its condition prior to construction.
- I. Plans for any impact fees to be paid by the applicant for the proposal.
- J. Plans for minimizing any water runoff created by the buildings, improvements, developments or other temporary uses of the proposal.
- K. Plans for minimizing the impact on solid waste disposal during and after the proposal.
- L. Plans for minimizing the impact on fish, wildlife or biotic resources in the general area of the proposal before, during and after the completion of the proposal.
- M. Plans for providing for enforcement of security on the site of the proposal.
- N. Plans for transporting workers to and from job sites and special traffic control measures for public safety during and after construction.
- O. Certain disclosures required by this section will not apply to certain PUDs because of the uniqueness and small size of the proposal. When disclosures in subsections B, F, G, H, L, M and N of this section are either not applicable or not of sufficient importance because the impact of the PUD would be minimal, the applicant shall include a statement showing why the disclosure does not apply. Staff shall make a recommendation to the commission as to each application, and the commission shall decide the applicable procedures. All PUD applicants shall adequately respond to disclosures in subsections A, C, D, E, I, J and K of this section. (Ord. 10-06, 8-23-2010)

9-9-9: DEVELOPMENT AGREEMENT:

Because of the uniqueness of each proposal, a PUD may impact county services and/or property which may be mitigated through a development agreement. Compensation for these impacts shall be

negotiated in work sessions with appropriate county entities and a development agreement shall be entered into between the applicant and the county through the board as additional conditions considered for approval of a PUD. (Ord. 10-06, 8-23-2010)

9-9-10: IMPACT FEES:

The commission may recommend to the board impact fees as authorized by Idaho Code section 31-870 for any PUD proposal. The board may implement the impact fees as recommended by the commission or as it deems necessary for the proposal. (Ord. 10-06, 8-23-2010)

9-9-11: REIMBURSEMENT FEES:

The applicant shall be required, in addition to the filing fee otherwise imposed, to pay a reimbursement fee. The reimbursement fee shall be negotiated by the staff with approval of the board. (Ord. 10-06, 8-23-2010)

9-9-12: PROCESS:

A. Review And Approval: The PUD can be reviewed and approved prior to approval of any conditional use permit. However, the PUD and conditional use permits can be reviewed and approved simultaneously.

Title 10 Subdivision Regulations

10-1-2: PURPOSE:

A. The purpose and intent of the regulations of this title is to promote the health, safety, convenience and general welfare of the population of the county and to help assure the orderly development of the county consistent with applicable policies and plans adopted by the board through the proper subdivision of land and street layout.

B. The regulations of this title are hereby deemed reasonable and necessary to accomplish the above purpose and are designed, among other things, to achieve well laid out streets, and building sites in accordance with proposed uses, and adapted to the terrain and natural setting, to conserve the natural beauty of the county, to provide safe access, adequate drainage and utilities for the proposed sites, to facilitate the transfer of real property, to encourage a linked pathway system throughout the county, and in general to provide for the orderly development of the county. (Ord. 10-07, 8-26-2010)

10-3-2-2: CONTENTS OF PRELIMINARY APPLICATION TO PLAT:

The preliminary application to plat (conditional use permit) shall comply with this title and shall have the following form and content:

A. Name Of Proposed Subdivision: When a proposed subdivision is an extension of an existing subdivision and both subdivisions are under the same ownership, the same name may be used to identify the additional subdivision, except that two (2) subdivisions shall be distinguished from each other by the addition of a number in sequence. Otherwise, the proposed name shall not duplicate nor resemble the name of another subdivision in the city or county.

B. Persons Authorized To Appear For Application: Applications may be filed by persons with a proprietary interest, including the owner, contract buyer, or option holder, or persons with authority to represent such persons including a sponsor, engineer, designer, builder, surveyor, or agent.

C. Application Review: The administrator shall indicate on the application form the names of those officials, departments, bodies or agencies that have legal jurisdiction to review the application in such matters affecting the health, safety or welfare of the area.

D. Land Area; Existing Title Status To Tract: The subdivider shall attach to one copy of the application, for the commission file only, a statement setting forth:

1. The names and addresses of the owners of record.
2. The nature of his interest in the development.
3. A copy of any existing easement, deed restriction and zoning classification applicable to the tract, if any.

4. A notation of the nature of any other lien or encumbrance, if any.
5. The total acreage of the tract and of any adjacent lands under the same ownership.
6. The subdivider shall provide a current title search report of the subject property from a licensed title company.

E. Land Area; Existing Physical Conditions Of Tract And Vicinity: The subdivider shall attach to the preliminary application, a statement and drawing describing the existing physical characteristics of the tract and vicinity with respect to:

1. Terrain.
2. Type of soil.
3. Location and direction of flow of all watercourses on the tract and abutting properties.
4. The possibilities of the tract being subject to inundation or stormwater overflow and the approximate high water elevation.
5. Any significant natural features such as rock outcropping, marshes or wooded areas.
6. The location of existing sewers, water mains, culverts, drainpipes, and electric conduits or lines proposed to service the property to be subdivided.
7. The location of adjacent streets or existing structures that would affect the proposed improvement program, including pathways.
8. Photographs may be required when, in the opinion of the administrator, they are needed for supplemental information and may be submitted in any case.

F. Building Program: The subdivider shall indicate the type of subdivision intended, such as: residential, multi-family residential, commercial/industrial, or mobile home subdivision/park/trailer court.

G. Proposed Street, Utility Or Other Improvements: The subdivider shall attach to the application an explanation of his program to make the required improvements and indicate such other improvements, and the financing or construction of such improvements, he proposes to make in connection with the proposed subdivision which shall cover the matters of:

1. Street dedications and standards of improvement.
2. Preliminary irrigation and preliminary drainage plans.
3. Proposed sources of potable water as to public system, water associations or individual water supply.
4. Proposed methods of disposing of sanitary waste by public systems or individual disposal.
5. Proposed source of electric power, gas and telephone service.
6. Proposed method of solid waste disposal.
7. Pathways.
8. Any additional corrective or improvement programs.

H. Restrictive Covenants: The subdivider shall submit such proposed restrictive covenants, in outline form as are required to assure continuing conformance with the standards set forth in this title, including, but not limited to, building setback lines. If the restrictive covenants are used to demonstrate compliance with provisions of the Valley County land use and development ordinance, then they will be enforceable for those matters. If those portions of the restrictive covenants that demonstrated compliance with the LUDO are changed, then the applicant must come back for review and approval with the commission.

I. Land Program: The subdivider shall submit information pertaining to the development program, including proposed stages of development and the program for the installation of off site improvements; the proposed

number of lots, typical width and depth of lots, typical lot areas, linear feet of street, average street frontage of lot(s), percentage of area in streets, and maximum street gradient.

J. Legal Description Of Area: A legal description of the area to be platted in the current stage shall be submitted.

K. General Description Of Area: A general description of the location of the plat shall be submitted. The description must include section, township, range and sectional fractions (i.e., northwest quarter).

L. Signature And Date: Signature of applicant and administrator and date of acceptance of application and notation that filing fees have been paid shall be placed on the form. (Ord. 10-07, 8-26-2010)

10-3-2-3: CONTENTS OF PRELIMINARY PLAT:

The preliminary plat shall comply with this title and shall have the following form and content:

A. All mapped information shall be prepared in a neat and legible manner in pencil or ink. All map data must be submitted in scale but need not be based upon an actual ground survey, except for the exterior boundary.

B. The name(s), address(es) and phone number(s) of the subdivider(s) and land surveyor shall be noted.

C. All maps containing data shall contain the name of the person or firm responsible for the drawing, together with the date drawn and an identification number, in order that further reference to information contained and responsibility for same may be easily identified.

D. The name of the proposed plat, subdivision or dedication shall be shown including an appropriate identification clearly stating that the map is a preliminary plat.

E. The date, scale, true north point and section, township and range shall be shown.

F. The preliminary plat shall be drawn at a scale not to exceed one inch equals two hundred feet (1" = 200'). A smaller scale should be used for a detailed drawing of the plat, including all information required such as setback lines, street centerlines, boundary lines and ties to monuments, etc., and all other drawings required such as engineering data and contour maps; provided, that the preliminary plat is also provided in said required scale.

G. The initial point and tie shall be to at least two (2) government corners, or in lieu of government corners, to monuments recognized by the county surveyor; and also, if required by city or county governing bodies, coordinates based on the state plane coordinate system, Idaho zone, shall be shown.

H. Descriptions of survey monuments shall be included.

I. Proposed street names, and the numbering of lots (with acreages or square footage) and blocks, together with the layout of proposed street right of way lines, lot lines, alley and easement lines, and building setback lines, including all approximate dimensions and any and all proposed street extensions shall be shown.

J. The location, width and names of all existing or platted streets or other public ways within the proposed development and other important features, such as the general outline of existing buildings, watercourses, power lines, telephone lines, railroad lines, any existing easements, municipal boundaries and section lines, shall be shown.

K. The tract designation of the immediate adjacent plats, subdivisions, ownerships, or dedications as shown in the files of the Valley County recorder, if any.

L. Zoning district boundary lines, if any, shall be shown.

M. The minimum setbacks for front yards, side yards, side streets, and the rear yards of buildings to be placed on the property shall be shown or a note that states: "Setbacks will comply with Valley County standards".

N. All parcels of land or interests therein intended to be dedicated or temporarily reserved for public use or to be reserved in the deeds for the common use of property owners of the subdivision, and the purpose, condition, or limitations of such reservations shall be indicated. In residential plats, all parcels intended for other than residential use shall be indicated and appropriately labeled.

O. Internal pathways and how they connect with the Valley County pathways concept master plan should be shown.

P. If the subdivider plans a phased development of the area contained in the preliminary plat, the respective areas of development shall be designated and shown on the preliminary plat as to area and priority of development. This shall include a time line of when phases will be recorded.

Q. The floodplain shall be shown. (Ord. 10-07, 8-26-2010)

10-3-2-4: DATA, DRAWINGS AND STUDIES AS REQUIRED:

A. The applicant, when so requested by the administrator, shall furnish the number of copies of drawings, information and data as set forth in this section, when needed for review by other reviewing authorities and the commission.

B. Soil profiles and water table data when property has potential for high groundwater.

C. The elevations of all corner points on the boundaries of the proposed plat, subdivision, or dedication.

D. Contours with intervals of five feet (5') or less referenced to such datum acceptable to the county engineer.

E. Inclusion on topographical drawings of the course, distance, and dimensions of the rerouting of drainage course(s) and irrigation facilities as well as documentary evidence of consent to rerouting by all interested landowners affected and having rights to and in such facilities.

F. Before a final application can be submitted, if sewers, storm drains or water lines are to be installed, the subdivider shall submit the following, along with a preliminary plat as required by the county engineer:

1. A general layout showing the proposed location and approximate sizes and grade of sewer lines, catch basins, pumps, and other drainage and sewage structures.

2. A general layout showing the proposed location and approximate size and grade of water distribution systems, pipes and valves and hydrants.

G. A wildland urban interface protection plan shall be submitted in accordance with chapter 7 of this title. (Ord. 10-07, 8-26-2010)

10-3-2-5: FILING FEES:

A. Fee Schedule; Deposit: Every preliminary plat filed with the commission for review and approval shall be made according to the fee schedule adopted by the board, including a deposit for engineering review.

B. Additional Fees And Charges:

1. When the final plat is recorded, additional payment shall be made to the county clerk for the payment of a recording fee.

2. A surveyor fee shall also be made at the time of recording the plat for the cost of reviewing the plat, reporting the facts and checking the final plat and computations thereon to determine that the requirements of this title are met, which fee shall not be refunded.

3. Payment for road signs will also be required at the time of recording the final plat. (Ord. 10-07, 8-26-2010)

10-3-2-6: DEPARTMENTAL AND AGENCY REVIEW INCLUDING TIME LIMITS:

A. Submission To Commission: A minimum of ten (10) copies of the preliminary application and plat and ten (10) copies of the supplementary material specified shall be submitted to the commission in accordance with subsection 9-SH-2A of this code, at which time the material submitted will be reviewed for the commission's conditional approval.

B. Written Recommendations: Written recommendations should be received by the commission from any department or agency hereinafter referred to within fifteen (15) days from the date that said applications and preliminary drawings were sent to such department or agency by the administrator.

C. Referral To Officials, Departments And Agencies For Review: Officials, departments and agencies to which the commission shall refer copies of the preliminary application and plat prior to the decision of the commission or board shall include the following:

1. The county engineer shall review the preliminary application and plat for compliance with construction specifications and standards for roads and streets in Valley County and with all other applicable engineering standards, rules and practice, including the proper street design, alignment, grades of streets, access to lots, adaptability of the plat for surface drainage, the capacity to assure safe and efficient movement of traffic, and for such utilities as are under his jurisdiction.

2. Idaho state department of environmental quality or successor agency or its designated representative or department of water resources who shall review the preliminary application and plat for compliance with the standards for water supply systems and sewer systems, whether individual or public, and with the current standards for subsurface sewage disposal systems as established by the department of environmental quality or successor agency or its designated representative or department of water resources.

3. Idaho department of environmental quality or its successor agency or designated representative who shall review the preliminary application and plat for compliance with the solid waste control regulations and standards adopted by the Idaho department of environmental quality or successor agency or designated representative.

4. The county assessor who shall review the preliminary applications and plat for compliance with regard to legal title, mapping, metes and bounds description, and as to general datum accompanying each proposed plat. In the event the assessor recommends disapproval of said plat, a written statement shall be furnished to the commission as to the reasons for disapproval within fifteen (15) days of delivery of said plat to the assessor.

D. Referral To Municipalities, Officials Or Agencies For Review: When the circumstances require, the commission shall refer a copy of the preliminary application and plat and such other data required to the following municipalities, officials or agencies for their review prior to the decision of the commission:

1. Any incorporated city in the county for its review of the proposal for compliance with its comprehensive plan, the continuity of its street pattern, street widths, and drainage provisions, when the proposed subdivision lies within a distance of one mile of its city limits or established area of impact.

2. The Idaho department of transportation or successor agency for its review of the proposal for compliance with its standards, specifications and regulations when the proposed subdivision abuts an existing or proposed highway under the department's jurisdiction.

3. The Idaho department of environmental quality or successor agency for its review of the proposal for compliance with design and construction standards, specifications and regulations when it becomes necessary for the subdivider to dig or drill new wells, tap any other source of water supply or install facilities which will provide central service of potable water and/or sewage systems for domestic use of inhabitants of the proposed subdivision.

4. The Idaho state department water resources or its successor agency for its review of the proposal for compliance with its regulations entitled "Minimum Well Construction Standards" when it becomes necessary for the subdivider to acquire water rights or dig or drill a new well to provide potable water to the various inhabitants of the proposed subdivision for domestic use and/or fire protection.

5. A water and sewer district or association for its review of the proposal in light of the district or association's policies, standards, specifications, regulations and its feasibility from a district or association point of view. Such cause for above referral shall exist when the proposed subdivision lies within the incorporated boundaries of the district or association, or when the proposed subdivision lies in an area adjacent to said district or association and is eligible for annexation, and when the subdivider desires or the local health authority, Idaho department of environmental quality or its successor agency or designated representative recommends that the subdivider petition said district or association for service to said proposed subdivision.

6. Any water company authorized by the Idaho state public utility commission for its review of the proposal in light of its policies, standards, specifications and regulations when service to the area lying within the proposed subdivision is desired by the subdivider.

7. The fire chief of any existing fire protection district in which the proposed subdivision lies for review of the proposal in terms of potential fire hazards and for the possible elimination of such hazards along with the reliability of the access to the subdivision. The fire chief shall review and comment on the adequacy of a wildland urban interface protection plan as defined in chapter 7 of this title. (Ord. 10-07, 8-26-2010)

10-3-2-7: COMMISSION REVIEW AND APPROVAL REQUIRED:

A. Review By Commission: The commission shall review the preliminary application, plat and other material submitted for conformity to this title, proper street layout, proper building sites, access to building sites, harmony with adjacent areas and street patterns, harmony with the Valley County pathway concept master plan, generally all factors pertaining to the orderly growth of the county and to the protection of the health, safety and general welfare of the public, and shall negotiate with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by the subdivider. If approved, the commission shall express its approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor in writing.

B. Review As Conditional Use Permit: The commission shall also review the preliminary application, plat and other material as a conditional use permit for conformity with standards in the Valley County land use and development ordinance (LUDO). Approval of the preliminary plat will be simultaneous with approval of the conditional use for a change in land use. The conduct of hearings shall be as outlined in the LUDO.

C. Conditional Approval: Conditional approval of the preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval of the change in land use and the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the commission and for recording, upon fulfillment of the requirements of this title and the conditions of the approval, if any. (Ord. 10-07, 8-26-2010)

10-4-1: DESIGN STANDARDS IN GENERAL:

The following design standards shall be incorporated in any plat, subdivision or dedication, and each of the requirements hereinafter set forth shall be considered mandatory unless the particular provision indicates to the contrary:

A. Land Unsuitable For Subdivision: Land which the commission has found to be unsuitable for subdivision because of flooding, poor drainage, steep slopes, rock formations, high groundwater, or other features likely to be harmful to the safety and general health of the future residents and which the commission considers inappropriate for subdivision shall not be subdivided, unless adequate methods approved by the county engineer are planned for overcoming these conditions.

B. Topographical Slopes: Those areas of the county where topographical slopes are ten percent (10%) or more may be subdivided in conformance with such additional requirements as the commission requires. The commission shall provide such additional requirements to any subdivider within ten (10) days after its decision imposing such requirements. Such additional requirements shall be secured from the appropriate departments by the commission or its administrator. Such additional requirements shall only relate to matters set forth in chapters 5 and 6 of this title, shall be applied uniformly throughout the county under similar circumstances, and shall be reasonable under the circumstances. (Ord. 10-07, 8-26-2010)

10-4-2: BLOCKS:

The lengths, widths and shapes of blocks shall be determined with due regard to:

A. Building Sites: Provision of adequate building sites suitable to the special needs of the type of use contemplated, including the zone requirements as to lot sizes and dimensions.

B. Width: Blocks shall have sufficient width to provide for two (2) tiers of lots, unless prohibited by topography.

C. Access, Circulation, Control And Safety Of Street Traffic: Needs for convenient access, circulations, control and safety of street traffic. The number of intersecting streets with arterials of all classes shall be held to a minimum.

D. Topography: The limitations and opportunities of topography.

E. Length: Residential block lengths shall be between four hundred feet (400') and nine hundred feet (900'), provided block lengths may be a greater length upon showing of cause.

F. Pedestrian Crosswalks: Pedestrian crosswalks, not less than ten feet (10') wide, may be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities, and shall be constructed in accordance with the standards and specifications prescribed in the manual containing the road standards and specifications adopted by Valley County. (Ord. 10-07, 8-26-2010)

10-4-3: LOTS:

A. Size, Depth, Shape, Orientation And Setback Lines: The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Every lot shall abut upon a street. Corner lots for residential use shall have extra width to permit appropriate building setbacks from, and orientation to, both streets.

B. Double Frontage And Reverse Frontage Lots: Double frontage, and reverse frontage lots, shall be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A screening easement of at least ten feet (10'), and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

C. Side Lot Lines: Side lot lines shall be within twenty degrees (20°) of right angles or radial to street lines.

D. Minimum Lot Sizes And Densities: Minimum lot sizes and densities shall be in accordance with the Valley County land use and development ordinance.

E. Required Information: The subdivider shall provide the commission with the following information, or such portion thereof as the commission deems necessary:

1. Data setting forth the highest known water tables for the proposed subdivision.
2. The strata formation of the proposed subdivision for a depth of sixteen feet (16') when needed for engineering review.
3. The known well logs of wells located in surrounding contiguous property.
4. The location of all existing or proposed irrigation ditches, streams, drainage ditches, or known underground watercourses.
5. A statement of policy to be included in the recorded subdivision covenants, if animals are permitted, regulating and restricting the area against use by animals for a radius of fifty feet (50') from any well site.
6. The minimum size of the lot in all instances shall be adequate to provide for the installation of two (2) sewage disposal areas commensurate with sewage disposal demands in addition to providing adequate space for typical structures to be erected thereon.
7. If, upon consideration of such information, the commission finds that by reason of the factual situation and circumstances concerning the subdivision in question, the health, safety and welfare of the inhabitants of the subdivision and the aquifers and streams in question would not suffer from pollution, the commission, upon review of such information, may limit the number of large animals. (Ord. 10-07, 8-26-2010)

10-4-4: STREETS:

Any parcel of land that is intended to be used, or is actually used, to provide vehicular access to more than one building site, whether said street is public or private and whether the parcel is set aside by deed, easement, or other means, unless an administrative variance is allowed for a shared driveway to adjacent properties, all having the required frontage on an existing street if in a platted subdivision or a legal parcel, is in the best interest of all parties involved due to unusual circumstances or topographic reasons, as determined by the administrator. Administrative variances cannot be given for more than three (3) building sites and shall at a minimum require the shared driveway to be built to the satisfaction of the fire department and have a shared driveway agreement.

A. Conformance With Adopted Standards And Policies: The classification, ownership, design and location of all streets shall conform to adopted standards and policies, and shall be considered in their relation to existing and planned streets, topographic conditions, to public convenience or safety, and in their appropriate relation to the projected traffic demand of the land to be served by such streets.

B. Arrangement Of Streets: The arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the commission to meet a particular traffic, circulation or topographic condition.

C. Arterial Or Major Collector Streets: Where a subdivision abuts or contains an existing or proposed arterial or major collector street, the commission may require frontage streets, backage streets or similar treatment necessary for adequate protection of residential properties and control of access.

D. Railroad Or Limited Access Highway Right Of Way: Where a subdivision borders on or contains a railroad right of way or limited access highway right of way, the commission may require a street approximately parallel to and on each side of such right of way, at a distance suitable for the appropriate use of the intervening land.

E. Reserve Strips: Reserve strips controlling access to streets shall be prohibited, except where their control is placed in the county under conditions approved by the commission.

F. Street Layout: Street layout shall provide for reasonable development of adjoining areas and the entire neighborhood, and shall provide for the following:

1. Adequate access within a public right of way to adjoining lands when there may be future development.

2. Streets intersecting at right angles, or as nearly as possible, to meet the requirements of the county road standards.

3. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this title, and where the planning commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. In all other instances where a half street is adjacent to an undeveloped tract, the other half of the street shall be platted within such tract.

4. No street names shall be used which will duplicate or may be confused with the names of existing streets in any city or in the county area. Street names shall be subject to the approval of the commission.

5. If street trees are to be installed, the minimum standard shall be forty feet (40') to sixty feet (60') apart. No shrubbery, fencing, or other obstruction exceeding three feet (3') in height will be allowed within a forty foot (40') sight distance triangle at the street corner, except for traffic control signs and street lighting, unless specifically authorized by the board.

6. Cul-de-sac streets, designed to be so permanently, shall not be longer than nine hundred feet (900') unless specifically approved by the commission and board and shall be provided with a turnaround with a right of way radius of at least sixty feet (60').

G. Property Lines: Property lines at street intersections shall be chamfered at approximately a forty five degree (45°) angle with a minimum chamfer leg of twenty feet (20') or rounded with a minimum radius of twenty feet (20'). A greater radius or chamfer leg length may be required for collector streets or where the commission deems it desirable, or upon recommendations by the county engineer.

H. Street Jogs: Street jogs with centerline offsets of less than one hundred twenty five feet (125') should be avoided.

I. Driveways: Driveways on local streets should be offset a minimum distance of fifty feet (50') from intersections with collector or external streets. (Ord. 10-07, 8-26-2010; amd. Ord. 21-08, 6-28-2021)

10-4-5: ALLEYS:

A. Commercial And Industrial Districts: Alleys shall be provided in commercial and industrial districts, except that the commission may waive this requirement where other definite and assured provision is made for service access, such as off street loading, unloading, and parking consistent with and adequate for the uses proposed.

B. Width: The width of an alley shall be not less than twenty feet (20').

C. Intersections And Sharp Changes In Alignment: Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

D. Dead End Alleys: Dead end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the commission. (Ord. 10-07, 8-26-2010)

10-4-6: EASEMENTS:

A. Utility Easements: There shall be provided easements for the utilities upon and across the front of lots of a width of a minimum of twelve feet (12') (except for entrance service) or as and where considered necessary by the commission. (Ord. 13-5, 9-16-2013)

B. Stormwater Easement Or Drainage Right Of Way: Where a subdivision is crossed or bounded by a watercourse, drainageway, channel, irrigation ditch, or stream there shall be provided a stormwater easement or drainage right of way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.

C. Drainage: Provisions for adequate drainage shall be made by the subdivider as prescribed by the county engineer in accordance with the manual containing the drainage standards and specifications as adopted by Valley County.

D. Existing Easements: All existing easements must be shown on the subdivision plat. (Ord. 10-07, 8-26-2010)

10-4-7: PATHWAYS:

A. Rights Of Way Or Easements: New developments shall show pathway rights of way or easements where development overlies key pathway corridors, as identified in the Valley County pathways concept master plan.

B. Safe Pedestrian Travel: In new development areas where potential links to the regional valleywide pathway system can be established, developers should create neighborhood pathways, bike lanes, and/or sidewalks to encourage and accommodate safe pedestrian travel to regional pathways. (Ord. 10-07, 8-26-2010)

10-5-1: STREET AND UTILITY IMPROVEMENTS:

A. Installation Required: Public street, utility, conduit for fiber optics, and other off site improvements, as hereinafter listed, shall be installed in each new subdivision at the subdivider's expense or at the expense of the party agreeing to install the same, in accordance with the minimum standards set forth below prior to the acceptance of any final plat for recordation, except as provided in subsections C and D of this section. A right of way permit will be required (see section 5-7-2 of this code).

B. Acceptance By County: The county shall not accept the dedication of any public rights of way and any easements shown on the plat, together with appurtenant facilities lying therein which the county would have a duty to maintain after dedication, which are not improved, or construction thereof guaranteed in accordance with the provisions of this title or with the policies, standards, designs and specifications set forth in the road and street specifications adopted by Valley County. The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed. All plats shall contain in their notes this statement: "The Valley County Board of Commissioners have the sole discretion to set the level of service for any public road; the level of service can be changed."

Dedication of public rights-of-way does not guarantee that the public road will be maintained by Valley County. Public rights of way are allowed with roads that are maintained by homeowners. Public rights of way shall be provided through properties to adjacent lands for the purpose of circulation, when reasonable.

C. Private Road Declaration: In the event that private roads, streets and ways are shown on a subdivision plat, the width of the right of way must meet specifications set forth in road and street specifications adopted by the board of county commissioners. A private road declaration shall be recorded and state that the county will have no responsibility for the installation or maintenance of the private roads, shall describe who is responsible for maintenance of the private roads, and describe the construction schedule for the private roads. Construction of private roads shall be the responsibility of the subdivider and shall be constructed to the minimum standards as set forth in the road and street specifications for private roads adopted by the county.

D. Declaration Of Installation Of Utilities: A declaration of installation of utilities shall also be recorded. The declaration shall describe the utilities that will be placed by the subdivider, verify when the utilities will be installed and state that Valley County will have no responsibility for the installation or maintenance of utilities. If all utilities are not installed prior to recordation of the plat, a note shall be placed on the face of the plat that states: "Utilities have not been installed at the time of recordation of this plat".

E. Connection To Public Road Required: The county shall not accept any new subdivision unless the streets within the subdivision, whether public or private, are connected directly to an existing public road. In the event the subdivision is not connected to a public road with an approved minimum standard as determined by the Valley

County Road Director, then the subdivider shall construct, or guarantee the construction as provided by this title, a connector road to county standards, either private roads or public roads, which shall provide access to the subdivision. All subdivisions shall be required to be accessed by a road system that meets the minimum standard as determined by the Valley County Road Director. When access has historically been provided through the subdivision to other ownerships, the subdivider shall provide for continuation of the public right of way. (Ord. 13-5, 9-16-2013; amd Ord. 21-08, 6-28-2021)

10-5-2: OTHER OFF SITE IMPROVEMENTS:

A. Potable Water Systems: The minimum standards and specifications for public potable water systems shall comply with the current standards of the Idaho department of environmental quality or successor agency.

B. New Wells: The minimum standards and specifications for construction of new wells shall comply with current minimum well construction standards as adopted by the Idaho department of water resources or successor agency.

C. Public Or Private Facilities For Sewage And/Or Potable Water: The minimum standards and specifications for the installation of public or private facilities for sewage and/or potable water shall be as set forth by the local health agency of competent jurisdiction or the Idaho department of environmental quality or successor agency, as applicable.

D. Solid Wastes And Refuse: The minimum standards and specifications to be followed in the control and disposition of solid wastes and refuse shall be as set forth in the current standards of the Idaho department of environmental quality or successor agency.

E. Pathways: Development of pathways should be negotiated with the planning and zoning commission and the Valley County pathways committee. (Ord. 10-07, 8-26-2010)

10-5-3: DEPOSIT FOR COMPLETION OF IMPROVEMENTS:

A. Surety Agreement: A subdivider or other interested party, in lieu of completion of the required minimum street and other improvements required by section 10-5-1 of this chapter and in compliance with the schedules of required street, utility, and other improvements set forth in section 10-5-2 of this chapter, or any portion thereof, may deposit with the county clerk, a surety bond or performance bond, or a certified check or cashier's check drawn on a bank qualified to do business in the state, or a cash deposit, or a letter of credit, or assignment of funds on deposit in a bank or building and loan association, qualified to do business in the state, and only when such financial institutions have received a copy of the surety arrangements and have agreed in writing to abide by the conditions set forth therein and the amount of such surety called for to be equal to not less than one hundred twenty percent (120%) of the cost of required improvements according to the estimate made by the subdivider and verified by the Valley County engineer; and in all cases such surety shall be drawn in favor of, and payable to the order of, Valley County, in accordance with the provisions contained in the surety agreement by and between the guarantor and Valley County. Such surety agreement shall contain suitable provisions requiring the subdivider to construct all improvements in accordance with Valley County standards and specifications, subject to inspection and approval by the Valley County engineer and for completion within one year from date of recording of said plat.

B. Right To Extend Period Of Construction: The county shall reserve the right to extend the period of construction for a year, or to construct the required improvements with county forces (or with contracted forces) and charge the sureties posted for such work.

C. Correction Of Deficiencies At Later Date: In order to guarantee that the construction of the improvements will stand the test of time and to assure the public of a near maintenance free facility, the county shall retain a surety in the amount of twenty percent (20%) of the original surety for a period of two (2) years after the original construction has been accepted. If, during this two (2) year period, it is discovered that the original construction was deficient due to drainage, settling, defective or insufficient materials or other unforeseen circumstances, then the county engineer shall notify the subdivider to correct these deficiencies in the construction and repair the facility back to county standards. If deficiencies are not corrected within thirty (30) days, or such additional time as deemed reasonable by the county engineer, the county engineer may cause such deficiencies to be remedied and use the subdivider's surety funds to pay for such remediation upon approval of the board. (Ord. 10-07, 8-26-2010)

10-5-4: DUE NOTICE OF INSTALLATION OF IMPROVEMENTS:

The subdivider shall be required to give the Valley County engineer five (5) business days' notice prior to the beginning of any and all construction of required improvements to be dedicated to the public and secure a permit from the Valley County engineer for such work. (Ord. 10-07, 8-26-2010)

10-5-5: RETURN OF SURETY UPON APPROVAL OF IMPROVEMENTS:

Where an acceptable surety arrangement is deposited as provided in section 10-5-3 of this chapter, and the work thereby guaranteed has been completed, notice in writing of such completion, together with sets of prints of the plans and specifications for all improvements, as built, and requests for the return of the surety arrangement shall be given in duplicate to the administrator, who shall immediately give one copy thereof to the Valley County engineer for verification and certification of completion of work. Upon the administrator receiving said certificate, as provided in section 10-3-3-5 of this title, the administrator shall give notice to the county clerk to release the sureties heretofore deposited with said county clerk in the manner and to the extent as provided for in the surety agreement referred to in section 10-5-3 of this chapter and commensurate to the extent of the acceptance by the Valley County engineer of the improvements called for in exhibit A of the said surety agreement. (Ord. 10-07, 8-26-2010)

10-6-1: STREET DEDICATIONS; GRANT OF RIGHTS OF WAY OR EASEMENTS:

A. Filing Of Application Required: Any person wishing to dedicate a street, right of way or easement for the benefit of the public within the unincorporated area of Valley County shall complete and file with the administrator an "application for dedication of street, or grant of right of way or easement".

B. Placement On Commission Agenda: Upon receipt of the completed application and such other information as he may require, the administrator shall place said application on the agenda of the commission to be considered at its next regular meeting. The application shall be subject to the same time limits prescribed for preliminary plat application.

C. Proposed Dedication Within One Mile Of Incorporated City: Where such proposed dedication lies within one mile of the incorporated limits of any city, village or town, the application shall be submitted to the proper officials of said city, village or town for their review.

D. Commission Review: The commission shall review the proposed dedication for conformance with the comprehensive plan and neighborhood plan and shall consider its relationship to all existing and proposed streets and other developments.

E. Improvement Plans: Improvement plans shall be in conformance with Valley County specifications for pedestrian pathways, roads and streets and shall be subject to the approval of the county engineer.

F. Commission Recommendations: The commission shall make recommendations concerning the application to the board who may accept or reject the proposed dedication and improvements.

G. Acceptance By Board: When the board accepts a dedication of land, such acceptance shall be noted in the official minute book of the board, and a deed describing and conveying such lands to Valley County for rights of way or other purposes shall be filed with the county recorder by the applicant. (Ord. 10-07, 8-26-2010)

10-6-2: VACATIONS OF PLATS, PUBLIC RIGHTS OF WAY OR EASEMENTS:

A. Filing Of Application Required: An applicant wishing to vacate an existing subdivision, portion thereof, public right of way, or easement shall complete and file with the administrator an "application for total or partial vacation of an existing subdivision or other public right of way". This action shall be supplemental to, and in no way in conflict with, the applicant's obligation to comply with the provisions contained in Idaho Code sections 50-1317 through 50-1325.

B. Placement On Commission Agenda: Upon receipt of the completed application, the administrator shall place said application on the agenda of the commission to be considered at its next regular meeting, subject to the same time limits prescribed for preliminary plat applications.

C. Commission Review: The commission shall review the proposed vacation with regard to future development of the neighborhood. The commission shall also take into consideration the interests of adjacent property owners, of utilities, and of various public agencies where pertinent to the application.

D. Commission Recommendation: Within ten (10) days, the commission shall make its recommendation concerning the application to the board who shall hold a public hearing and give such public notice as required by law.

E. Board Action: The board may approve, deny or modify the application and shall record its action in the official minute book of the meetings of the board. Whenever public rights of way or lands are vacated, the board shall provide adjacent property owners with a quitclaim deed, as prepared by the applicant, for said vacated rights of way in such proportions as are prescribed by law. (Ord. 10-07, 8-26-2010)

10-7-1: PURPOSE:

Valley County's community wildfire protection plan acknowledges that wildfire hazard areas exist throughout the county. Therefore, wildfire mitigation actions are prudent to enable safe habitation in these fire environments. The Valley County fire working group recommends that a requirement for the development and approval of a wildland urban interface fire protection plan be added as an addendum to the Valley County subdivision regulations ordinance. The existence of said plan will assist the Valley County planning and zoning commission and the structural fire districts in satisfying the current subdivision regulation, subsection 10-3-2-6D7 of this title. (Ord. 10-07, 8-26-2010)

10-7-2: DEFINITIONS:

APPROVED: Refers to approval as the result of review, inspection or tests by reason of accepted principles.

ASPECT: Generally refers to the direction to which a mountain slope faces. For example: A slope that faces the sun in the afternoon has a westerly aspect or is a west facing slope.

DEFENSIBLE SPACE: Refers to that area between a building and an oncoming wildfire where the vegetation has been modified to reduce the wildfire threat and to provide an opportunity for firefighters to effectively defend the building.

FORESTED: Idaho Code title 38, chapter 1 (Idaho forestry act) defines "forestland" as meaning "any land which has upon it sufficient brush or flammable forest growth of any kind or size, living or dead, standing or down, including debris or growth following a fire or removal of forest products, to constitute a fire menace to life (including animal) or property".

FUEL BREAK: An area, strategically located for fighting anticipated wildfires, where the vegetation has been modified or removed so that fires burning into it can be more easily controlled. Fuel breaks may divide fire prone areas into smaller areas for easier fire control and to provide access for firefighting.

PROFESSIONAL: Can include qualified professional forester, fire ecologist, or comparable experience. Professionals can be prequalified by the commission or recommended by the Valley County fire working group and kept on record at the planning and zoning office.

PROFESSIONAL FORESTER: An individual holding at least a bachelor of science degree in forestry from an accredited four (4) year institution. (This is consistent with Idaho state tax commission rule 960 of the Idaho administrative code, Idaho state tax commission, PDAPA 35.01.03, section 04.)

SLOPE: The variation of terrain from the horizontal; the number of feet of rise or fall per one hundred feet (100') measured horizontally, expressed as a percentage.

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

VALLEY COUNTY FIRE WORKING GROUP: This group is given charter by the Valley County board of commissioners and is tasked with oversight of the community wildfire protection plan. This group is represented by local fire departments, SITPA, public land managers (USFS, IDL, BOR), bureau of homeland security, West Central Highlands RC&D, Valley County Natural Resource Consultants, etc.

WILDFIRE: An uncontrolled fire spreading through vegetative fuels, exposing and possibly consuming structures.

WILDLAND URBAN INTERFACE AREA: That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels. (Ord. 10-07, 8-26-2010)

10-7-3: BASIS FOR RECOMMENDATION:

Valley County adopted the 2006 international fire code, which references the international wildland urban interface when dealing with wildlands. The following addendum's structure set out in section 10-7-4 of this chapter is based on the 2006 wildland urban interface area requirements section 405. (Ord. 10-07, 8-26-2010)

10-7-4: SUBMISSION REQUIREMENTS:

A. General: All developers of proposed subdivisions shall provide a wildland urban interface fire protection plan (the plan) for review and approval by the planning and zoning commission with their preliminary plat application or planned unit development submittal.

B. Content: The plan shall be based upon a site specific wildfire risk assessment that includes consideration of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, fire protection systems and equipment, defensible space, and vegetation management.

1. Preparation: The plan shall be developed by a "professional" (see definition in section 10-7-2 of this chapter). Professionals can be prequalified by the commission and a list will be maintained at the Valley County planning and zoning office.

2. Format: The plan shall consist of two (2) sections:

a. Wildfire Risk Assessment: This portion of the plan includes a map and narrative describing the current status of the land to be developed. As a minimum, the following must be included:

- (1) Topographic map.
- (2) Site description including discussion of slope(s), aspect(s), and significant topographic features.
- (3) Narrative describing existing vegetation and fuel hazards, distribution and continuity.
- (4) Fire history, including historical occurrence, causes, typical wind and climatic conditions which influence fire behavior.
- (5) Existing roads and bridges, including a description of widths, grade percentages and weight limits.
- (6) Location of existing structures and an estimate of the proposed density, types and sizes of planned structures.
- (7) Infrastructure that may affect wildland fire risk (i.e., existing power lines, railroad lines, propane tanks, etc.).
- (8) Description of existing features that may assist in controlling a wildfire (i.e., fuel breaks, water sources, etc.).
- (9) Current structural and wildland fire jurisdictional agencies.
- (10) Effect of proposed development on current wildland fire risk within the development area and to adjacent landowners.

b. Wildfire Risk Mitigation: This portion of the plan includes a map(s) and narrative detailing planned wildfire hazard mitigation actions to be taken by the developer prior to individual lot development to mitigate risks to life and property from wildland fire. Specific items to be addressed include:

- (1) Access - planned ingress and egress routes.
- (2) Water supply for structural and wildland fire response.
- (3) Estimated response time and distances for jurisdictional fire agencies.
- (4) Planned internal fire protection systems and/or equipment, including buried tanks, wells, hydrants, drylines, etc., along with protective measures for systems and/or equipment.
- (5) Proposed infrastructure, including bridge standards, road widths, grades, signage, aboveground/belowground power lines, etc.
- (6) Safety zone locations.

(7) Planned live and dead fuel treatment actions, including modification through thinning, pruning, piling, chipping, and fuel break construction; and removal through commercial harvest, chipping and hauling or prescribed burning.

(8) Long term maintenance schedule to sustain fuel treatment effectiveness.

(9) Analysis of the overall change in wildland fire risk within the development and to adjacent landowners once the planned mitigation actions are implemented.

3. Submittal, Implementation And Verification:

a. The plan shall be submitted with the preliminary plat application to the Valley County planning and zoning office.

b. Planned mitigation work must be completed or financially guaranteed prior to the recordation of the final plat. A schedule for the phased completion of mitigation work may be approved in conjunction with recordation of final plats.

c. Verification of completed implementation of mitigation actions will be the responsibility of the jurisdictional structural fire district. Where no structural fire district exists, the Valley County sheriff shall appoint a county representative.

4. Exceptions: Proposed administrative plats of less than five (5) lots and proposed subdivisions with lands less than twenty percent (20%) "forested" (see definition in section 10-7-2 of this chapter) are exempt from the professional requirement. For proposed subdivisions fitting these descriptions, the developer may complete the plan (see the fire protection form). The plan for an administrative plat can be approved by the administrator upon receiving an approval letter from the fire district.

5. Cost: The cost and implementation of the plan preparation shall be the responsibility of the applicant.

6. Plan Retention: The approved plan shall be retained at the Valley County planning and zoning office and the jurisdictional fire district or designated agency where no fire district exists. (Ord. 10-07, 8-26-2010)