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Canyon County, 111 North 11th Ave. Suite 310, Caldwell, ID 83605

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Memorandum

To: Board of Canyon County Commissioners
From: Development Services Department – Planning Division
Date: 1/15/2026
Re: OR2025-0019

In the Spring of 2025, the Board of Canyon County Commissioners (BOCC) directed staff to evaluate the Administrative Land Division section of code, along with associated definitions (CCZO §07-18 and §07-02-03), to bring clarity and consistency to the process for the public and staff. Staff began the process by researching the topic by reviewing previous sections of code, other counties' processes for land divisions, and past policies. Public outreach was conducted in the summer of 2025 through a survey and a public workshop. These opportunities were advertised to the public on the County's website, social media outlets, in-person discussions, and via email. After compiling survey responses and workshop comments, staff identified several key themes:

- Strong support for preserving agricultural land.
- Broad agreement that the County should regulate the placement of residential buildings to protect agricultural land.
- Concern about the number of land divisions approved since 2020.
- Need for clearer standards regarding the non-viable land division process.

*For a full review of the survey and open house results and themes, please refer to **Exhibit 4***

These results were presented to the Board of Canyon County Commissioners (BOCC) on September 11, 2025, and September 18, 2025. Staff was then directed to begin the process of drafting an ordinance to address the Board's goals of bringing clarity, consistency, and responsiveness to public feedback. Staff began by considering revised definitions for *original parcel*, *parcel*, and *lot*. The proposed definitions of *original parcel* and *parcel* are very similar, but *original parcel* is tied to Canyon County's Originality Date (September 6, 1979). These definitions match the current and historical Canyon County process for determining a parcel's originality. The definition of *lot* was changed to explicitly refer to platted property, and the term *aliquot parts* was clarified to reinforce that it is a unit of measurement that may or may not define a separate parcel. Along with these definitions, staff is also proposing new terms to bring more clarity to the administrative land division process, including:

- **Tract of land:** as a generic term to refer to both parcels, lots, and historic lots in code.
- **Agricultural-only parcels** to only allow for agricultural uses and agricultural-exempt buildings.
- **Buildable** clarifying what constitutes a buildable parcel or lot in Canyon County.

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- **Legal access** requiring that parcels cannot obtain a residential building permit without having access from a public or private road.
- **Historic lots:** subdivision lots created prior to September 6, 1979, that may not meet current zoning code requirements.
- **Conceptual plan** as staff does not currently need a to-scale site plan since the applicants turn in a survey with land division applications.
- **County code:** a definition added as the term is referred to in the current code and proposed definitions.

See *Exhibit 1* to review the proposed new terms and current terms, and the proposed changes to those terms.

Staff have also proposed changes to CCZO §07-18-07 to bring consistency to the administrative land division code, address ongoing issues, and incorporate public feedback. Key proposed amendments include:

- Requiring Director's Decisions to be recorded.
- Adding agricultural-only parcels as an option for nonviable land divisions and building permit transfers (CCZO §07-18-09 and §07-18-11), as currently, agricultural-only parcels can only be created through the standard administrative land division process in the agricultural zone (CCZO §07-18-07).
- Adding agency acknowledgements for highway districts, fire districts, irrigation districts, and Southwest District Health (SWDH) so applicants understand external requirements prior to submitting the administrative land division application.
- Requiring irrigation plans for all administrative land divisions with evidence of water rights or lack of water rights.
- Ensuring surveys include all easements (utilities, irrigation, access, and agricultural easements) to avoid creating parcels with a limited buildable area.
- Encouraging clustered land divisions adjacent to existing access points, along property edges or boundaries, and in locations that do not affect the existing agricultural operations.

See *Exhibit 2* to review all of staff's considerations for §07-18-07.

Based on the review of Canyon County's past and current nonviable land division code (*Exhibit 3*) and research regarding land division impacts on agricultural land and production, staff is recommending the removal of the nonviable land division section (CCZO 07-18-09). Canyon County Development Services staff believes removing the non-viable land division code will help the county's land use decisions better align with the 2030 Comprehensive Plan, as well as better protect and support the private property rights of Canyon County Citizens. Through researching other counties throughout Idaho, Canyon County is the only county in Idaho with this type of land division available.

Throughout the public outreach efforts, recurring themes include strong concern that nonviable land divisions fragment agricultural areas, introduce incompatible residential uses, and undermine farmers' ability to operate by increasing conflicts, traffic, and safety issues; moreover, residents consistently emphasized that these divisions erode the agricultural character and long-term viability of agricultural zones by enabling suburban-style development based on subjective claims of "nonviability," ultimately weakening the core purpose of agricultural zoning and harming both current and future agricultural operations.

Further outreach occurred with the University of Idaho Canyon County Extension, where they noted the subjectivity of nonviable farm ground and how there is no clear definition of what nonviable farm ground

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is (*Exhibit 3.a*). This led to a recommendation from the U of I extension that all nonviable applications should go to a committee for independent review.

If the Canyon County Board of County Commissioners would like to continue nonviable land divisions, Development Services recommends proposed code changes in ***Exhibit 3***.

Exhibits:

1. Proposed additions/changes to §07-02-03: Definitions Enumerated
2. Considerations for §07-18-07: Administrative Divisions in Agricultural Zones
3. Nonviable code history and proposal/considerations §07-18-09: Administrative Division of Nonviable Parcels in an Agricultural Zone
 - a. U of I Extension Email
4. Public outreach outcomes
 - a. Survey PowerPoint
 - b. Open House Summary

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Exhibit 1

DRAFT DEFINITIONS

NEW TERMS:

AGRICULTURAL-ONLY PARCEL: A parcel zoned agricultural that is restricted to bona fide agricultural uses (see §07-02-03 for definition of agriculture for examples of agricultural uses) created through the administrative land division process as outlined in CCZO §07-18. Agricultural-only parcels are only allowed agricultural-exempt buildings devoted to the agricultural uses on site and no residential, commercial, or accessory structures may be built on the parcel. See CCCO §07-10-27 (Land Use Matrix) for conditional permitted uses for agricultural-only parcels.

- If this definition is adopted, staff recommends adding a #4 in the Land Use Matrix and to each CUP use that will be restricted or allowed.

ALIQOT PARTS: A unit of measurement within the Public Land Survey System (PLSS). Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section. Aliquot parts in a legal description may or may not describe a parcel or an original parcel. *See definitions of “original parcel” and “parcel” for more information.*

BUILDABLE: A tract of land that is eligible for a residential building permit exclusive of accessory structures, accessory buildings and remodels/repairs/reconstruction to the original building, based on compliance with “county code” as herein defined which is not encumbered by an easement, plat note, or other restriction that prohibits building on the tract of land, and meets the following criteria:

- Has legal access
- Adequate sewer or septic system as dictated by Southwest District Health or the appropriate city.
- Fire district approval (if applicable)
- Access to a Potable Water Source
- Access to an Electrical Power Source

CONCEPTUAL PLAN: The general layout of proposed use or division of a tract of land. This shall include estimated acreage or proposed tracts of land, identification of buildings and fences on site, and irrigation facilities on site.

COUNTY CODE: Canyon County code as adopted by the Board of Canyon County Commissioners. In addition, for purposes of this chapter, county code when referenced herein includes all ordinances, policies, resolutions, standards, manuals, rules and regulations as amended, revised, compiled, and adopted by the board and shall be, and the same hereby are, adopted and incorporated by reference herein.

HISTORIC LOT: Any single recorded platted lot held in one ownership that was of record and a legal lot or parcel before September 6, 1979 and has not had subsequent boundary changes but that does not meet a minimum width and minimum size permitted by this Code. Historic lots may or may not buildable.

LEGAL ACCESS: Legal access is the lawful right to enter and exit a tract of land via a public road that meets the jurisdictional highway district, Idaho Transportation Department, or city access requirements or a recorded easement frontage that meets Canyon County’s Private Road and Driveway requirements as referenced in CCZO §07-10-03 across another person's property for purposes of ingress and egress.

TRACT OF LAND: A generic term for an area of land that is used to describe lots, historic lots, and parcels.

PROPOSED CHANGES TO CURRENT DEFINITIONS:

Current Definition of Aliquot:

ALIQUOT: The length of one side of a quarter-quarter section (1/16). The one-sixteenth (1/16) section contains forty (40) acres, more or less.

Proposed Definition of Aliquot Parts:

ALIQUOT PARTS: A unit of measurement within the Public Land Survey System (PLSS). Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section. Aliquot parts in a legal description may or may not describe a parcel or an original parcel. *See definitions of "original parcel" and "parcel" for more information.*

Current Definition of Lot:

LOT: See definition of parcel.

Proposed Definition of Lot:

LOT: A tract of land that has been platted as a portion of a recorded subdivision and is to be separately owned, used, developed, or built upon and may or may not be buildable. Described by lot and block. See the definition of "Parcel" for government lots.

Current Definition of Parcel:

PARCEL: A tract of land described by metes and bounds, chains, rods or aliquot parts or by lot and block. Land that is described by metes and bounds that includes all or parts of multiple, preexisting parcels or portions of platted lots, all of which are not separately defined or labeled as separate parcels or lots, shall be considered one parcel.

Proposed Definition of Parcel:

PARCEL: An unplatted contiguous parcel of land or record on a single deed, including any property boundary adjustments as defined in this chapter and any reduction in area due to creating a parcel for the exclusive use by Canyon County, a municipality within Canyon County, a local highway district, Idaho Transportation Department, utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, State, or Federal agency. A single deed describing multiple parcels shall have legal descriptions with clearly labeled parcels (Example: Parcel 1 ____ and Parcel 2____), or each parcel shall have complete legal description which shall include but is not limited to a metes and bounds, aliquot parts, or rods and chains description of land followed by the section, township, and range. Parcels may or may not buildable.

Current Definition of Original Parcel:

ORIGINAL PARCEL: A parcel of platted or unplatted land as it existed on September 6, 1979 (the effective date of the Zoning Ordinance 79-008), including any property boundary adjustments as defined in this chapter and any reduction in area due to creating a parcel for the exclusive use by Canyon County, a municipality within Canyon County, a local highway district, Idaho Transportation Department, utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, State, or Federal agency.

Proposed Definition of Original Parcel:

ORIGINAL PARCEL: An unplatted contiguous parcel of land or record on a single deed signed on September 6, 1979 (the effective date of the Zoning Ordinance 79-0008) or the last deed prior to September 6, 1979, including any property boundary adjustments as defined in this chapter and any reduction in area due to creating a parcel for the exclusive use by Canyon County, a municipality within Canyon County, a local highway district, Idaho Transportation Department, utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, State, or Federal agency. A single deed describing multiple original parcels shall have legal descriptions with clearly labeled parcels (Example: Parcel 1 ____ and Parcel 2 _____), or each parcel shall have complete legal description which shall include but is not limited to a metes and bounds, aliquot parts, or rods and chains description of land followed by the section, township, and range. Original parcels may or may not be buildable.

Exhibit 2

Considerations for §07-18-07: Administrative Divisions in Agricultural Zones

- Staff requests that the BOCC give staff direction on the following recommended changes to the Administrative Land Division Code:
 - Review proposed definitions related to original parcel, parcel, lot, etc., and provide feedback (see “**Exhibit 1**” for proposed definitions (both amended and new definitions)).
 - Add a section to 07-18 on administrative land division applications expiring if there was no decision made on the case due to the applicant not providing the required materials (such as a recorded record of survey). Staff recommends a 365-day deadline for these situations.
 - Records of Surveys should be required for 07-18-07 administrative land divisions, so no pre-approval is necessary. For non-viable land divisions and building permit transfers, pre-approvals are required, and surveys must be provided to Canyon County within 180-days. The survey must be substantially similar to the conceptual plan provided, meaning the lot sizes shall not be more than 10% off the acreage of the parcel being divided, and the access shall be in the same place. If the survey is not substantially similar, the pre-approval may not apply, and staff may need to reevaluate the application. Written notification will occur if the survey is not substantially similar.
 - Staff would like feedback on the percentage of acreage.
 - Add a section to 07-18 on Director’s Decisions required to be recorded for land divisions, or they are not valid. This is the current operational practice to make the decision official; however, it is not detailed in code.
 - Staff suggests all sections of the land division code (Building Permit Transfer, Non-Viable, and in All Other Zones) either allow amendments to previous decisions or make them one-time only to make them consistent.
 - Agricultural-Only Parcels
 - Staff recommends the BOCC’s evaluation of the acreage for “Agricultural-Only” parcels at 5 acres or above, as staff finds this acreage tends to be desired to build a house on, with larger parcels not being as desirable for residential building.
 - Staff recommends that agricultural-only parcels be included with the other sections of code related to land divisions in the agricultural zone (such as the building permit transfer or nonviable land division code), as a piece could be nonviable where the permits are clustered, but the rest is preserved as agricultural-only.
 - Add agency acknowledgements for administrative land divisions for highway districts, fire districts, irrigation districts, and Southwest District Health (SWDH) so the applicant can be aware of these requirements prior to turning in the application, rather than working through them during the application process (which can slow things down).
 - Require irrigation plans for all land divisions. If the applicant is providing irrigation with water rights or shares through an irrigation district, documentation must be provided that the water right or shares exist. If the applicant is proposing irrigation from a domestic well, staff recommends requiring them to provide written documentation that they do not have irrigation water rights through the irrigation district they are taxed under, so staff can confirm that they can use their domestic well for irrigation per IDWR standards, as state law states you must use surface water rights before irrigating from a domestic well.

- o Surveys turned in for each administrative land division application should have all easements (utilities, irrigation, access, and agricultural easements, etc.) on the survey for land divisions. Staff suggests this as our office does not have information related to these easements on record for all parcels, and this would accurately capture this information, so decisions do not have to be changed in the future for the property to be built upon, etc.
- o Parcels created by administrative land division could be increased to at least 5-acres as at 5-acres or more, property owners can receive an agricultural tax exemption. 5-acres would likely encourage more agricultural uses. If applicants want to go below 5-acres to no less than 1-acre, a process that could be added is a “discretionary decrease in parcel size” in which they provide evidence it will not affect existing agricultural operations, and it would not remove the property from a viable agricultural operation.
- o Clustering land divisions was favorable per the public feedback. Staff recommends the following criteria for clustering parcels:
 - The proposed divisions should be next to an access point. If already existing, the division(s) shall be put at the existing access point. If a new access point is proposed, all proposed divisions shall be clustered at the same access point.
 - The proposed divisions shall be placed in such a way as not to affect the existing agricultural operations significantly (put in an area not farmed, demonstrate that the placement of the proposed parcel will have the least amount of impact on the agricultural parcel, and that the proposed parcel will not impact irrigation infrastructure).
 - The proposed divisions shall not be in the middle of a property; either on the edges or along the property line.

Exhibit 3

Nonviable Land Division History

1992 – Ordinance 92-003

- Economically non-viable divisions were allowed. No definition of economically viable farm ground or viable farm ground.
- Other interesting code: Splits were not allowed for platted parcels, no matter the originality date. Minimum lot size was 18,000sf up to one acre. Divisions must be consistent with the comprehensive plan.
 - 12.3(A): The “A” Zone protects “productive and economically viable agricultural lands.
 - 12.3(H)(1)(a): Land splits or 40 acres or more of contiguous unplatted land must minimize the removal of area productive and economically viable. Maximum lot size: 18,000sf
 - 12.3(H)(b)(i): If the lot split creates a larger parcel, no larger than 5.01 acres, the split must create a barrier between the 5.01 or fewer acres and the productive and economically viable farm ground (aa). The split cannot impact productive and economically viable farm ground (bb).
 - 12.3(H)3: Splits for parcels less than 40 acres that are not economically viable.
 - Split to create three lots. Must meet access, setback, and other ordinances.
 - The applicant must provide a statement demonstrating how the ground is economically nonviable with the complete application.
 - Certify mail to affected properties (300 feet); 15-day notice period.
 - If any objections are submitted, the case is heard by the P&Z Commission (public hearing). No recommendation by staff.
 - The applicant has the burden of proof to demonstrate nonviability and consistency with ordinance and comp plan.
 - No objection, staff prepares a recommendation which is heard by P&Z.
 - Final decision by P&Z may be appealed to the Board.

2005 – Ordinance 05-002

- Non-viable divisions were allowed, subject to not meeting the definition of viable farmland. “Economically” was removed. The viable farmland definition only protected crop farmland. Other than that, the process was the same as the 1992 code.

VIABLE FARM LAND: The following non-exhaustive list of criteria may be considered in determining whether a parcel should be considered viable farm land:

- (1) Water rights
- (2) Slope of the ground
- (3) Soil composition
- (4) Width and Length of the runs
- (5) Operation costs including, but not limited to:
 - a. Power
 - b. Seed
 - c. Fuel
 - d. Fertilizer
 - e. Pesticides
 - f. Labor
 - g. Crop storage
 - h. Crop distribution
 - i. Equipment maintenance
 - j. Equipment storage
 - k. Equipment operation
 - l. Insurance
- (6) Crop prices

- Interesting code: This code allowed platted parcels to be divided if original. Two-acre lot sizes are required for divisions. Divisions must be consistent with the comprehensive plan.

2008 – Ordinance 08-026

- o Viable Farmland revised to current definition: VIABLE FARM LAND: *Land that is capable of producing marketable farm animals or crops.* This code removed P&Z approval. Director approval unless appealed.
- o Interesting code: One-acre minimum lot sizes. Comprehensive plan compliance determination.

2010 – 10-009: Nonviable divisions removed.

2022 – 22-071: Current code.

Removal of the nonviable land division code

Canyon County Development Services staff believes removing the non-viable land division code will help the county's land use decisions better align with the 2030 Comprehensive Plan, as well as better protect and support the private property rights of Canyon County Citizens. Through researching other counties throughout Idaho, Canyon County is the only county in Idaho with this type of land division available.

Throughout the public outreach efforts, recurring themes include strong concern that nonviable land divisions fragment agricultural areas, introduce incompatible residential uses, and undermine farmers' ability to operate by increasing conflicts, traffic, and safety issues; moreover, residents consistently emphasized that these divisions erode the agricultural character and long-term viability of agricultural zones by enabling suburban-style development based on subjective claims of "nonviability," ultimately weakening the core purpose of agricultural zoning and harming both current and future agricultural operations.

Further outreach occurred with the University of Idaho Canyon County Extension, where they noted the subjectivity of nonviable farm ground and how there is no clear definition of what nonviable farm ground is (Exhibit 3.a). This led to a recommendation from the U of I extension that all nonviable applications should go to a committee for independent review.

If the Canyon County Board of County Commissioners would like to continue nonviable land divisions, Development Services recommends the following code.

Proposed nonviable code section

If the Canyon County Board of County Commissioners would like to continue nonviable land divisions, Development Services recommends the following code:

- The proposed parcel created, and its remnant shall be at least one (1) acre in size.
- The parcel(s) must be eligible for division
- The subject parcel(s) shall be in compliance with the public nuisance ordinance (Chapter 2, Article 1 of this code) and the building code (Chapter 6 of this code) before the director can approve the application.
- The burden of proof is on the applicant to prove that the land is, in whole or in part, non-viable for agricultural use
- Application must include:
 - o Evidence demonstrating the land, in whole or in part, is nonviable for agricultural use.
 - This can include, but is not limited to, soil tests, aerial imagery showing size or shape constraints, lack of irrigation rights, and topography maps.

- The applicant must also provide reasoning on why the evidence provided proves the land is non-viable for agricultural use.
 - Evidence demonstrating the land, in whole or in part, has not historically been used for agricultural purposes in the last 25 years.
 - Evidence demonstrating how the division will not create a negative impact on surrounding agricultural uses. The applicant shall provide draft conditions of approval.
 - Neighborhood meeting to be conducted within 6 months of the date of submittal.
 - Agency acknowledgment from Southwest District Health, applicable fire district, applicable highway district, applicable irrigation district, and, if applicable, area of city impact within 6 months of the date of submittal
 - A conceptual plan showing where all proposed lots, proposed residential buildings, access, easements, etc., are located.
- Analysis
 - Upon review by DSD staff, the application and director's recommendation shall go to the APA committee for review of all evidence submitted in determining the non-viability of the land as well as the mitigation of impacts to surrounding agricultural uses.
 - The APA committee shall provide a review of the non-viable land division application and complete an analysis based on the submitted evidence and Canyon County Code.
 - The APA committee shall provide the DSD Director with a written recommendation either affirming the Director's recommendation or refuting the Director's recommendation. The written recommendation shall include reasons for the recommendation.
 - Deliberate action to withhold productive agricultural land from productive use shall disqualify such land from treatment under this section.
 - This includes, but is not limited to, selling water rights, agricultural land lying fallow, and previous divisions.
 - Parcel(s) holding an agricultural tax exemption within the last five (5) years are automatically disqualified from treatment under this section.
 - If the application meets the requirements of this section, the director may approve the division into fewer than five (5) parcels from the original parcel. The director may attach conditions to the approval that limit the division, use, and/or impacts on surrounding land uses.
 - The director shall give notice of the decision granting or denying the application to those previously notified of the pending application.
 - Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section 07-05-07 of this chapter.
 - Once a nonviable parcel in an agricultural zone has been approved, there shall be no other administrative land divisions from that land, regardless of ownership of any of the land involved.
 - Language from the Idaho Right To Farm Act shall appear on administrative land division approvals.

Exhibit 3.a

Dane Adams

From: Fisher, Cheyanne (cheyannem@uidaho.edu) <cheyannem@uidaho.edu>
Sent: Wednesday, October 22, 2025 12:04 PM
To: Dane Adams
Subject: Re: [External] Question about non-viable land

Dane,

I have reached out to a few co-workers of mine on this topic, and this is a hard question to answer. As you mentioned in your previous email — non-viable agricultural land is highly subjective.

I believe your goal is to maintain farmland.. that is being deemed "non-viable"... my only suggestion to you would be to reach out to other parts of the state that have seen rapid urbanization. Possibly in other states as well. This is a very hard question to answer as there may be a ton of reasons one person deems it non-viable and one reason someone could find use of the land.

Another suggestion would be possibly creating a "task force" team that has different agricultural professionals that could go and determine if a property is non-viable. I think they would be able to determine the usefulness of an area.

I am sorry if my response is not helpful — but this situation is a hard one.

Thank you,

Cheyanne

CHEYANNE FISHER, M.S., PAS
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501 Main Street
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208-459-6003



From: Dane Adams <Dane.Adams@canyoncounty.id.gov>
Sent: Monday, October 20, 2025 2:39 PM
To: Fisher, Cheyanne (cheyannem@uidaho.edu) <cheyannem@uidaho.edu>
Subject: RE: [External] Question about non-viable land

Thank you for reaching back out, I tried calling a couple times but it never went to voicemail and just hung up. Weird!

Yes, we would still love some assistance on non-viable land. Here is a link to what our broader project is related to-
<https://www.canyoncounty.id.gov/elected-officials/commissioners/development-services/land-divisions/>

Any further questions you might have on what it is we are trying to do, please reach out.



Dane Adams

Associate Planner

Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605

Direct Line: 208-454-6607

Email: Dane.Adams@canyoncounty.id.gov

Website: www.canyoncounty.id.gov

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From: Fisher, Cheyanne (cheyanne@uidaho.edu) <cheyanne@uidaho.edu>

Sent: Monday, October 20, 2025 10:59 AM

To: Dane Adams <Dane.Adams@canyoncounty.id.gov>

Subject: [External] Question about non-viable land

Dane,

I wanted to follow up on your request for assistance on the non-viable land. Do you possibly need our help still? I tried to reach your office with no luck.

Thank you,

Cheyanne

CHEYANNE FISHER, B.S., M. S., '2019, '2022

Extension Educator - Livestock, Small Acreage, & 4-H

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Canyon County

Agricultural Land Division

Survey Analysis

"To better understand the public's understanding of our current ordinance and see if it needs to be updated."

Process Diagram

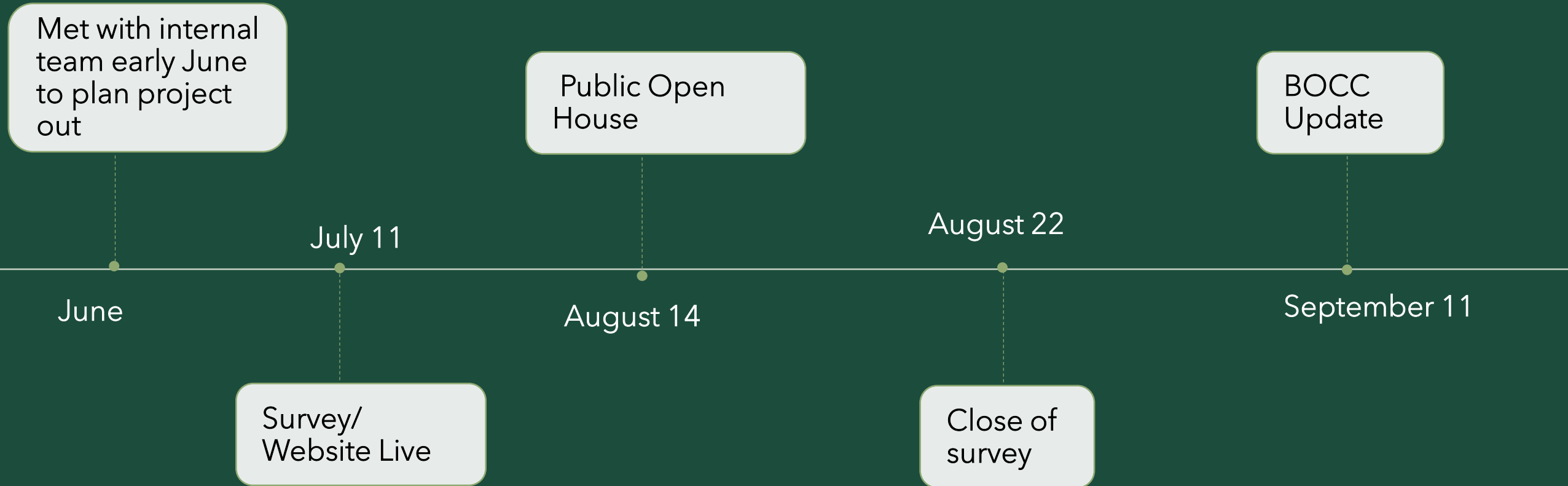


Overview

- Time-Line
- Methodology
- Open House Results
- Survey Respondents
- Qualitative Analysis
- Survey Results
- Conclude

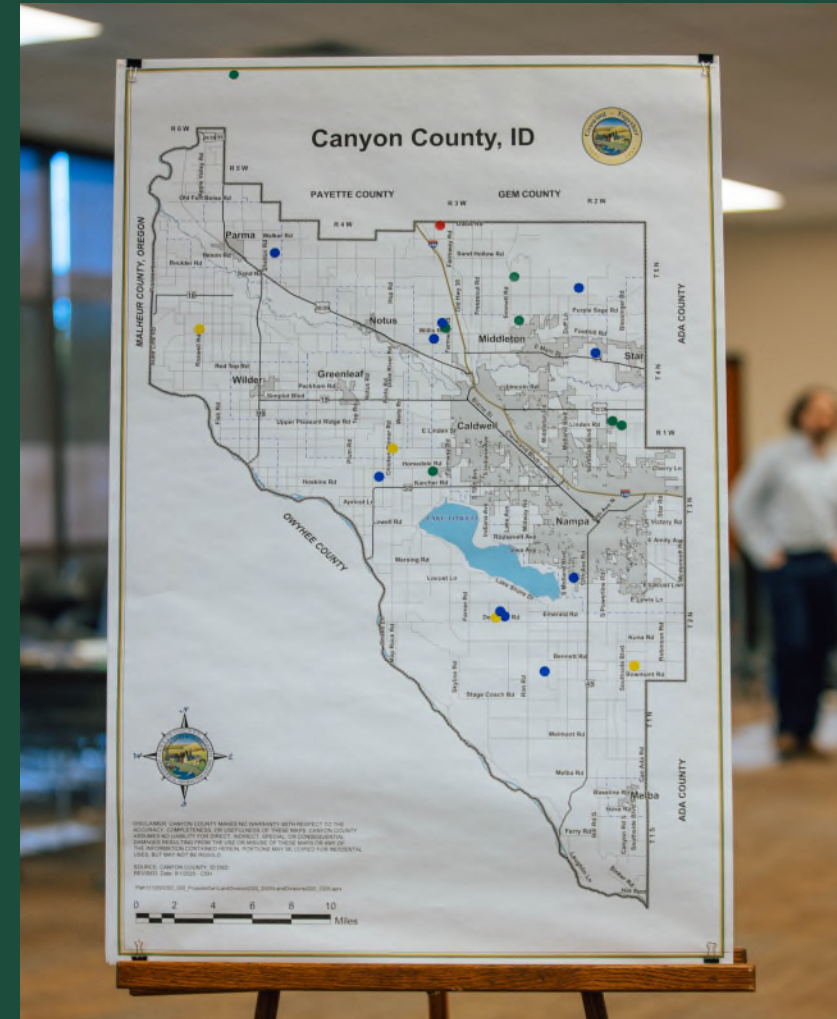


Time Line



Agricultural Land Division Open House

- 32 participants attended the open house.
- Format included:
 - o Historical maps, code history, land division trends.
 - o Comprehensive Plan goals and current code.
 - o Development impacts (agriculture, roads, notifications).
 - o Next steps in the ordinance update process.
- Interactive sticky-dot questions on agriculture, roads, and notification.
- 20 questionnaires were filled out



Open House Key Themes

- Strong support for preserving agricultural land.
- Concerns raised:
 - Inconsistent code interpretation and outdated definitions.
 - Transparency and fairness for farmers vs. Developers.
- Comment Form:
 - 75% concerned with number of land divisions since 2020.
 - 80% feel ag practices are threatened by land divisions.
 - 60% want Canyon County to remain mostly agricultural in 20 years.
 - 55% felt property rights and flexibility are most important when considering land use.
- Priorities expressed:
 - Balance growth with ag preservation.
 - Expand notification (neighbors, irrigation entities).
 - More agricultural expertise in decision-making.



Methodology

- Total population 266,892
 - Rural 53,000
- N= 707
- Fielded online (July 11- August 22)
- Method: Random Snowball Sampling
- Results provide directional input

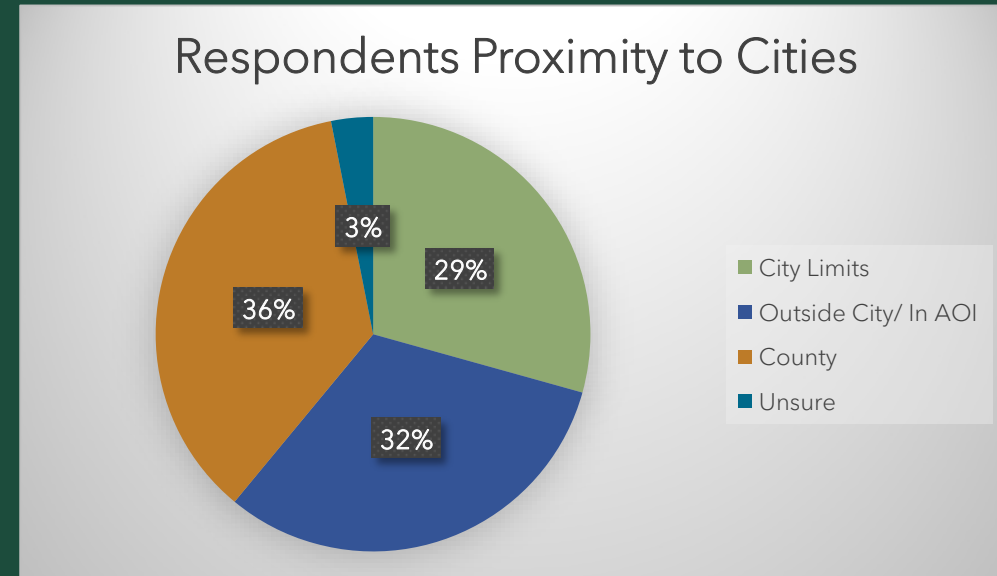
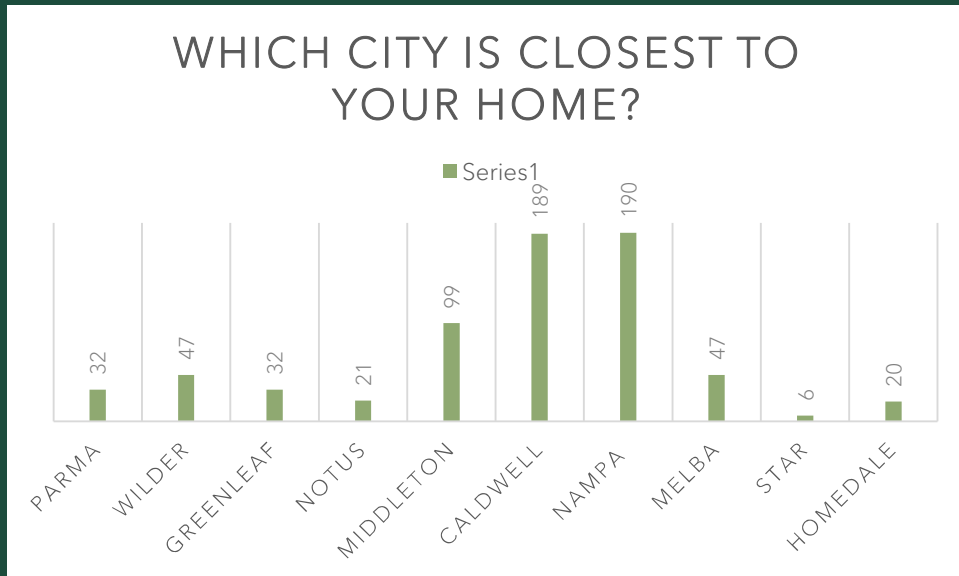
Margin of Error

- Sample Group 707
- Confidence Level 95%
- MOE +/- 3.7%
 - Sample results represent the population's true characteristics

$$MOE = Z \times \sqrt{\frac{p(1-p)}{n}} \times \sqrt{\frac{N-n}{N-1}}$$

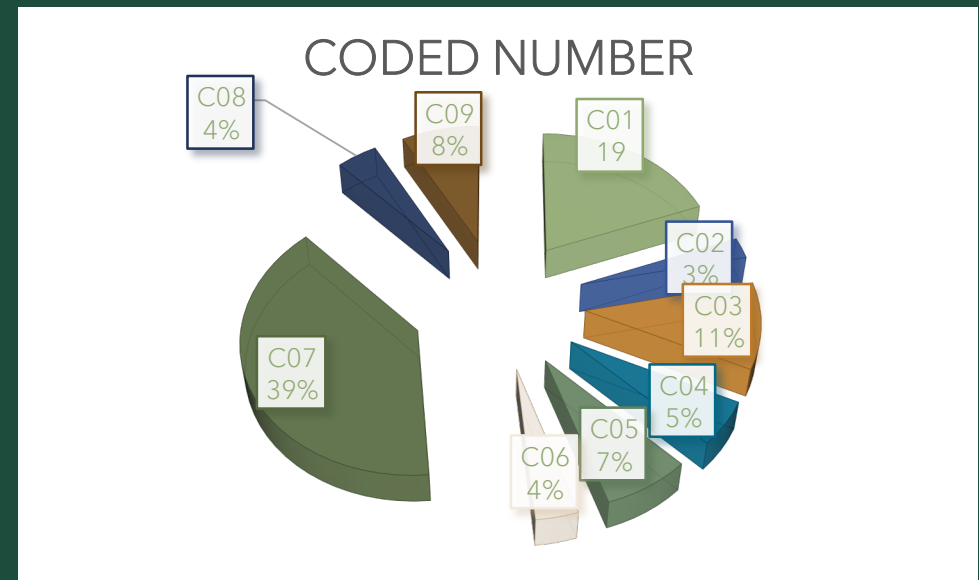
Survey Responses

- Survey takers across the County
- Caldwell and Nampa highest respondents



Qualitative Analysis

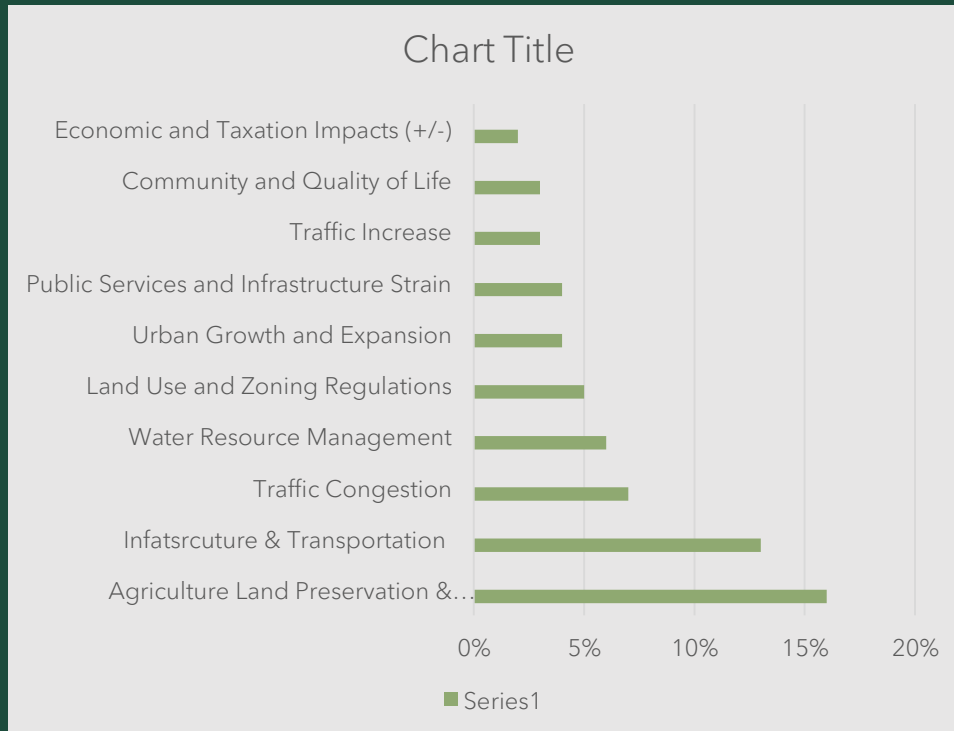
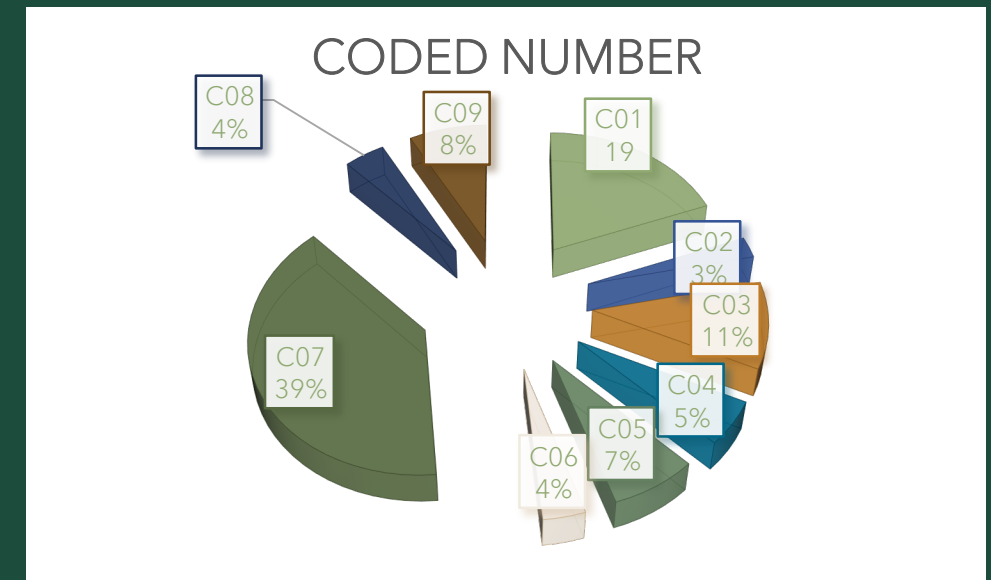
- Received back over 730 written responses
- Coded them into 9 thematic categories
 - C01- *Protect Agricultural Land*
 - C02- *Controlled Exceptions for Family Farming*
 - C03- *Opposition to Urban Sprawl / Growth Management*
 - C04- *Property Rights / Landowner Autonomy*
 - C05- *Conditional Support for Splits*
 - C06- *Economic Considerations*
 - C07- *Environmental & Community Concerns*
 - C08- *Alternative Solutions*
 - Un-coded



"I am concerned that roads and other infrastructure is not keeping up with the explosion of new housing developments. Don't get behind on infrastructure!"

"As a farmer, my goal is own and control the future of the ground I farm. "

Thematic Grouping

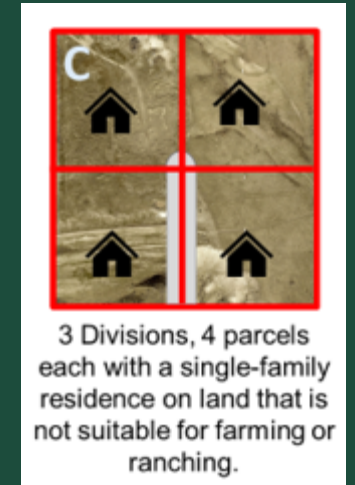
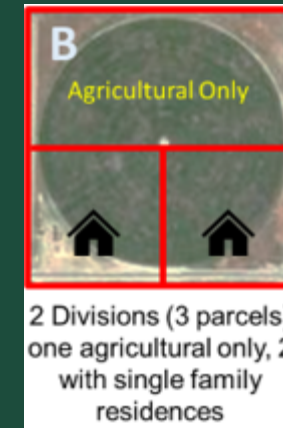
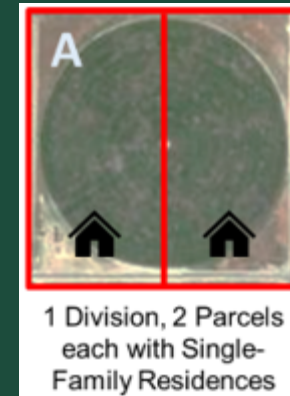


Q5 Please share the impact(s) that you, your jurisdiction, or agency have experienced (positive or negative) from administrative land divisions in Canyon County's agricultural zone?

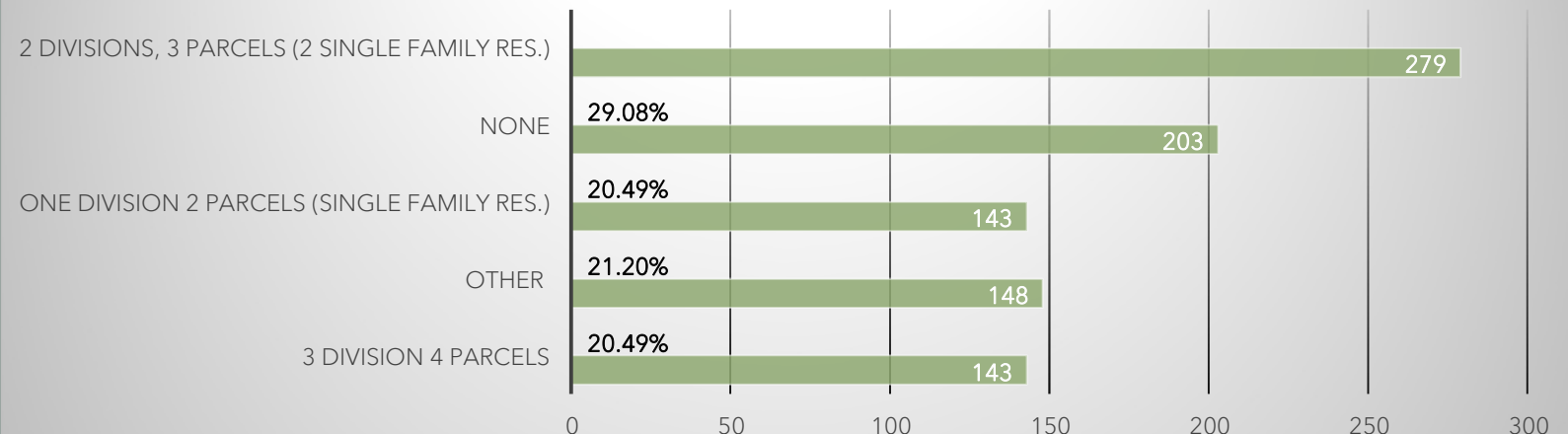
change come see years live less services country farm land emergency services community future lots issues
 allowing administrative land divisions concern work Increased traffic without schools divided well ground
 one time homes None good etc agricultural land farm ground subdivisions farmland
 building small impact rural Canyon County approved county developed house
 way need now farms split land lost traffic taking area ag roads place
 development developers increase resources use large growth noise
 infrastructure city water agricultural ag land irrigation s around will due people grow new already
 keep local parcels neighbors Loss want going much farmers acres property add make Negative created put
 also Stop residential drive many agriculture

Which administrative land divisions would you like to see in the agricultural areas of Canyon County (Check all that apply)?

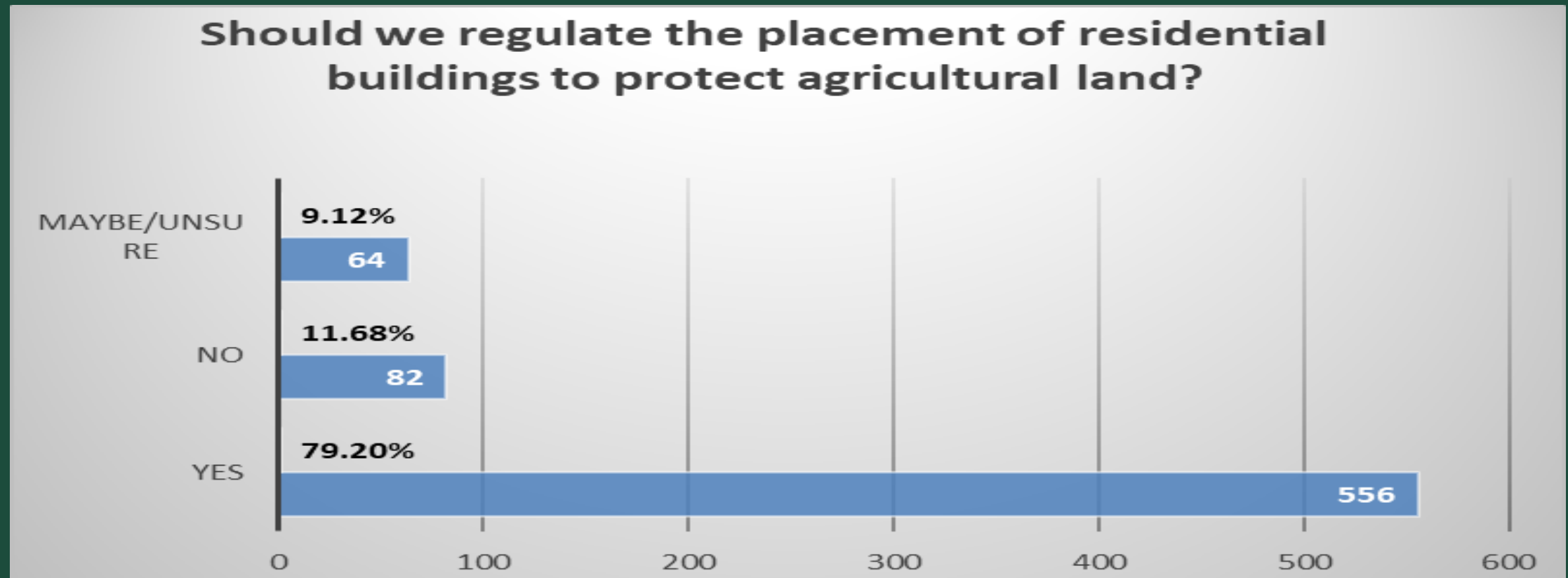
- Two Division 3 parcels- 279
- None- 203
- 1 division two parcels- 143



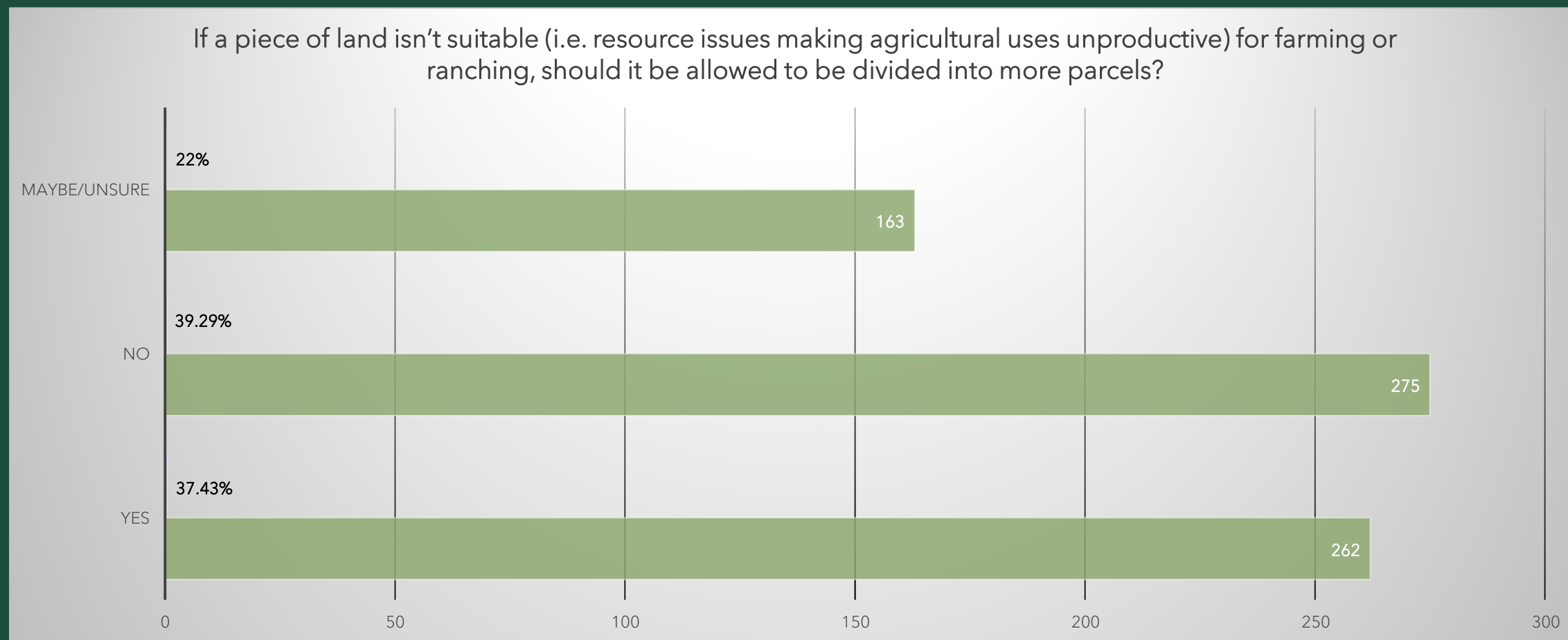
Land Division Preference



Should we regulate the placement of residential buildings to protect agricultural land?

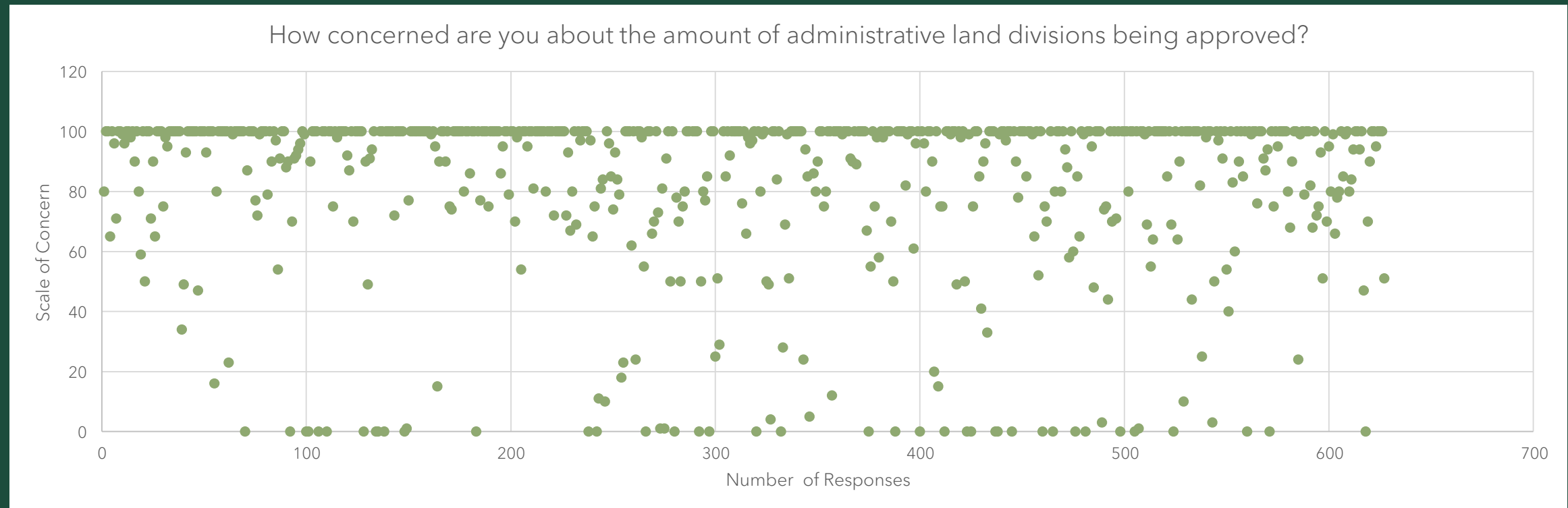


If a piece of land isn't suitable (i.e. resource issues making agricultural uses unproductive) for farming or ranching, should it be allowed to be divided into more parcels?



How concerned are you about the amount of administrative land divisions being approved?

Scale-1 through 100
Average (Mean) - 82.12



Conclusion

- Out of the data presented 40% of survey takers wished to see 2 division 3 parcels split. Followed by 29% wishing for no splits.
- 79% believe that we should regulate placements of res. buildings to protect ag land.
- There needs to be clarity around the definition of non-viable farm ground.
 - 39% believe that even if the ground is bad it should not be split.
 - 37% believe that it should.
- People are worried about the amount of land divisions approved.



Next Steps

- Draft Ordinance
- Public Hearing Process
- Required Findings
 - Comprehensive Plan
 - Agency Impacts

*Agricultural Land Division
Public Open House – August 14, 2025*

Exhibit A: Memo to BOCC from DSD Regarding Administrative Land Divisions and Public Outreach

6. **Development Impacts (Part 1)** – Considerations regarding agricultural impacts, building permit transfers, and clustering residences within agricultural zones.
 - This station included an opportunity for participants to vote with sticky dots. The question stated: Should Canyon County regulate where building permits are located to preserve agriculture? Seven (7) participants voted ‘Yes’, one (1) voted ‘No’, and one (1) voted ‘Unsure’.
7. **Development Impacts (Part 2)** – Issues related to private roads, agency and neighbor notifications, and pre-1979 subdivision plats. This station included three additional opportunities for participants to vote with sticky dots.
 - The first question stated: Should private road improvements be made when the land is divided? Eight (8) participants voted ‘Yes’, one (1) voted ‘No’.
 - The second question stated: Should nearby property owners be notified of administrative land divisions? Eleven (11) voted ‘Yes’, three (3) voted ‘No’.
 - The final question asked: Should additional agency notification and review be required with administrative land divisions? Ten (10) voted ‘Yes’, and one (1) voted ‘Unsure’.
8. **Next Steps** – Timeline and process for potential changes to the administrative land division ordinance.

COMMENTS

Attendees primarily shared their input through conversations with staff and comment forms. Open-ended comments were also received on large sheets of paper placed at the comprehensive plan station and at the end of the display boards. Overall, Community members expressed strong support for preserving agricultural land and water resources while emphasizing the need to protect private property rights and ensure fair treatment for farmers in the land division process. Concerns were raised about inconsistent code interpretation, excessive fees, outdated definitions (especially around "non-viable" land), and city annexation threatening farmland. Some participants highlighted frustration that developers face fewer barriers than farmers. Clearer ordinances, updated terminology, and more agricultural expertise in decision-making were requested. Some advocated for greater public notification (up to 1 mile), better planning around transportation and infrastructure, and thoughtful growth that aligns with the county’s rural character and comprehensive plan.

Open-Ended Feedback

Two large sticky pads were provided with prompts for open-ended feedback:

Prompt 1: *“What is your vision for Canyon County in 20 years?”*

Responses included:

- “Stop development on farmland!!!” – “Ditto-Ditto-Ditto!!!”
- “Develop in the city, not on farmland. No more suburbs. More density in the city.”
- “Protect our ag ground.”
- “No solar on farmland.”
- “Nonviable farmland can be developed, and farm owners should make decisions for their land.”
- “Protect our ag economy and national security interests in seed production.”

- “Be smart about development and protect ag. Stop solar.”

Prompt 2: “Provide your thoughts...Where should we focus...What is working...Your primary concerns.”

Feedback included:

- “Stricter agricultural zones. Require production standards if you move into an ag zone.”
- “Sell farmland as farmland to farmers.”
- “Limit residential users' input on farming operations.”

Primary Concerns:

- “Fragmentation of farmland. Farmers are losing their community and livelihood.”
- “Expand farming operations beyond horticulture and row crops.”
- “Protect private property rights. Let landowners have the right to split their land as they wish.”

Comment Forms

In total, 20 comment forms were completed at the open house. Aggregated responses to check box questions are detailed below, followed by a transcription of open-ended comments. Key themes from comment forms include:

1. **Agricultural Preservation:** Support for farmland protection was expressed.
2. **Property Rights:** Landowners want to maintain rights to divide property, and some farmers feel the system favors developers over them.
3. **Water and Infrastructure:** Water availability is a top concern, and land divisions can threaten irrigation. Infrastructure planning needs better coordination.
4. **Code and Process Issues:** The Current land use code is confusing, inconsistent, and overly rigid.
5. **Notification and Transparency:** Increase neighbor notification distance for non-viable land divisions and notify irrigation entities for all land divisions.
6. **Planning and Fairness:** Balance growth with ag preservation. Clustering of building permits is controversial—helpful for farms but may cause issues.

Preliminary Questions

Question 1: Did you complete the online survey about Administrative Land Divisions?

	Number	Percentage
Yes	8	40%
No	9	45%
Unanswered	3	15%

Question 2: I can be best described as;

	Number	Percentage
I live in Canyon County	19	95%

I live outside of Canyon County	0	0
I am a farmer, rancher, or work in agriculture in Canyon County	14	70%
I am a property owner	15	75%
I work within the development community	5	25%
I represent an agency/ jurisdiction within Canyon County	0	0
I am a concerned citizen	13	65%
Other	0	0

Land Division Questions

Question 3: How aware are you of the Canyon County land division process?

	Number	Percentage
Very aware	6	30%
Somewhat aware	11	55%
Somewhat unaware	2	10%
Not aware	1	5%

Question 4: Do you feel that updating the land division ordinance will make the process clearer?

	Number	Percentage
Yes	5	25%
No	4	20%
Maybe	8	40%
Unanswered	3	15%

Question 5: Are you concerned with the number of land divisions that have taken place since 2020 in Canyon County?

	Number	Percentage
Yes	15	75%
No	3	15%
Maybe	2	10%

Question 6: Which of these identified impacts concerns you?

	Number	Percentage
--	---------------	-------------------

Requirements for private roads that serve more than 100 cars a day	3	15%
Loss of viable agricultural land	15	75%
Irrigation (not ensuring adequate access to water rights, delivery, preservation of easements, etc.)	9	45%
Agencies and public services (lack of notification and providing inadequate services to new parcels)	5	25%
Division within pre-1979 subdivision plats	1	5%
Building permit transfers	2	10%

Question 7: Do you believe the current land division process aligns with the County's Comprehensive Plan?

	Number	Percentage
Yes	4	20%
No	9	45%
Maybe	4	20%
Unanswered	3	15%

Question 8: What is important to you when it comes to land divisions?

	Number	Percentage
An easy and efficient administrative land division process	8	40%
Preserving agriculture	14	70%
The clustering of building permits	5	25%
A clearer parcel originality date	0	0
Other	1	5%

Question 9: Which of the following is important to you when considering land use in Canyon County?

	Number	Percentage
--	---------------	-------------------

Property rights and flexibility	11	55%
Long-term infrastructure planning	7	35%
Environmental protection (water, air, open space, etc.)	5	25%
Predictable growth and development patterns	6	30%
Affordable housing availability	1	5%
Other	1	5%

Question 10: Do you feel that current agricultural practices are threatened by land divisions?

	Number	Percentage
Yes	16	80%
No	3	15%
Maybe	1	5%

Question 11: What do you want Canyon County to look like in 20 years in terms of land use?

	Number	Percentage
Mostly agricultural	12	60%
A mix of agricultural and residential	8	40%
Mostly residential	0	0
Other	0	0

What parts of the land division process are the most confusing or frustrating?

Comment Sheet Number	Comment
1	Agricultural parcels that deplete the aquifer versus residential development.
2	N/A
3	Don't rezone to Rural Residential. Keep agriculture to permit lot sizes down to 5 acres as appropriately determined. Have an agriculture consultant evaluate these cases.
4	N/A
5	
6	Problems should not be solved by people who have lived in the county for a long time. A lot of developers only look at the money that has become of Canyon County. The Canyon County seal shows farmland and a tractor.

7	Notification of neighbors should be at least 1 mile.
8	N/A
9	Balancing property rights with agriculture preservation.
10	Cities manage planning differently from the county. Transportation planning, roads, airports, and railroads will be important in managing development.
11	N/A
12	Keep the land division process the same.
13	The inability to stay consistent in interpretations.
14	N/A
15	N/A
16	Some of the language used in the older documents makes it hard to understand. Some of the fees seem excessive. During the non-viable land division process, it can feel like the people making decisions don't have agricultural experience. The code is so specific that it makes it hard to apply to individual experiences and individual circumstances.
17	N/A
18	N/A
19	N/A
20	Needing to notify neighbors for the appeal period after being instructed to record a director's decision. Allowing comments from the public who do not live near the property. Having to record lots of pages instead of just a director's decision.

Additional comments

Comment Sheet Number	Comment
1	Thank you for the informative open house and knowledgeable staff.
2	N/A
3	Developers mostly develop lots less than 5 acres.
4	Lack of water is one of the most important topics when it comes to land divisions.
5	Being able to develop their property is the most important topic when it comes to land divisions.
6	N/A
7	The definition of non-viable needs to be updated through this ordinance.
8	After this ordinance update, wind and solar ordinances need to be looked at.
9	The update needs to include terminology clarification. Thank you for the open house.
10	The clustering of building permits is needed for farm workers and dairies. Annexation is the biggest threat to agricultural land. Irrigation and aerial spraying are threatened by land divisions. In 20 years, annexation by cities

	will consume another 100,000 acres of agricultural land. Would like to see the use of non-viable ground for homes that will not affect irrigation plans.
11	N/A
12	Concerned about the landowner's rights. Landowners' rights to administrative splits need to stay; the farmers paid for them.
13	Land divisions are a very small percentage of growth in Canyon County. Most divisions are for landowners' relatives. The administrative land divisions are the last property rights available to landowners. Landowners purchased their property with certain rights and paid for them. Anything that would reduce their land value would be a de facto taking in my opinion.
14	N/A
15	N/A
16	The county allows land divisions for developers easily, but when a farmer tries to divide their land, it is a much harder process. The divisions are not the problem; what happens after the land division is what is causing the problems.
17	N/A
18	80-acre parcels should get twice as many divisions as 40-acre parcels. Concerned with non-viable divisions.
19	Concerned with non-viable divisions. Dislikes the idea of building permit transfers.
20	Tweaking the definition of what an "original parcel" and "parcel" are would avoid confusion with staff. Land owners cannot lose their available splits. they are an investment and hold value like a savings account.

Comments heard by planners

Topic	Comments heard
Private roads	Road standards should be met. Paving should not be required unless the residents want it. Private roads should be addressed at the time of land division.
Notification	Notify irrigation for every land division. Notify neighbors for every division, increase notification distance from 600 feet to 1 mile.
Definitions	Define what development is.
Building permit clustering	Clustering might not be the best answer, could introduce problems with noise, trash, and code enforcement complaints. It can also be used as additional reasoning for further development.
Ordinance Needs	Farm labor housing options need to be incorporated into the code. Solar and wind farm ordinances need to be updated to restrict their development in agricultural areas.
Private property rights	Why are you taking away our rights? The government should not dictate how farmers use their land.

	Land divisions should be done sensibly, don't take away permits, and preserve some choice.
Growth	Frustration over the pace of growth in the county. Growth in agricultural areas does not match our comprehensive plan vision.
Additional comments	If the splits are not being done for ag-related reasons, why are we doing them? More agricultural land is being lost due to property owners no longer being able to water or work the land than is being lost to housing development.

Exhibits

Exhibit A: Open House Display Boards



ADMINISTRATIVE LAND DIVISION TIMELINE

1992

CODE HIGHLIGHTS.

An original parcel under 40 acres had one (1) land division available.

An original parcel over 40 acres had one (1) land division available per every 40 acres of contiguous unplatted land held under one ownership.

Nonviable land divisions were also added to the ordinance, which allowed further divisions on original parcels.

Applications for administrative land divisions were required.

Lot Size Requirement: 18,000 square feet.

ORIGINAL PARCEL DEFINITION

No definition in the 1992 ordinance.

2002

CODE HIGHLIGHTS

Building permit transfers were added to the ordinance that allowed parcels to be divided into up to four (4) parcels.

ORIGINAL PARCEL DEFINITION

A parcel of unplatted land as it exists on the effective date of the Zoning Ordinance #79-008 (September 6, 1979).

2008

CODE HIGHLIGHTS

An original parcel less than 80 acres had one (1) land division, an 80-119 acre original parcel had two (2) land divisions, and a more than 120-acre original parcel had three (3) land divisions.

The minimum lot size was 1-acre in size.

ORIGINAL PARCEL DEFINITION

A parcel of unplatted or unplatted land as it exists on the effective date of the Zoning Ordinance 79-008, including property boundary adjustments as defined in this chapter.

CURRENT

CODE HIGHLIGHTS

An original parcel less than 80 acres has one (1) land division, an 80-119 acre original parcel gets two (2) land divisions, and a more than 120-acre original parcel gets three (3) land divisions. An agricultural-only parcel can be created with at least 5-acres with this division process.

Nonviable land divisions and building permit transfers are allowed with up to four (4) parcels from the original parcel.

ORIGINAL PARCEL DEFINITION

A parcel of platted or unplatted land as it existed on September 6, 1979 (the effective date of the Zoning Ordinance 79-008), including any property boundary adjustments as defined in this chapter and any reduction in area due to creating a parcel for the exclusive use by Canyon County, a municipality within Canyon County, a local highway district, Idaho Transportation Department, utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, State, or Federal agency.

1979

CODE HIGHLIGHTS

One (1) division of an original parcel was allowed if both lots were of sufficient lot size to meet the requirements of Southwest District Health Department.

There was no application for this process, so no documentation was taking place for these divisions.

ORIGINAL PARCEL DEFINITION

No definition in the 1979 ordinance.

1997

CODE HIGHLIGHTS

An original parcel under 40 acres had one (1) land division available.

An original parcel over 40 acres had one (1) land division available per every 40 acres of contiguous unplatted land held under one (1) legal description into up to three (3) parcels.

ORIGINAL PARCEL DEFINITION

A parcel of unplatted land as it exists on the effective date of the Zoning Ordinance #79-008 (September 6, 1979).

2005

CODE HIGHLIGHTS

The minimum lot size for land divisions was increased to 2-acres in size, but could be increased to up to 10 acres.

Lot splits also had to demonstrate that the division was done in such a manner to minimize the removal of land in agricultural production.

ORIGINAL PARCEL DEFINITION

A parcel of unplatted land as it exists on the effective date of the Zoning Ordinance #79-008 (September 6, 1979). An Original parcel includes property boundary adjustments as defined in this chapter.

2010

CODE HIGHLIGHTS

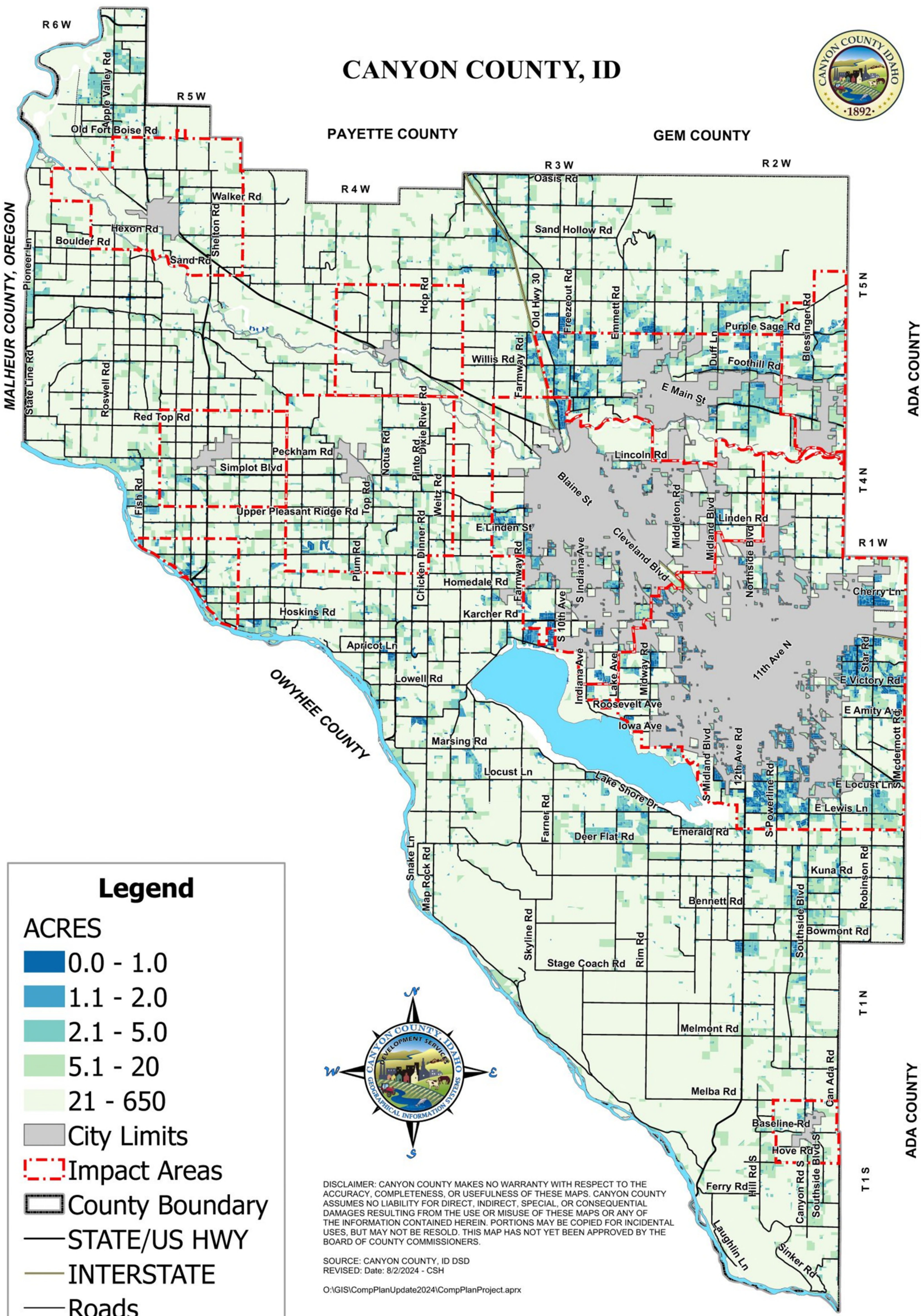
Nonviable land divisions were taken out of code

ORIGINAL PARCEL DEFINITION

A parcel of unplatted land as it exists on the effective date of the Zoning Ordinance 79-008, including property boundary adjustments as defined in this chapter.

CANYON COUNTY PARCEL ACREAGE

CANYON COUNTY, ID



Legend

ACRES

- 0.0 - 1.0
- 1.1 - 2.0
- 2.1 - 5.0
- 5.1 - 20
- 21 - 650

- City Limits
- Impact Areas
- County Boundary
- STATE/US HWY
- INTERSTATE
- Roads

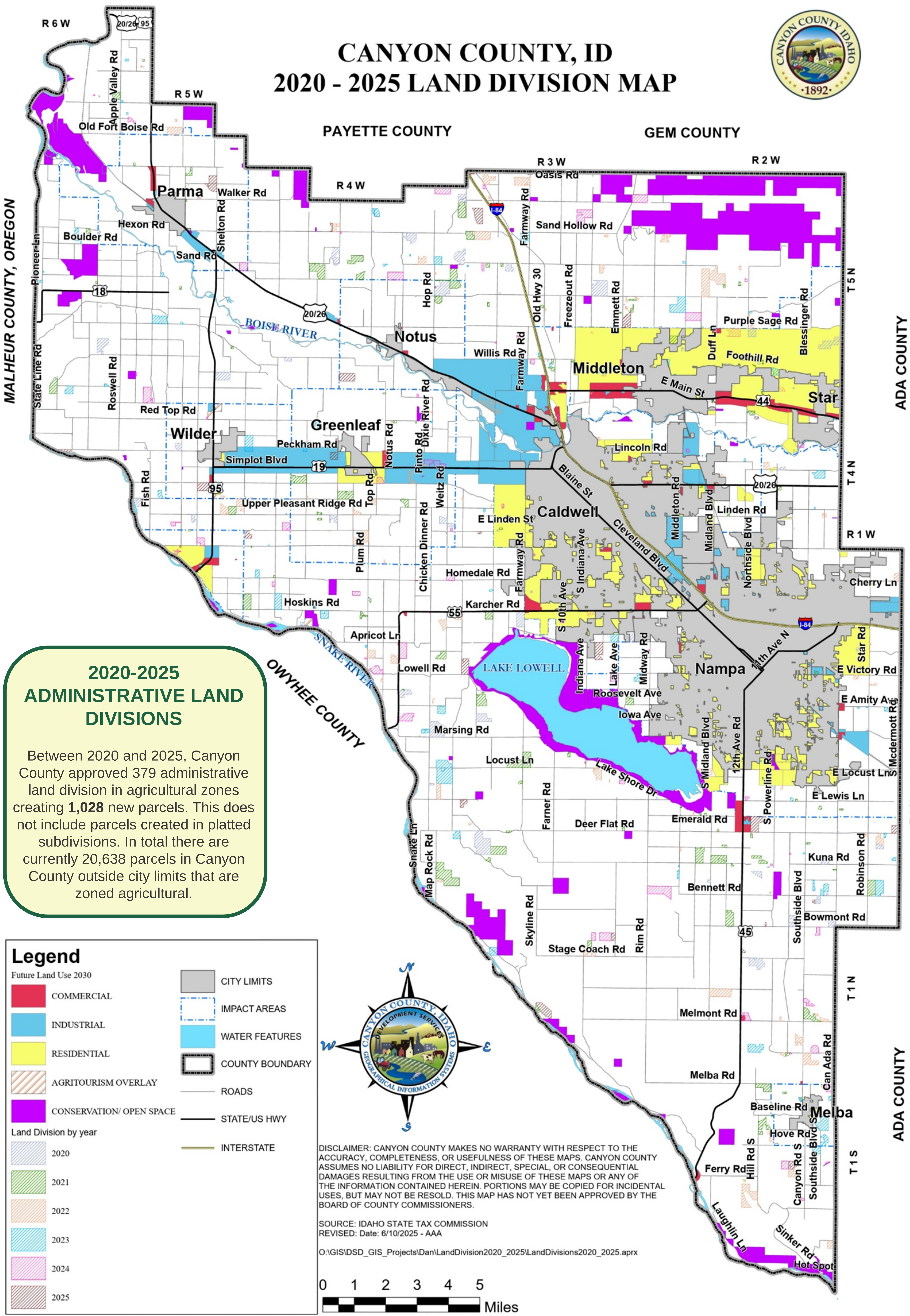


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SOURCE: CANYON COUNTY, ID DSD
REVISED: Date: 8/2/2024 - CSH
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ADMINISTRATIVE LAND DIVISION BY FUTURE LAND USE

CANYON COUNTY, ID 2020 - 2025 LAND DIVISION MAP





COMPREHENSIVE PLAN

VISION

Ensuring the quality of life for Canyon County residents by preserving our agricultural heritage and planning for a smart growth future through physical and fiscal management.

COMPREHENSIVE PLAN GOALS RELATED TO LAND DIVISIONS

PROPERTY RIGHTS

- Protect the integrity of individual property rights while safeguarding public health, safety and welfare.

POPULATION

- Promote housing, business, and service types needed to meet the demand of the future and existing population.

ECONOMIC DEVELOPMENT

- Increase agricultural-based and supportive businesses.
- Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.

LAND USE & COMMUNITY DESIGN

- Ensure that growth maintains and enhances the unique character throughout the County.
- Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.
- Concentrate future higher density residential growth in appropriate areas in and around existing communities while preserving and enhancing the County's agricultural and rural character.
- Support a diversity of agricultural uses to sustain the agricultural and agriculturally related economy.

PUBLIC SERVICES, FACILITIES, & UTILITIES

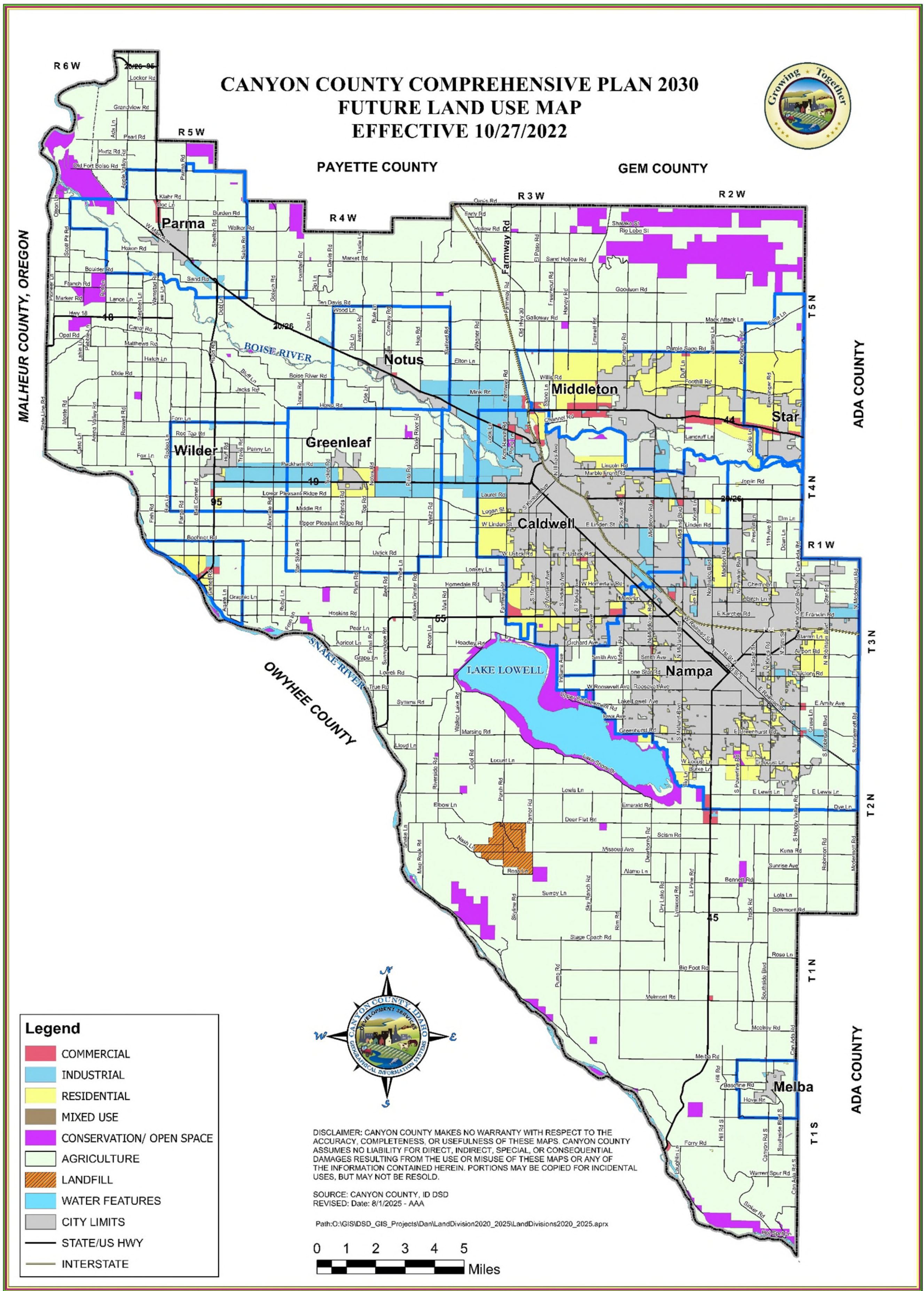
- Endeavor to continue providing reliable public services, public safety facilities, & public utilities that support existing developed areas and future growth.

HOUSING

- Encourage opportunities for a diversity of housing choices in the County.
- Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural land and natural resources.
- Discourage housing in incompatible areas.

AGRICULTURE

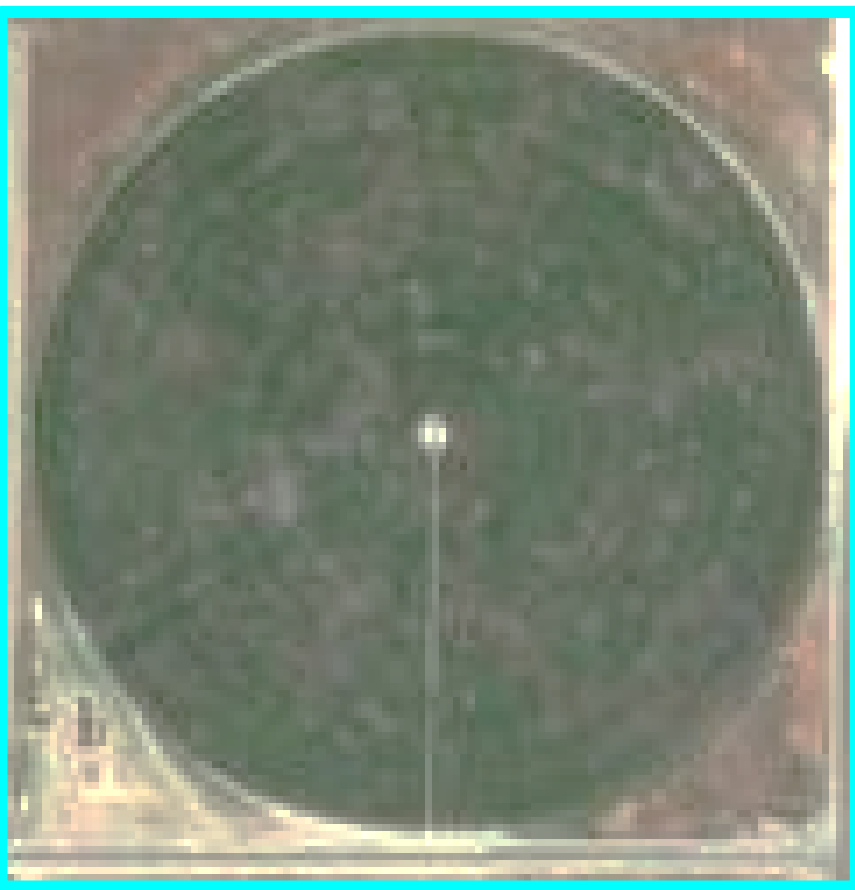
- Protect agricultural lands for long-term agricultural production from the encroachment of incompatible uses.
- Minimize conflicts between agricultural uses and operations and adjacent non-agricultural uses.



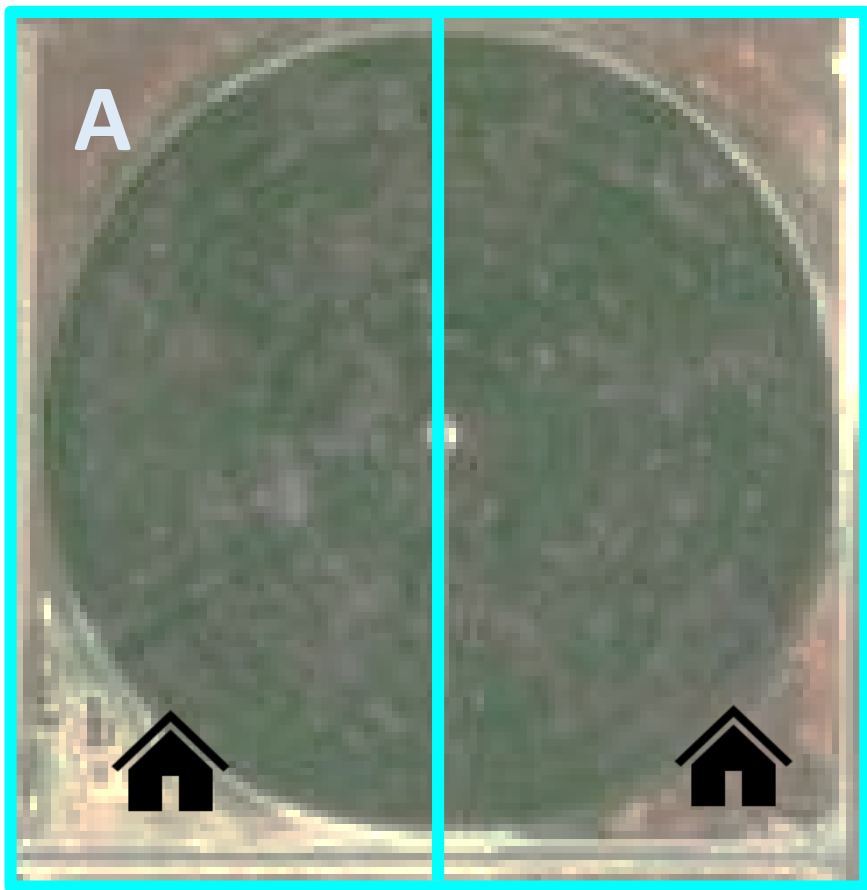


ADMINISTRATIVE LAND DIVISIONS CURRENTLY ALLOWED IN AGRICULTURAL ZONES

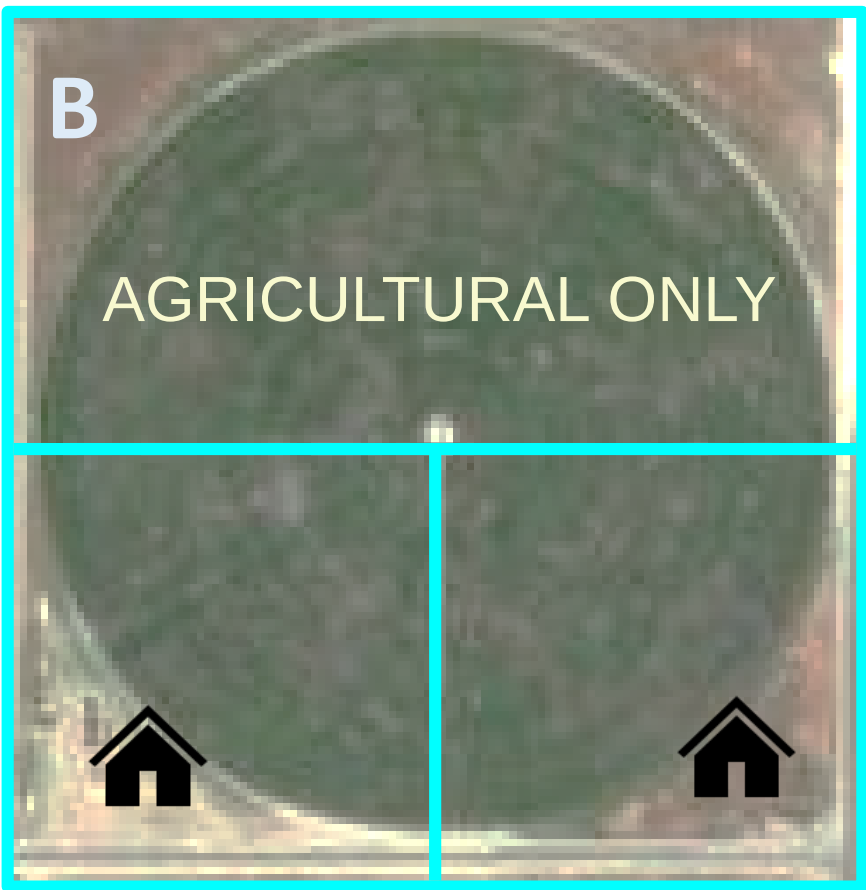
ORIGINAL PARCELS LESS THAN 80 ACRES



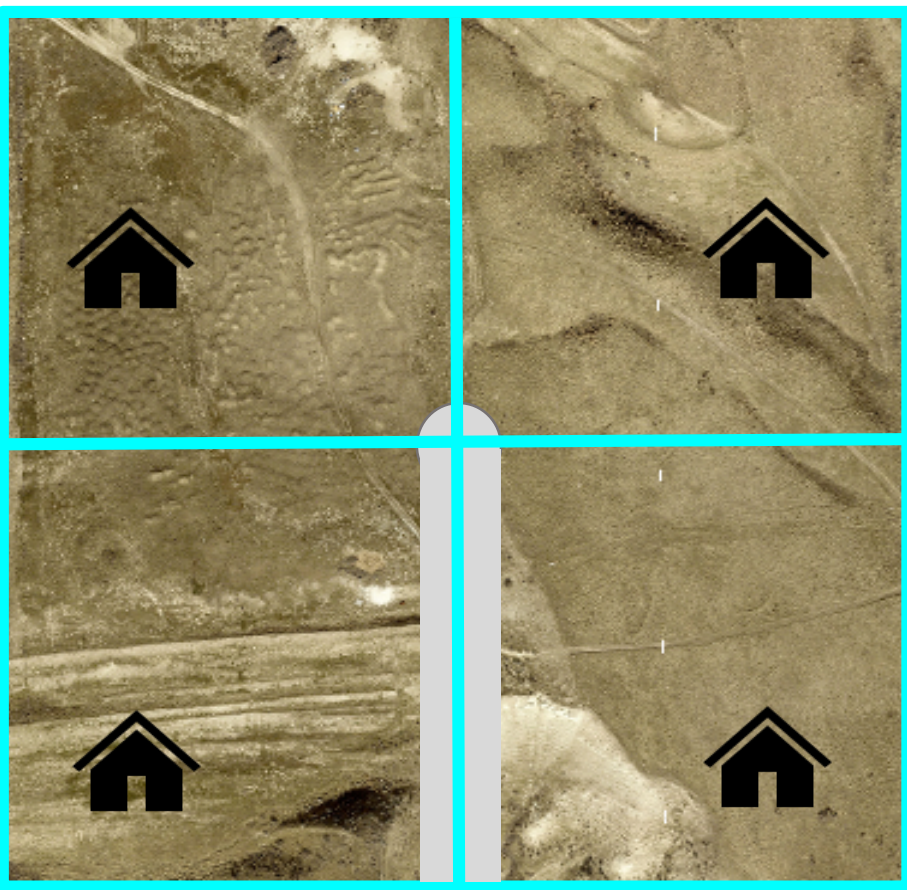
Original Parcel
< 80 Acres



1 Division, 2 Parcels each
with Single-Family
Residences



2 Divisions (3 parcels) one
agricultural only, 2 with
single family residences



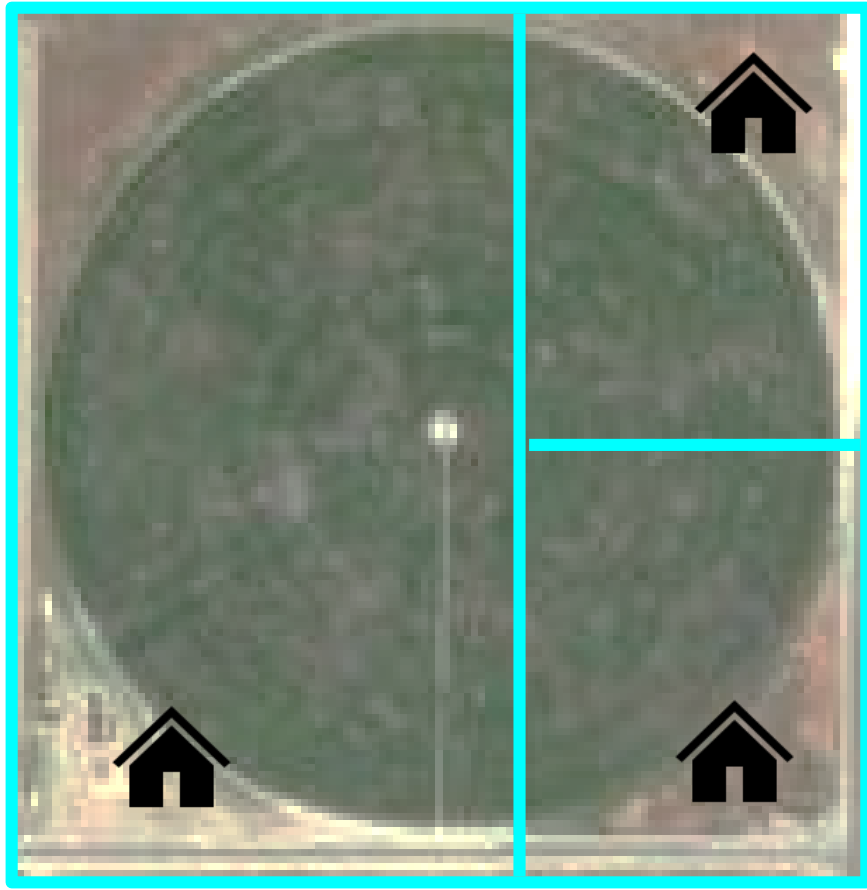
3 Divisions, 4 parcels each with a
single-family residence on land
that is not suitable for farming or
ranching. (Nonviable)

Note: Illustrative only, each new parcel must be at least one acre, but the division does not have to evenly divide the property.

ORIGINAL PARCELS 80-119 ACRES



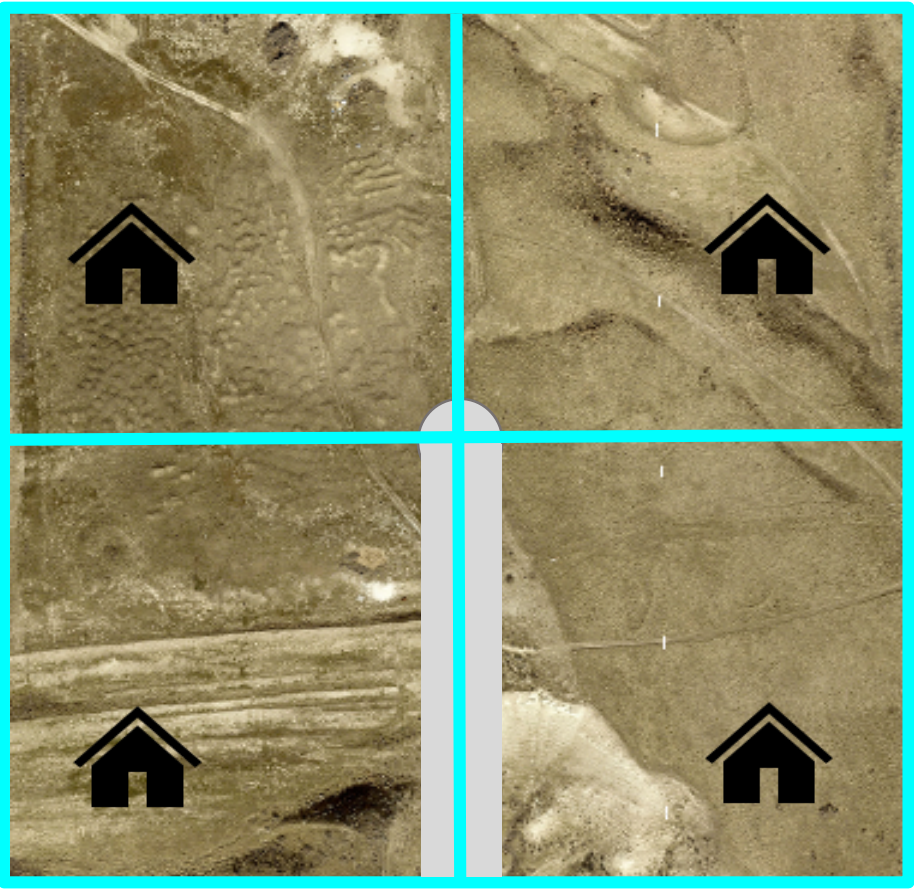
Original Parcel
80-119 Acres



2 Division, 3 Parcels each
with Single-Family
Residences



3 Divisions (4 parcels) one
agricultural only, 3 with
single family residences



3 Divisions, 4 parcels each with a
single-family residence on land
that is not suitable for farming or
ranching. (Nonviable)

Note: Illustrative only, each new parcel must be at least one acre, but the division does not have to evenly divide the property.

ORIGINAL PARCELS MORE THAN 120 ACRES



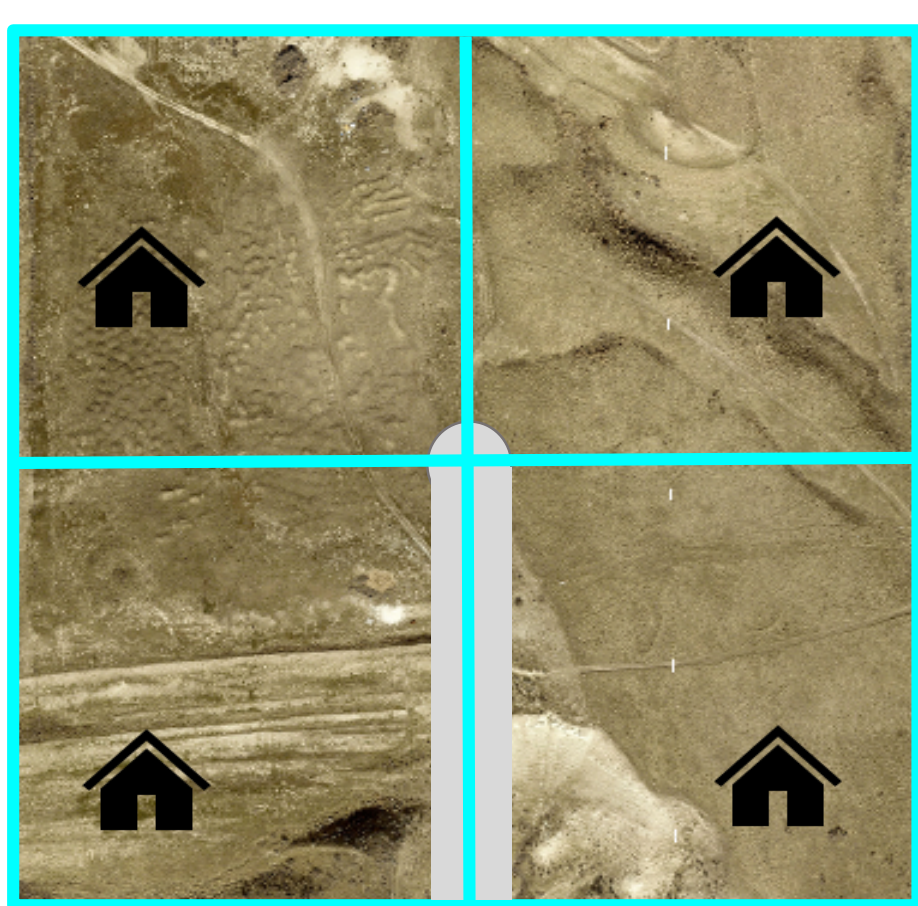
Original Parcel
120+ Acres



3 Division, 4 Parcels each
with Single-Family
Residences



4 Divisions (5 parcels) one
agricultural only, 4 with
single family residences



3 Divisions, 4 parcels each with a
single-family residence on land
that is not suitable for farming or
ranching. (Nonviable)

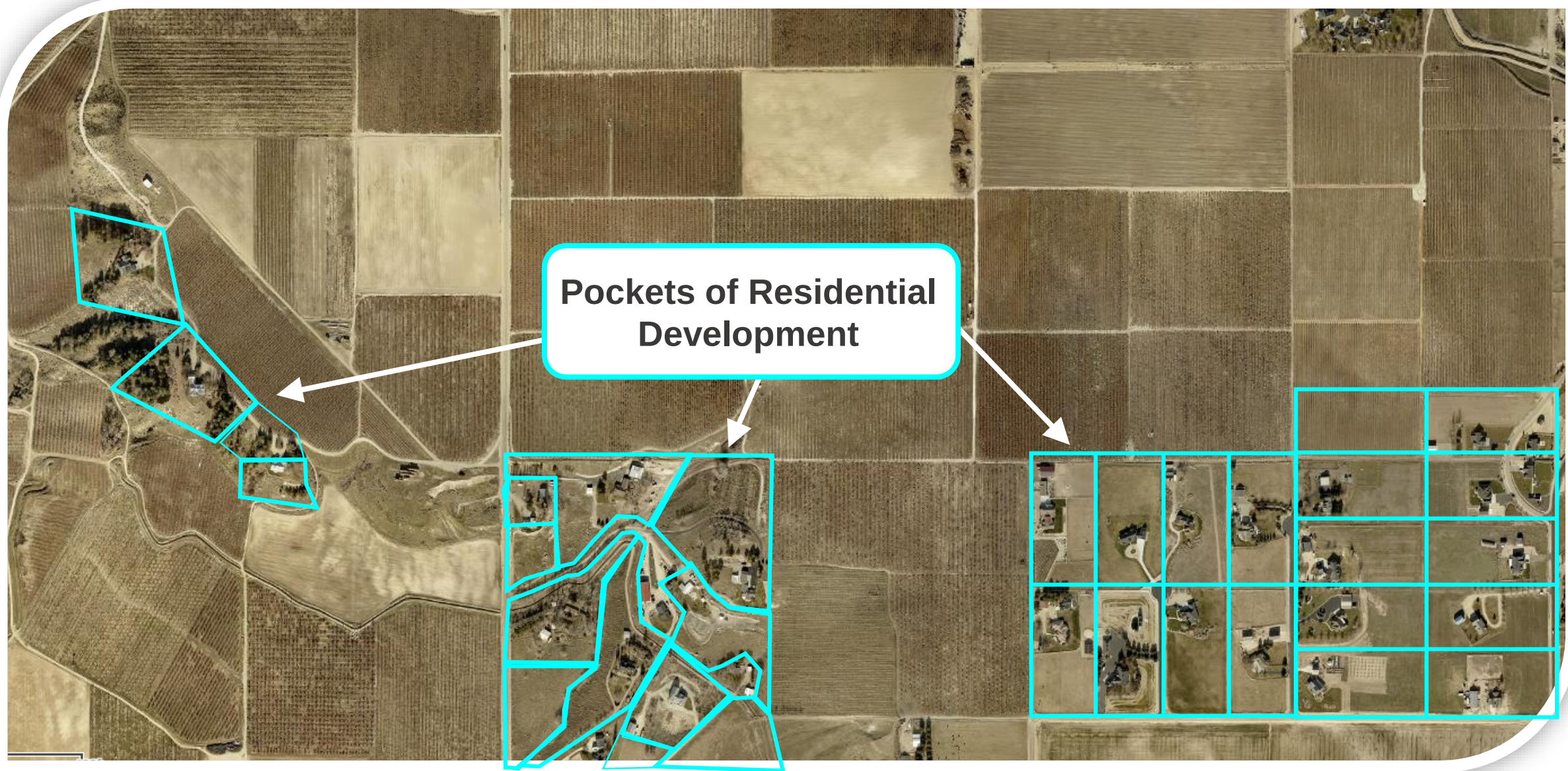
Note: Illustrative only, each new parcel must be at least one acre, but the division does not have to evenly divide the property.



ADMINISTRATIVE LAND DIVISION-AGRICULTURAL IMPACTS

AGRICULTURAL IMPACTS

Residential development near intensive agricultural operations can create conflicts.



CONCERNS

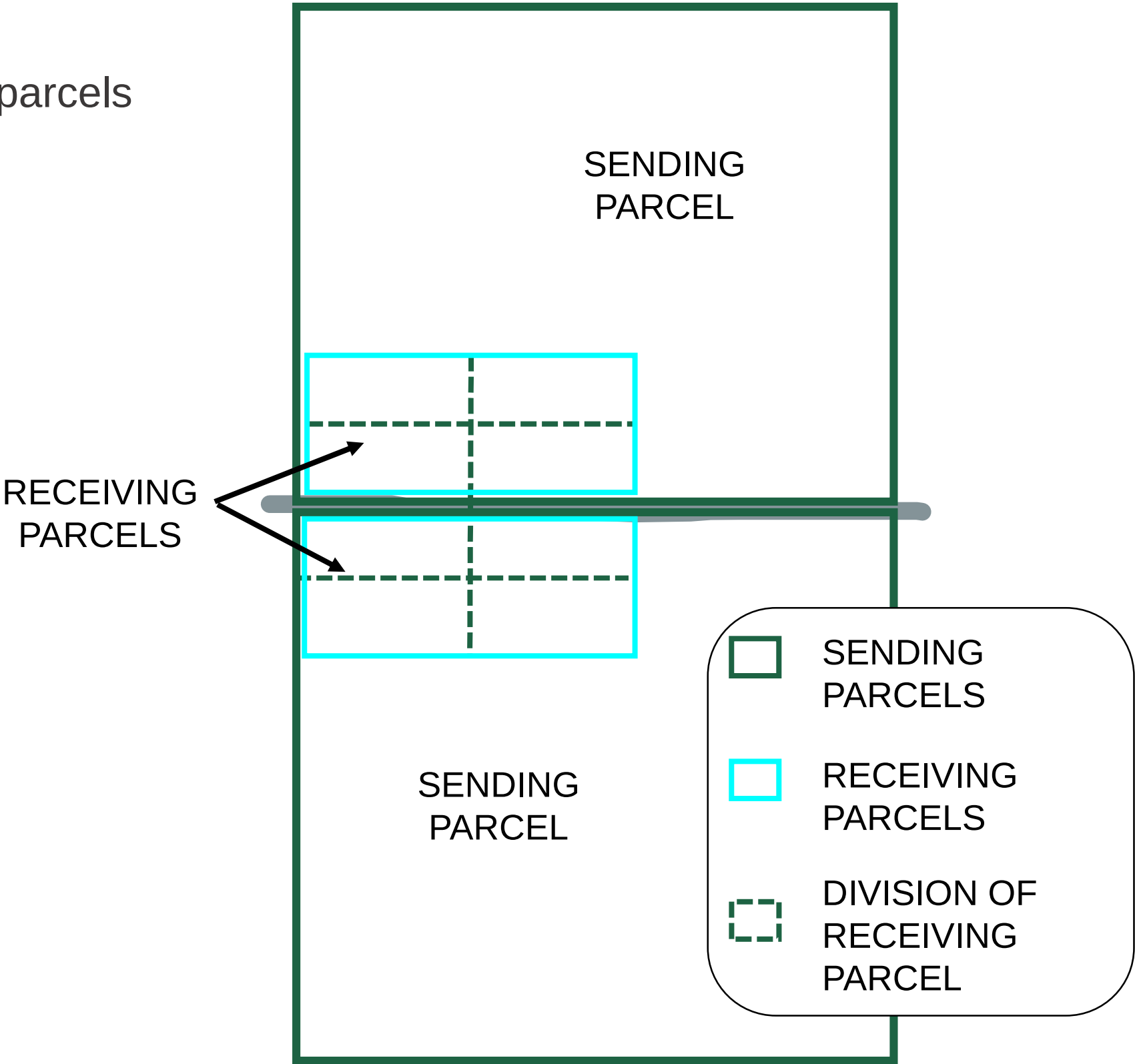
- Nearby residents have expressed complaints related to the following agricultural activities:
 - Excessive dust
 - Sprinklers discharging water onto roadways
 - Flies from dairy farms and Confined Animal Feeding Operations (CAFOs)
 - Odors from manure and crop production
 - Slow-moving agricultural vehicles
 - Noise from farming equipment and activities
 - Lighting from nighttime agricultural work and illuminated agricultural buildings
- Residential complaints have led to restrictions on agricultural operations such as aerial spraying.
- Administrative land divisions within intensive agricultural areas can lead to significant property owner opposition for intensive agricultural operations like Confined Animal Feeding Operations (CAFOs), further restricting the limited areas where they can be placed.
- Administrative land divisions are not required to consider impacts to agricultural operations.

BUILDING PERMIT TRANSFER

Canyon County allows for residential building permits to be transferred between contiguous parcels in an Agricultural zone for the purpose of clustering structures or for more effective farming.

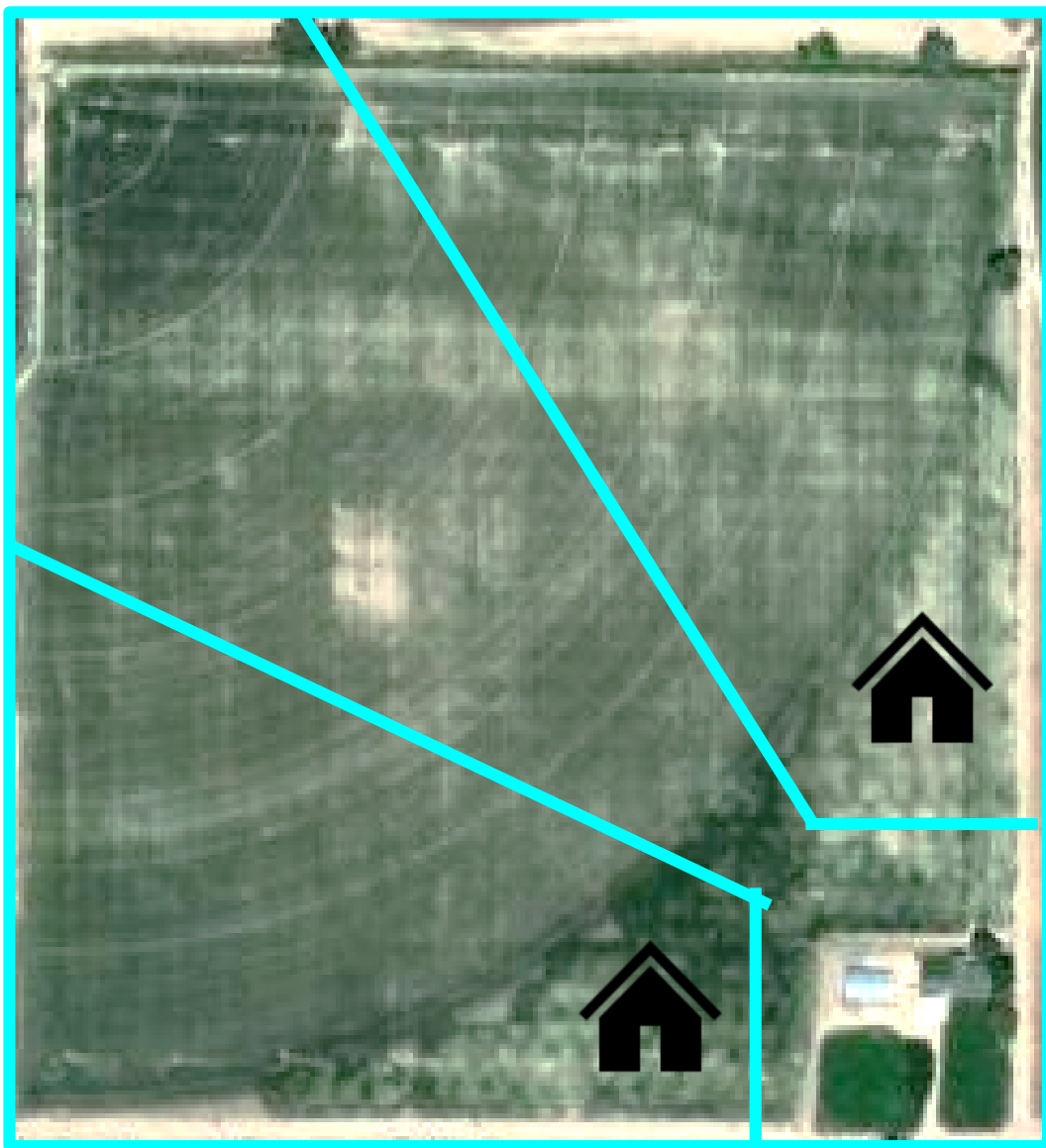
CONCERNS

- Allows for subdivision like developments in agriculturally zoned areas that are planned for agricultural uses in the comprehensive plan.
- Can be used to support additional development in agricultural areas.
- Lack of agency review and comment can result in issues related to fire risk, access, and services.
- Current code restricts destination/receiving parcel to a total of four (4) parcels.



CLUSTERING RESIDENCES TO PRESERVE AGRICULTURE

Placing residential properties closer together through administrative land divisions can help preserve agricultural land. Canyon County does not require clustering of residences.



Note: Illustrative Only

Should Canyon County regulate where building permits be located to preserve agriculture?

YES

NO

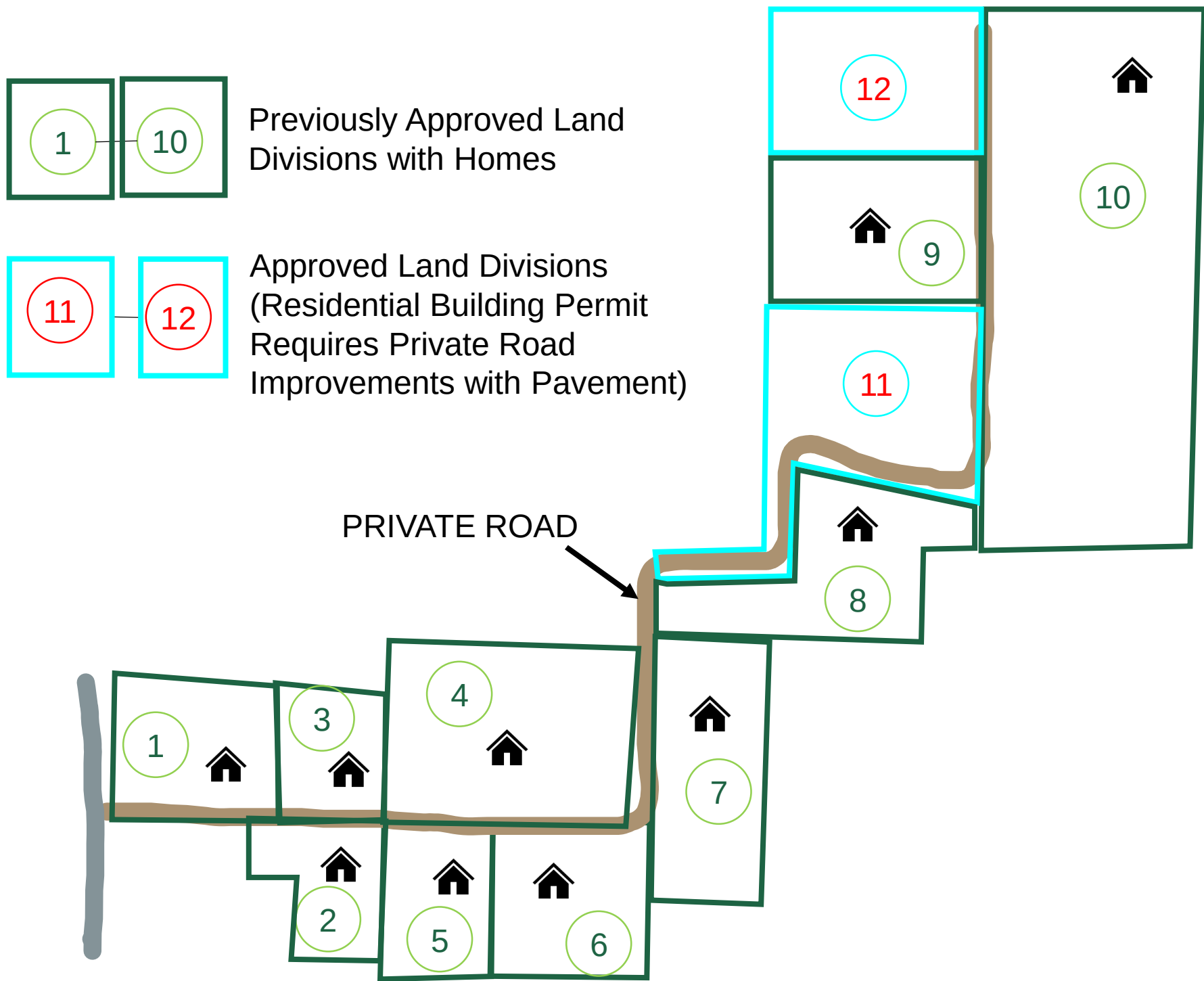
UNSURE



ADMINISTRATIVE LAND DIVISION IMPACTS

PRIVATE ROADS

Canyon County does not require private road construction, irrigation or other improvements at the time of land division, instead they are addressed with building permits. Paving is required after 10 residences access a private road.



CONCERNS

- 1. Potential buyers of 11 & 12 may be unaware that they are responsible for upgrading the entire private road before building permits can be issued.
- 2. Road connectivity and placement are not always adequately planned, leading to confusion for emergency services and visitors, insufficient turn-around areas, and challenges for long-term community development.
- 3. When multiple administrative land divisions occur in close proximity, they can resemble a formal subdivision but often lack the oversight and regulatory requirements typically enforced by reviewing agencies. This absence of review can result in future complications for property owners-including unclear easements, inadequate septic planning, limited access, and delayed emergency service response.

Should private road improvements be made when the land is divided?

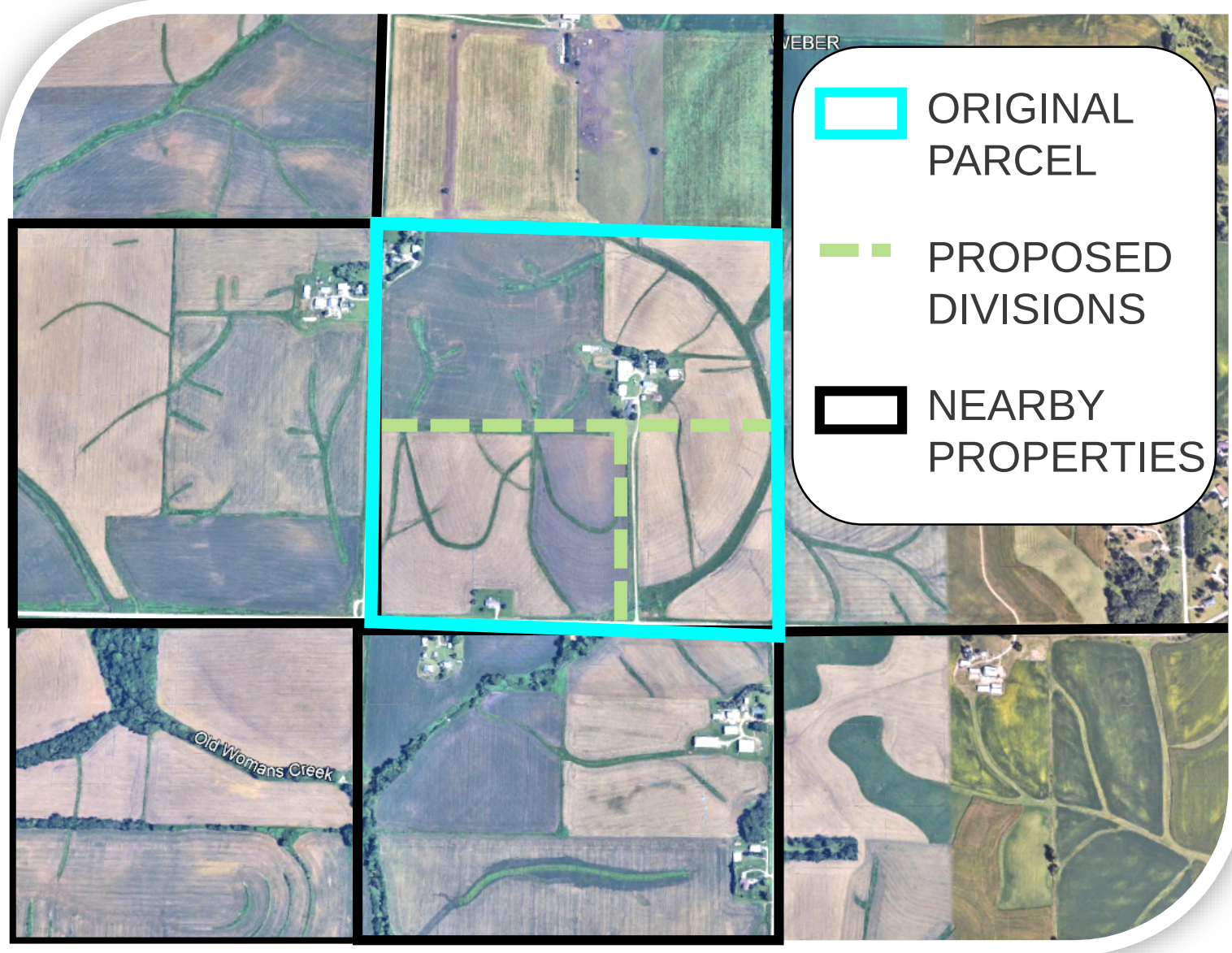
YES

NO

UNSURE

NOTIFICATION OF NEARBY PROPERTY OWNERS & AGENCIES

Canyon County does not require notification of nearby property owners of administrative land divisions. Highway and Fire Districts are the only agencies notified.



CONCERNS

- 1. Conflicts with neighboring property owners often surface after land divisions have occurred. Notification in advance could allow for mitigation.
- 2. Irrigation Districts are not notified and irrigation plans are not required-potentially leading to future issues with water rights, delivery, and access for property owners.
- 3. Canyon County Emergency Services are not notified of administrative land divisions, and EMS response times are not factored into the process. Although fire districts receive notification, they lack the authority to deny divisions based on extended response times.
- 4. Multiple administrative land divisions in an area can lead to traffic impacts.

Should nearby property owners be notified?

YES

NO

UNSURE

Should additional agency notification and review be required?

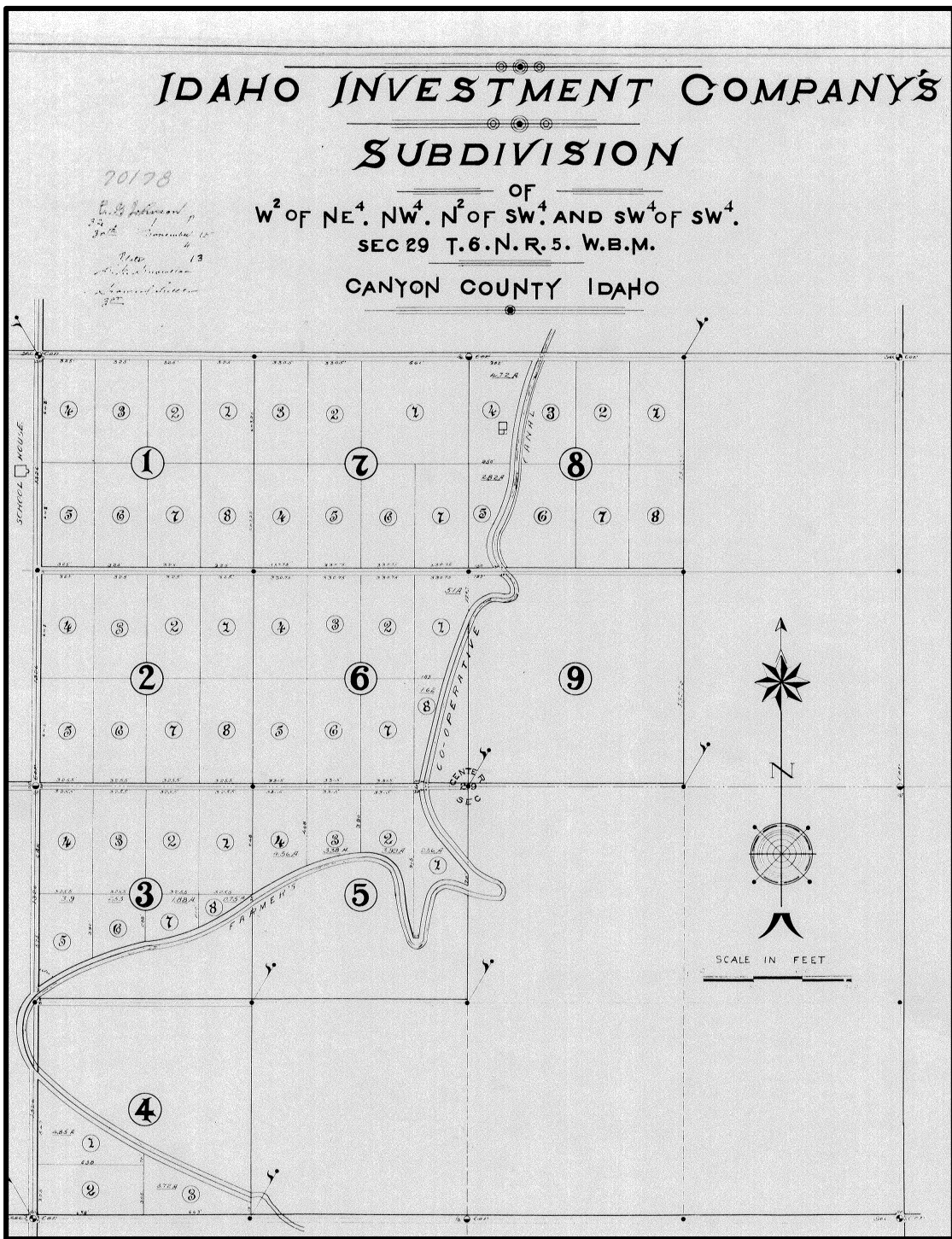
YES

NO

UNSURE

PRE-1979 SUBDIVISION PLATS

Canyon County allows land divisions to occur on each original pre-1979 subdivision lot. Many early subdivisions plats include smaller (¼ acre-5 acre) lots.



CONCERNS

- 1. Many original pre-1979 subdivision lots have been split into two parcels, resulting in larger residential developments than originally intended. This expansion may strain road infrastructure and other public services.
- 2. Land divisions frequently take place in areas not designated for development in the Comprehensive Plan, resulting in unintended impacts on agricultural land.
- 3. Canyon County lacks updated standards for older subdivision plats, placing the responsibility for infrastructure improvements on property owners at the time building permits are issued.
- 4. Land divisions can establish a precedent for development in areas designated for agriculture under the Comprehensive Plan.



2025 LAND DIVISION PROJECT TIMELINE

Winter 2024/2025

CONCERNS IDENTIFIED

Lack of clarity for staff, applicants, and community

APRIL

RESEARCH

Canyon County Code history, policies, impacts, and approaches taken in other Idaho counties

MAY-JUNE

PUBLIC ENGAGEMENT PLANNING

Survey, Website

JULY

SURVEY

Survey Distributed

AUGUST

OPEN HOUSE

Gain better understanding of community needs

SEPTEMBER

REVIEW & IDENTIFY NEXT STEPS

Public input from survey, open house, research

FALL 2025

ORDINANCE

If changes are warranted, a draft ordinance will be prepared

WINTER 2025/2026

PUBLIC HEARINGS

Bring proposed ordinance modifications to Planning and Zoning Commission and Board of County Commissioners

PROPOSED CHANGES TO CHAPTER 7 ARTICLES 2, 10, 12, AND 18 WITH EXPLANATIONS ON THE RATIONALE BEHIND EACH CODE ADDITION, CHANGE, OR REPEAL. THE EXPLANATIONS ARE HIGHLIGHTED IN YELLOW.

1. AGRICULTURAL ONLY PARCEL: A parcel zoned agricultural that is restricted to agricultural uses created through the administrative land division process as outlined in CCCO §07-18.
 - a. Currently, CCCO §07-18-07(B) states: "An additional parcel designated as agricultural only and at least five (5) acres in size may be created in accordance with this article and subject regulations in accordance with article 10 of this chapter." This definition along with the proposed allowed uses and standards in CCCO §07-10-27 and CCCO §07-12 brings clarity to what constitutes an agricultural-only parcel for the public.
2. ALIQUOT PARTS: A unit of measurement within the Public Land Survey System. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.
 - a. Aliquot parts are often used to describe unplatted parcels in Canyon County as it is a short-hand way to measure large acreage properties located in a section. This definition outlines what constitutes an aliquot part.
3. BUILDABLE: A property that is eligible for a building permit exclusive of accessory structures, accessory buildings and remodels, repairs, or reconstruction to the original building and which is not encumbered by an easement, plat note, or other restriction that prohibits building on the property.
 - a. Buildable is a term used by planners to describe a parcel that is eligible for a building permit subject to following all applicable requirements. This definition along with the proposed standards in CCCO §07-12 brings clarity to what makes a parcel buildable
4. COMPLETE LEGAL DESCRIPTION: A precise, formal written statement that defines the exact boundaries and location of a property in a deed inclusive of section, township, and range. The legal description may include different methods of legal descriptions, such as metes and bounds, aliquot parts, or rods and chains.
 - a. To determine what constitutes an original parcel, planners often look at deeds dated prior to or on September 6, 1979 to review how a property was described. If the property is described under one complete legal description as described in this definition, it is determined to be an original parcel. This definition brings clarity to the way in which planners determine an original parcel.
5. CONCEPTUAL PLAN: The draft layout of proposed use or division of a property including but not limited to estimated acreage of proposed properties, proposed and/or current accesses and easements, locations of septic tanks and wells, identification of buildings and fences, and irrigation facilities on site.
 - a. The current administrative land division code requires a site plan to be turned in at the time of application. The current definition of a site plan requires the plan to be detailed and drawn to scale. Historically, the site plans turned in with administrative land division applications have not been to scale or as detailed as

the current definition of site plan describes. Therefore, staff is proposing a conceptual plan with a more general layout with pertinent information be included with the administrative land division application as described in the definition.

6. CONTIGUOUS: Next to, abutting, or touching and having a boundary, or portion thereof.
 - a. In CCCO §07-18-09, contiguous parcels are discussed, but no definition is found in CCCO §07-02-03. Therefore, this definition is proposed to be added to be clear what constitutes contiguous parcels.
7. COUNTY CODE: Canyon County Code of Ordinances (CCCO) as adopted by the Board of Canyon County Commissioners. In addition, for purposes of this chapter, county code when referenced herein includes all ordinances, policies, resolutions, standards, manuals, rules and regulations as amended, revised, compiled, and adopted by the board and shall be, and the same hereby are, adopted and incorporated by reference herein.
 - a. Canyon County Code is referenced many times in Chapter 7, so staff believes it would be important to add this definition to be clear what all is entailed when code refers to "County Code".
8. HISTORIC LOT: Any single (or portion) of a recorded platted lot that was of record, a legal lot before September 6, 1979, and has not had subsequent boundary changes (unless approved through applicable Canyon County Zoning processes) but that may not meet a minimum width and minimum size permitted by this chapter.
 - a. Prior to Canyon County's originality date for its Zoning Ordinance (September 6, 1979), subdivisions were created from the late 1800s to 1979. This definition outlines what constitutes a lot in a subdivision prior to 1979 and that it may not meet current requirements, but if it has not been altered (unless with Canyon County's approval) it is considered a buildable lot.
 - b. It is important to note that historic lot divisions are currently allowed per CCCO §07-18. The current proposal is to only allow divisions of historic lots through the subdivision process as the subdivisions at the time were not planned for potentially double the lots, public right-of-ways have sometimes not been built out to provide access to the lots, and sewer and water requirements may be difficult to meet. The subdivision process is more
9. LEGAL ACCESS: Legal access is the lawful right to enter and exit a property via:
 - (1) A public road that meets the jurisdictional highway district, Idaho Transportation Department, or city access requirements; or
 - (2) A recorded ingress and egress easement that meets Canyon County private road and driveway requirements across another person's property.
 - a. Legal access is discussed in different code sections of the Zoning Ordinance (such as the administrative land division, rezone, and conditional use permit sections of code) and is one of the proposed standards for being constituted a buildable property but is not currently defined. This definition gives clear expectations of what constitutes legal access for the public so they can be

prepared when applying for any of Canyon County's land use applications or applying for a building permit.

10. NON-BUILDABLE:

- (1) A property that is not eligible for a building permit.
- (2) A property that is encumbered by an easement, plat note, or other restriction that prohibits building on the property.
- (3) A property that is not individually described in a deed and that does not meet the definition of parcel or original parcel.
- (4) A property that was created illegally.
 - a. Canyon County contains properties that cannot be built upon due to few different situations as outlined in the proposed definition criteria. This definition clarifies what constitutes a non-buildable parcel and what situations planners find them in, so it is clear why a property may be designated as "non-buildable."

11. PROPERTY: An area of land that includes more specific terms such as lots, historic lots, parcels, and tract of land.

- a. Canyon County does not currently have a definition that refers to parcels, lots, and historical lots. The term "property" has been proposed to refer to all three so when code applies to all the lots, historic lots, and parcels in Canyon County, this term can be used.

The following definitions in Chapter 07, Article 02, Section 03, DEFINITIONS ENUMERATED are hereby amended as follows:

1. ~~ALIQUOT: The length of one side of a quarter-quarter section (1/16). The one-sixteenth (1/16) section contains forty (40) acres, more or less.~~
 - a. Aliquot parts are often used to describe unplatted parcels in Canyon County as it is a short-hand way to measure large acreage properties located in a section. The current definition restricts aliquot to only 40-acre increments, when actually legal descriptions using aliquot parts can describe parcels that are various sizes, such as 80-acre, 20-acre, or 160-acre parcels. Staff is proposing to take this definition out and replace it with aliquot parts to be inclusive on how aliquot parts are used in legal descriptions
2. ~~LOT: See definition of parcel. A property described by lot and block that has been platted as a portion of a subdivision recorded after September 6, 1979.~~
 - a. This definition narrows the current definition to only refer to lots within a platted subdivisions so there is clarity on the difference between platted and unplatted parcels for the public. Additionally, the originality date was added to this definition, as staff is also proposing a definition of a "historic lots" which is also differentiated by this date.
 - b. A government lot is a piece of unplatted property in a section that is either a little over or under a quarter of a quarter (40-acres) when Bureau of Land Management (BLM) surveyed Canyon County many years ago. There has been a historic interpretation in Canyon County's Development Services Department to refer to government lots as "lots" rather than parcels which has allowed them to be considered separate original parcels (even when they have not been described as a separate parcel) and gain more administrative land divisions than other properties. Staff finds this inconsistency is arbitrary and capricious and has led to certain property owners with the same amount of acreage as those with government lots and not gaining the same number of administrative land divisions. Therefore, this definition effectively ends the historical interpretation that government lots are always separate original parcels and only refers to them as unplatted parcels.
3. ~~PARCEL: A tract of land described by metes and bounds, chains, rods or aliquot parts or by lot and block. Land that is described by metes and bounds that includes all or parts of multiple, preexisting parcels or portions of platted lots, all of which are not separately defined or labeled as separate parcels or lots, shall be considered one parcel. An unplatted property that was created legally and is on a single deed, including:~~
 - (1) Properties that adjusted property boundaries that met the zoning requirements in effect at the time of the adjustment.
 - (2) Properties that met the zoning requirement in effect at the time they were created but were reduced in area and divided due to government action by Canyon County, a municipality within Canyon County, a local highway district, Idaho Transportation Department, utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, State, or Federal agency.

- (3) When a single deed describes multiple properties, an individual property will only be considered a separate parcel if it has a complete legal description that clearly labels it as a separate parcel.
- a. At its basis, a parcel is an unplatted piece of property created legally on one single deed under a complete legal description (see proposed definition of complete legal description), which is what this definition outlines. Sometimes multiple parcels are described on one deed, but currently Canyon County only recognizes them as separate parcels when they are under separate complete legal descriptions or labeled separately (such as Parcel 1 and Parcel 2). This proposed definition change also includes that a parcel that completed a property boundary adjustment that met the zoning requirements at the time it was done or if a parcel was reduced in an area by a municipality (like public of way being bought up by a highway district), does not affect its legality.
4. ~~ORIGINAL PARCEL: A parcel of platted or unplatted land as it existed on September 6, 1979 (the effective date of the Zoning Ordinance 79-008), including any property boundary adjustments as defined in this chapter and any reduction in area due to creating a parcel for the exclusive use by Canyon County, a municipality within Canyon County, a local highway district, Idaho Transportation Department, utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, State, or Federal agency. A parcel as herein defined that existed on September 6, 1979 (the effective date of the Zoning Ordinance 79-0008) as evidenced by the most recent deed prior to or on September 6, 1979.~~
- a. Original parcels are unplatted parcels (as described in the parcel definition) that are described in a deed with a complete legal description that dates back to before or on September 6, 1979. This definition corresponds to how planners review if a parcel is an original parcel, so this process is clear and transparent for the public. This date corresponds to when Canyon County's Zoning Ordinance came into effect and determines the number of administrative land divisions an original parcel can have.

Exhibit B - Explanation of Code Changes for 07-02, 07-10, 07-12, and 07-18

07-10-27: LAND USE REGULATIONS (MATRIX):

This section lists uses within each land use zone: allowed uses (A), permitted uses through a conditional use permit (C), Director administrative decision (D), not applicable because covered by different use/section (n/a), or prohibited (-).

ZONING AND LAND USE MATRIX

Zoning Classification	A	R-	R-	R-	C-	C-	M-	M-	MU-
		R	1	2	1	2	1	2	A
Zoning Classification	A	R-	R-	R-	C-	C-	M-	M-	MU-
		R	1	2	1	2	1	2	A
Accessory uses and/or structures to a permitted use	D	D	D	D	D	D	D	D	D
Accessory uses and/or structures to allowed use	A	A	A	A	A	A	A	A	A
Agricultural research facility	A	-	-	-	-	-	A	A	A
Agriculturally related activities ⁴	A	C	-	-	-	-	-	-	-
Agriculture, except those animal uses with more restrictive provisions within this article and all other uses specifically listed in other zones ^{1,4}	A	A	A	A	-	-	A	A	A
Airpark	C	C	-	-	-	-	C	C	-
Airport	C	-	-	-	-	-	C	-	-
Airstrip excepting intermittent use	C	C	-	-	-	-	-	-	-
Amusement park, theme park or commercial racetrack	C	-	-	-	-	C	-	-	C
Animal cremation service	C	-	-	-	-	-	A	A	-
Animal facility (large): bird farm, calf raising operation, dairy, feedlot, and swine farm ^{1,4}	C	-	-	-	-	-	C	C	-
Animal facility (small) on 5 acres or more ^{1,4}	A	A	C	-	-	-	A	A	A
Animal facility (small) on less than 5 acres ⁴	C	C	C	-	-	-	A	A	A
Animal hospital	C	C	-	-	A	A	A	A	A
Animals are allowed as long as it is not an animal facility or CAFO ^{1,4}	A	A	A	A	A	A	A	-	A
Arena (commercial)	C	C	-	-	C	A	A	-	A
Assisted care facility	D	D	D	D	A	A	-	-	A
Auction establishment	C	-	-	-	-	C	A	A	C
Batch plants	C	-	-	-	-	-	A	A	-

Exhibit B - Explanation of Code Changes for 07-02, 07-10, 07-12, and 07-18

Bed and breakfast (with employees)	D	D	D	D	-	-	-	-	-
Bed and breakfast (without employees)	A	A	A	A	-	-	-	-	-
Bulk storage as an accessory use of any flammable liquid above or below ground	-	-	-	-	-	-	A	A	-
Bulk storage for wholesale distribution of any flammable liquid above or below ground	-	-	-	-	-	-	C	A	-
CAFO ⁴	C	-	-	-	-	-	C	C	-
Caretaker residence	C	-	-	-	A	A	A	A	A
Cemetery	C	C	-	-	-	-	-	-	-
Church	C	C	C	C	A	A	A	-	-
Clinics or hospitals	-	-	-	-	A	A	-	-	A
Commercial and private off street parking facilities for vehicles	-	-	-	-	-	A	A	A	A
Contractor shop	C	-	-	-	C	A	A	A	A
Daycare facilities:									
Family daycare home (1 - 6 children)	A	A	A	A	A	A	-	-	A
Group daycare facility (7 - 12 children)	D	D	D	D	A	A	-	-	A
Daycare center (13+ children)	-	-	-	-	A	A	-	-	A
Drive-in theater	C	-	-	-	-	-	-	-	-
Equipment rentals (outdoor) ²	-	-	-	-	A	A	A	A	A
Ethanol plant	C	-	-	-	-	-	C	A	-
Farm implement sales or service, farm supply sales	C	-	-	-	A	A	A	A	A
Fertilizer processing facility	C	-	-	-	-	-	A	A	-
Firewood sales	D	C	-	-	D	A	A	A	-
Fireworks sales	-	-	-	-	A	A	A	A	A
Food processing facility	C	-	-	-	-	-	A	A	-
Golf course	C	A	-	-	-	-	-	-	-
Group home	C	C	C	C	C	C	-	-	C
Home business	D	D	D	D	-	-	-	-	-
Home occupations	A	A	A	A	-	-	-	-	-
Impound yard ²	-	-	-	-	-	-	A	A	-
Indoor recreation	-	-	-	-	A	A	A	-	A
Junkyards and vehicle wrecking yards ²	-	-	-	-	-	-	-	A	-
Kennel	C	C	C	C	C	C	A	A	C
Landscape business	A	-	-	-	A	A	A	-	C

Exhibit B - Explanation of Code Changes for 07-02, 07-10, 07-12, and 07-18

Light manufacturing, assembly, testing and/or packaging facilities	-	-	-	-	-	-	A	A	A
Lumberyard	-	-	-	-	-	A	A	A	-
Manufacturing, assembling, fabricating, processing, packing, repairing, or storage uses	-	-	-	-	-	-	A	A	A
Manufacturing or processing of hazardous chemicals or gases	-	-	-	-	-	-	-	C	-
Mineral extraction (long term)	C	-	-	-	-	-	A	A	-
Mineral extraction (short term) ³	D	D	D	D	-	-	A	A	D
Ministorage and/or RV storage facility	-	-	-	-	C	A	A	A	C
Mobile or manufactured home sales	-	-	-	-	-	C	A	A	C
Mortuaries, cremation, and funeral home	-	-	-	-	A	A	A	-	A
Multi-family dwellings limited to not more than 8 units per lot	-	-	-	C	-	-	-	-	A
Multi-family dwellings limited to not more than 4 units per lot	-	-	-	A	-	-	-	-	-
Museum	C	-	-	-	A	A	A	-	A
Nursery	A	A	-	-	A	A	A	A	A
Nursery (retail/wholesale)	C	C	-	-	A	A	A	A	A
Outdoor sales or displays (accessory to allowed use)	A	-	-	-	A	A	A	A	A
PUDs	-	C	C	C	C	C	C	C	C
Private roads and driveways serving 2 properties	D	D	D	D	D	D	D	D	D
Private tower with antenna	A	A	D	D	A	A	A	A	A
Public service agency telecommunication facilities 75 feet or greater	D	D	D	D	D	D	D	D	D
Public uses and quasi-public uses	C	C	C	C	A	A	A	A	A
Quasi-public uses (temporary)	D	D	D	D	-	-	-	-	-
Radio, television and broadcasting stations	-	-	-	-	A	A	A	A	A
Recreational vehicle (RV) park	C	-	-	-	C	A	-	-	C
Refinery	-	-	-	-	-	-	-	A	-
Rehabilitation of manufactured/mobile homes ²	-	-	-	-	-	-	A	A	-
Rendering plant	-	-	-	-	-	-	C	A	-

Exhibit B - Explanation of Code Changes for 07-02, 07-10, 07-12, and 07-18

Retail stores, personal service shops, banks, offices, hotels, motels, microbrewery, and restaurants	-	-	-	-	A	A	A	-	A
Sale (commercial) of hay, grain, seed and related supplies	C	-	-	-	-	A	A	A	A
Sale of heavy building materials and machinery	-	-	-	-	-	A	A	A	A
Sale of salvage goods ²	-	-	-	-	-	-	A	A	-
Sanitary landfill	C	-	-	-	-	-	-	-	-
School (public or private)	C	C	C	C	A	A	A	A	A
School (vocational or trade)	C	-	-	-	-	A	A	A	A
Seasonal activities	A	A	-	-	A	A	-	-	A
Secondary residence	A	A	A	C	-	-	-	-	-
Shooting range (indoor)	C	-	-	-	-	A	A	A	A
Shooting range (outdoor)	C	-	-	-	-	-	-	-	-
Similar uses to a conditional use	C	C	C	C	C	C	C	C	C
Similar uses to allowed use	A	A	A	A	A	A	A	A	A
Single-family dwelling, 1 per lot or parcel unless otherwise provided in this chapter	A	A	A	-	-	-	-	-	-
Single-family dwellings, but not more than 2 such dwellings per lot or parcel unless otherwise provided for in this chapter	-	-	-	A	-	-	-	-	-
Slaughterhouse	C	-	-	-	-	-	C	A	-
Small wind energy systems	D	D	D	D	D	D	D	D	D
Special events facility	C	-	-	-	A	A	-	-	A
Staging area	C	-	-	-	A	A	A	A	A
Tannery	-	-	-	-	-	-	-	A	-
Taverns, lounges, or wine bars	-	-	-	-	C	C	C	-	C
Telecommunication facility	C	C	C	C	C	C	A	A	C
Temporary uses	D	D	D	D	-	-	-	-	-
Theater	-	-	-	-	C	A	A	-	A
Transit or trucking terminal and/or service facility	-	-	-	-	-	C	A	A	C
Utility distribution system	A	A	A	A	A	A	A	A	A
Utility facility	D	D	D	D	A	A	A	A	A
Vehicle fueling station with convenience store	-	-	-	-	C	A	A	A	C
Vehicle sales lot	-	-	-	-	-	A	A	-	A
Vehicle service facility	-	-	-	-	C	A	A	A	A

Exhibit B - Explanation of Code Changes for 07-02, 07-10, 07-12, and 07-18

Warehousing, wholesaling and distribution facilities	-	-	-	-	-	C	A	A	C
Water infiltration	C	-	-	-	-	-	C	C	-
Wind farm	C	-	-	-	-	-	C	C	-
Winery, distillery, brewery	D	-	-	-	-	-	A	A	C
Yard/garage sales (associated with any residential uses)	A	A	A	A	-	-	-	-	-
Zoo	C	-	-	-	-	-	C	-	-

Notes:

1. See confined animal feeding operation (CAFO), chapter 8 of this Code.
2. With a sight obscuring fence (see section 07-02-03: of this chapter).
3. In accordance with subsection 07-14-17(6) of this chapter.
4. These are the only uses allowed on agricultural-only parcels as defined in section 07-02-03 and referenced in section 07-12 and 07-18 or parcels created as an as an exception code in the subdivision code per section 07-17-03(3)A. All other uses are prohibited.

- The proposed additions to the land use matrix provides clarity on what types of uses are allowed on agricultural-only parcels that are supposed to only support agricultural uses. Staff is proposing to restrict the uses on agricultural-only parcels to the following uses: agriculture, agriculturally related activities, small animal facilities on 5 more acres, large animal facility, and confined animal feeding operations (CAFOS). These proposed restricted uses appear to align most closely with bona fide agricultural uses.

07-12-01: PROVISIONS FOR CERTIFICATE OF ZONING COMPLIANCE:

(1) ~~Certificate Of Zoning Compliance: A certificate of zoning compliance is required for all structures requiring a building permit, and for agricultural structures exempt from the requirement to obtain a building permit. A certificate of zoning compliance is required prior to construction for all structures requiring a building permit, and for agricultural structures as defined in CCCO §06-01-07. An application for a certificate of zoning compliance shall be on a form approved by the director. The application certificate shall be filed with the DSD and accompanied by a filing fee as established by the adopted fee schedule. issued by the director.~~

- A. For structures requiring a building permit, the subject property must be buildable as herein defined and must meet the following standards as determined by the director or their designee:
1. The subject property must have been legally created in one of the following methods:
 - (A) A lot in a subdivision
 - (B) A historic lot.
 - (C) A parcel created through an administrative land division process per section 07-18.
 - (D) An original parcel having a complete legal description as herein defined.
 2. The subject property is not encumbered by an easement, plat note, or other restriction that prohibits building on the property.
 3. The subject property is not an agricultural only parcel as herein defined
 4. The subject property is not non-buildable as herein defined.
- B. For structures requiring a building permit, the subject property must be buildable as herein defined and must meet the following standards as verified by the applicant:
1. The subject property has legal access as herein defined.
 2. The subject property has an eligible sewer or septic system as dictated by Southwest District Health or the appropriate city.
 3. The subject property has received fire district approval (if applicable).
 4. The subject property has a potable water source.
 5. The subject property has an electrical power source.
- C. For agricultural-exempt structures, the subject property must meet the following standards:
1. The subject property must have been legally created in one of the following methods:
 - (A) A lot in a subdivision
 - (B) A historic lot.
 - (C) A parcel created through an administrative land division process per section 07-18 or as an exception code in the subdivision code per section 07-17-03(3)A.
 1. This includes buildable parcels or agricultural-only parcels. Agricultural only parcels are only allowed agricultural exempt buildings devoted to the agricultural uses on site and no residential, commercial, or accessory structures may be built on the parcel. See CCCO §07-10-27 (Land Use Matrix) for conditional permitted uses for agricultural only parcels.
 - (D) An original parcel having a complete legal description.
 5. The subject property is not encumbered by an easement, plat note, or other restriction that prohibits building on the property.

6. The subject property is not non-buildable as herein defined.

D. For agricultural-exempt structures, the subject property must meet the following standards as verified by the property owner:

1. The subject property has an adequate sewer or septic system as dictated by Southwest District Health or the appropriate city (if applicable).

~~(2) Illuminated Address Numbers: Address numbers for dwellings shall be illuminated for emergency services prior to issuance of a certificate of occupancy.~~

~~(3) Division Of Land: No certificate of zoning compliance for a new dwelling shall be issued until the subject property, if divided, has been divided according to county ordinances and has access as required in section 07-10-03: of this chapter. However, an existing dwelling located on a parcel of land that was not divided in accordance with county ordinance provisions for the division of land may be rebuilt or replaced.~~

~~(42) Hazardous Material Storage: The storage of any hazardous materials, as defined by title 40 of CFR part 261, shall require a list of those materials to be submitted to the Canyon County sheriff's office, the Canyon County paramedics, DSD, and the applicable fire district, prior to issuance of a certificate of zoning compliance.~~

~~(53) Expiration Of Certificate Of Zoning Compliance: A certificate of zoning compliance is valid as long as the building permit for the applied-for structure is valid. For agricultural structures exempt from the requirement to obtain a building permit, a certificate of zoning compliance expires upon failure to obtain a setback inspection and final inspection within one hundred eighty (180) calendar days from the date of issuance of the certificate of zoning compliance.~~

- Explanation of Proposed Code Changes for CCCO §07-12: Currently, when an applicant applies for a building permit, a zoning compliance certificated is created at the same time. The zoning compliance form is used to verify that the parcel has been legally created, is in compliance with code, does not have any restrictions on building (such as the parcel is agricultural-only or has many easements on the property that restricts building on the property). Additionally, the property must have legal access, have fire district sign off if the parcel is under 5-acres, and have sewer, water, and an electrical available to be able to build on site. This is not required to be evidenced with the zoning compliance form but is something the property owners must verify to make sure building is feasible on the property. Overall, the proposed changes adds standards to what constitutes a buildable, legal parcel and also instances when a building permit cannot be issued so this is clear and transparent for the public
- Additionally, a different section for agricultural buildings was added as they can be built on agricultural-only structures in support of agricultural uses as well as buildable parcels. Also, the availability of sewer should be verified by the property owner if they are going to put in a bathroom or breakroom in the agricultural buildings and because there has been recently instances of agricultural buildings being proposed to be placed over drain fields.

07-18-01: PURPOSE:

The regulations of this article allow for the division of original parcels without being subject to the subdivision regulation as set forth in article 17 of this chapter.

07-18-03: APPLICABILITY:

(1) These regulations apply to:

A. ~~Parcels of land created prior to September 6, 1979.~~ Original parcels as defined in section 07-02-03.

- This addition is proposed to make sure the code is consistent when referring to original parcels.

07-18-05: APPLICATION AND PROCESS:

(1) The following shall be provided with all applications for land divisions pursuant to this Article:

A. Application;

B. Fees;

C. Site Conceptual plan showing ~~all lots~~ proposed division(s) and access locations;

- The current definition of a site plan requires the plan to be detailed and drawn to scale. Historically, the site plans turned in with an administrative land division application have not been to scale or as detailed as the current definition of site plan describes. Therefore, staff is proposing to change this section of code to match the current practice of allowing a conceptual plan with a more general layout with pertinent information with administrative land division applications

D. ~~An irrigation plan (if applicable) shall be provided with each application for an~~ irrigation system shared by more than one (1) property owner with the following information:

1. If irrigation water is provided by an irrigation district, documentation must be provided the water rights or shares exist. If the applicant is proposing irrigation from (a) domestic well(s), documentation must be provided from the irrigation district having jurisdiction that water rights or shares do not exist to show compliance with Idaho Code §67-6537.
2. The irrigation plan shall also include a draft water users maintenance agreement. The water user's maintenance agreement shall describe how access to the irrigation system will occur for property owners who do not live on site and the responsible parties for maintenance, including repairs, and necessary improvements for the proposed irrigation system. The waters users maintenance agreement must be recorded at the time of pre-approval of the decision.
3. If an irrigation system is shared by multiple parcels, an access and irrigation maintenance easement shall be included on the draft record of survey.

- Many applicants do not turn in irrigation plans with their administrative land division applications as it is only required if it is "applicable". Furthermore, if an irrigation plan is

turned in, the plans often lack detail because there are no certain standards. Staff is proposing that irrigation plans are required with all applications for proposed parcels that are going to share an irrigation system so this coordinated prior to new purchasers buying the property.

- Explanation of proposed standards:
 - o The first proposed standard is requiring verification of water rights through an irrigation district if the applicant is proposing to split water rights or shares or providing verification that water rights are not available through the irrigation district if the applicant is proposing irrigation through a domestic well. This is to make sure the property is in compliance with Idaho Code §67-6537 as it requires surface water rights/water available be used prior to irrigating with a domestic well.
 - o The second proposed standard is requiring a draft water users maintenance agreement be turned in at the administrative land division stage so it can be reviewed by the planner assigned to the case. If the agreement is sufficient, then the water users maintenance agreement shall be required to be recorded prior to pre-approval of the decision so the agreement is developed for future owners and no coordination needs to occur after individuals purchase the property.
 - o The third proposed standard is requiring that an irrigation maintenance agreement be added to the survey so once the parcel is divided, no owner has their access to the source of irrigation water cut off.

E. Proof that any required conditions of county approvals are met (if applicable)

F. Administrative Land Division Review from Highway District, Fire District, Southwest District Health, and Irrigation District: To provide the opportunity for the applicant to understand agency requirements for their proposed administrative land division(s) and coordinate/mitigate potential issues, comment letters from Southwest District Health and applicable Highway, Fire, and Irrigation Districts must be provided which outline the agencies' standards and requirements for the proposed administrative land division. Agency letters shall not be valid if the comment letters are 6 months or older or if the letters reference a different conceptual plan that does not correlate with the conceptual plan being submitted by the applicant.

- Currently, the administrative land division code states that Canyon County is to notice the appropriate local highway district and fire district. Staff is finding that individuals are not coordinating with the appropriate agencies prior to submitting their application, which sometimes slows down the process. Staff is proposing that rather than having DSD notice agencies, that the applicant must provide comment letters from highway district, fire district, Southwest District Health, and the irrigation district so the applicant has the opportunity to work out any potential issues before submittal and this will streamline the process as no 15-day agency noticing period will be required.

(2) ~~Parcels divided pursuant to this Chapter Article with slopes greater than fifteen percent (15%) shall not be disturbed without an engineered grading and drainage plan consistent with section 07-17-33(1)C.~~ submit an engineered preliminary grading and drainage plan which meets criteria found in section 07-17-33(C)1A-C and be approved by the County's engineer prior to building permit issuance for additional structures on the parcels created through the administrative land division process. An engineered final grading and drainage plan must be submitted which meets criteria found in section

07-17-33(C)1A-C and approved by the County's engineer prior to certificate of occupancy.

- The proposed changes match Canyon County's current process for parcels that contain slopes greater than 15%. If a parcel contains slopes with 15% or more, a condition is added that requires a preliminary grading and drainage plan to be submitted prior to building permit issuance. Once the preliminary plan is approved by the engineer, a final grading and drainage plan is turned to the County's engineer for final review and approval prior to issuing certificate of occupancy.

(3) The subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and this the zoning code (chapter 7 of this code) before the director can approve the application.

- This zoning code section was added to be more specific on which chapter this sentence is referring to.

(4) ~~Notification: of the application shall be provided to the applicable fire and highway districts and shall provide such districts a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.~~

- A. Notification of the application shall be provided by mail to the owners of parcels which are within six hundred feet (600') of the external boundaries of all subject parcels and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed administrative land division.
- B. Notification of the application may be provided to affected agencies for additional information and clarification. The affected agencies shall be provided a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.

- During public outreach, it was found that many members of the public would like to be noticed of all land divisions so they can provide feedback on the case. Neighbors within 600-feet may be able to give important information on potential background of the property (such as easements they shared with an owner) that may result in some potential changes that need to be made to the case. It is also important to note that unless the proposed administrative land division does not meet code, a large number of opposition letters cannot result in denial of the case.
- Staff is anticipating that there may be times that a comment letter provided by an agency may need further clarification or other agencies need to be notified outside of the four agencies that applicant is proposed to get comment letters from. This proposed section of code will allow for planners to reach out to agencies if additional information is needed to make findings for the case.

(5) Pre-approval of Decision: the following shall be provided within 180-days after receiving pre-approval of the site conceptual plan from the director:

- A. A draft Record of Survey with metes and bounds descriptions of all lots proposed parcels that shows access from each proposed parcel complies with the requirements of section 07-10-03: of this chapter, and that includes all

existing and ~~necessary~~ proposed easements; “Existing Easements” include but are not limited to access, utility, irrigation, and agricultural easements.

1. If a draft Record of Survey as described is not provided within 180-days, the application shall become null and void. The timeframe may be extended by the director prior to expiration of the pre-approval subject to demonstrating a need for a time extension.
 2. If the draft Record of Survey provided is not substantially similar to what is presented in the conceptual plan, the pre-approval issued for the decision may be considered void and additional noticing fees may apply. “Substantially similar” includes but is not limited to: the number of proposed parcels has not changed, the acreage sizes of the proposed parcels have not changed more than 10%, and the access is located in the same place.
 3. If the draft Record of Survey provided is substantially similar to the conceptual plan by the director, the Record of Survey shall be recorded. The instrument number or a copy of the recorded Record of Survey shall be provided to the director for inclusion in the decision.
- In Canyon County's current code, a recorded record of survey must be provided once gaining pre-approval of a case. However, there is no timeframe in code that outlines when a recorded record of survey must be provided to our department. This has resulted in lengthy timeframes between pre-approval and approval of a case, which is why the 180-day timeframe has been added.
 - Staff is also proposing that a draft record of survey be submitted after the applicant gets pre-approval from the County that shows access from reach proposed parcel and all existing and proposed easements. This allows the County to review the survey to make sure the survey is not substantially different than the conceptual plan submitted, access is provided to the proposed parcels, and easements that may impact building or development on site are included for future and current owners prior to recording the survey.

(6) Decision:

A. If the application meets the requirements of this section, the director may approve the division. The director may attach conditions to the approval if applicable.

B. If the request is approved, the director shall issue a ~~letter of approval~~ decision setting forth the details and requirements of the division.

C. If the request is approved, the signed director's decision shall be recorded at Canyon County's Recorder's Office by the applicant for the decision to be considered valid.

- This is currently part of Canyon County's process so title companies and future buyers can pull the decision that created the property. This proposed change will enumerate the process into code if adopted.

(7) Appeal by Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section 07-05-07 of this chapter.

(8) Required Language on Approvals: Language from the Idaho Right To Farm Act shall appear on administrative land division ~~approvals~~, decisions and on the recorded Record of Survey.

07-18-07: ADMINISTRATIVE DIVISION IN AGRICULTURAL ZONES:

(1) Purpose: The regulations of this section allow for a division of an original parcel in ~~an~~ the agricultural zone without being subject to the subdivision regulations as set forth in article 17 of this chapter.

(2) Standards: The proposed division of original parcels as defined in section 07-02-03 ~~created prior to September 6, 1979~~, shall be allowed in accordance with the following:

Less than 80 acres	1 division (2 residential <u>buildable</u> parcels*)
80 to 119 acres	2 divisions (3 residential <u>buildable</u> parcels*)
More than 119 acres	3 divisions (4 residential <u>buildable</u> parcels*)

*See Section 07-02-03 for definition of buildable and 07-12-01 for standards for buildable parcels.

A. The proposed parcels created ~~and its remnant~~ shall be at least one (1) acre in size.

- The first two changes are just code cleanup as the current code is repetitive.
- The term “residential parcels” is proposed to be changed to “buildable parcels” as when administrative land divisions are approved, it not only refers to allowing residential building permits for houses, but also other types of building (such as a commercial building permit for an agricultural research facility). The term “buildable” is more all-encompassing than “residential parcels.”
- It is also important that the amount of administrative land divisions per original parcel is NOT proposed to be changed based on the public's feedback.

B. An One (1) additional agricultural-only parcel as herein defined ~~designated as agricultural only and with~~ at least five (5) forty (40) acres in size may be created in accordance with this article, ~~and subject regulations in accordance with article 10 of this chapter.~~

(3) ~~Once an administrative land division has been approved in the agricultural zoning district, there shall be no other administrative land divisions from that land regardless of ownership of any of the land involved except as permitted by this Article.~~ Previously approved administrative land divisions in the agricultural zoning district may be amended to provide for divisions of the original parcel that were entitled pursuant to Chapter 7 Article 18 but not taken when the first division was approved.

- One (1) agricultural-only parcel is currently allowed to be created per original parcel through the administrative land division process as long as the parcel is at least 5-acres

in size. Staff is finding that parcels less than 40-acres in size are not well-suited to be agricultural-only parcels as individuals tend to want to build residences on them rather than just use them for agricultural-purposes, which is why the proposal is to increase the size of these types of parcels.

- Current code allows amendments to administrative land divisions, which is why the first sentence is being taken out. This means if a property owner does not take all of their allowed administrative land divisions, they can come back later and amend the decision to take those divisions.

07-18-09: ADMINISTRATIVE DIVISION OF NONVIALE PARCELS IN AN AGRICULTURAL ZONE:

~~—(1) Purpose: The director shall have the authority regarding the division of nonviable land within an "A" (Agricultural) zone, in whole or in part, where the result of the division limits negative impacts to adjacent agricultural uses.~~

~~—(2) Minimum Parcel: The proposed parcel created and its remnant shall be at least one (1) acre in size.~~

~~—(3) Application: The applicant shall submit to DSD an application for a director's administrative decision along with the appropriate fee, including requirements of Section 07-18-05 of this chapter. Submittal shall also include the following:~~

~~—A. Evidence demonstrating the land, in whole or in part, is nonviable for agricultural use; and~~

~~—B. Evidence demonstrating the result of the request will minimize potential negative impacts to adjacent agricultural uses.~~

~~—(4) Notifications: Upon acceptance of an application, DSD shall, by mail, provide notification of the proposed division to the owners of parcels which are contiguous to the subject parcel(s) and to the owners of parcels which are within six hundred feet (600') of the external boundaries of the subject parcel(s) and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed division. Notification of the application shall also be provided to the applicable fire and highway districts and shall provide such districts a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.~~

~~—(5) Evaluation and Determination of Application: The director shall evaluate each application on an individual basis and shall exercise discretion in determining whether or not to approve such an application with consideration given to each of the following requirements:~~

~~—A. The parcel(s) must be eligible for division; and~~

~~—B. The subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code) and the building code (chapter 6 of this code) before the director can approve the application; and~~

Exhibit B - Explanation of Code Changes for 07-02, 07-10, 07-12, and 07-18

~~— C. The parcel, in whole or in part, shall consist of land with site constraints and/or resource issues, such as lack of water, suitable soils, topography, land compatibility, lot size or configuration, that makes productive agricultural use extremely difficult; and~~

~~— D. The division shall not create a negative impact to surrounding agricultural uses. The director may include conditions of approval to mitigate potential negative impacts.~~

~~— (6) The applicant has the burden of proving that the application meets these requirements.~~

~~— A. Deliberate action to withhold agricultural land from productive use strictly to qualify for a land division pursuant to this section shall disqualify such land from treatment under this section.~~

~~— (7) Decision, Division of Nonviable Parcel:~~

~~— A. If the application meets the requirements of this section, the director may approve the division into fewer than five (5) parcels from the original parcel. The director may attach conditions to the approval which limits the division or use.~~

~~— B. If the request is approved, the director shall issue a letter of approval setting forth the details and requirements of the division.~~

~~— C. The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.~~

~~— (8) Appeal by Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section [07-05-07](#) of this chapter.~~

~~— (9) Onetime Only Division: Once a nonviable parcel in an agricultural zone has been approved, there shall be no other administrative land division from that land regardless of ownership of any of the land involved.~~

~~— (10) Required Language on Approvals: Language from the Idaho Right To Farm Act shall appear on administrative land division approvals.~~

~~(Ord. 22-071, 9-14-2022)~~

- Staff is recommending the removal of 07-18-09 to better align with the Canyon County 2030 Comprehensive Plan, as well as to better protect and support the private property rights of Canyon County Citizens. After researching other counties in Idaho, Canyon County is the only county in Idaho where this type of land division is available.
- Throughout the public outreach efforts, recurring themes include strong concern that nonviable land divisions fragment agricultural areas, introduce incompatible residential uses, and undermine farmers' ability to operate by increasing conflicts, traffic, and safety issues. Furthermore, staff found that the subjectivity of nonviability, as well as the wide variety of agricultural practices throughout Canyon County, creates challenging circumstances for applicants and staff in determining what constitutes nonviable farm ground. This challenge was reinforced by correspondence with the University of Idaho Canyon County Extension, where they noted the subjectivity of determining what is nonviable.

07-18-11: ADMINISTRATIVE DIVISION AND RELOCATION OF BUILDING PERMITS BETWEEN CONTIGUOUS PARCELS IN AN AGRICULTURAL ZONE:

(1) Purpose: The director shall have the authority to relocate available residential building permits between said contiguous buildable parcels for the purpose of clustering said residential building permits on a destination parcel.

(2) Minimum Parcel Size Or Lot Area:

A. The minimum parcel size or lot area of this section shall be one (1) acre.

B. One (1) additional agricultural-only parcel as defined in section 07-02-03 at least forty (40) acres in size may be created in accordance with this article.

~~—(3) Notifications: Upon acceptance of an application, DSD shall, by mail, provide notification of the proposed relocation to the owners of parcels which are contiguous to the destination parcel and to the owners of parcels which are within six hundred feet (600') of the external boundaries of the destination parcel and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed relocation.~~

- As stated above, available building permits for parcels created through an administrative land division are not always for residences. For example, this might include an agricultural research facility, which requires a commercial building permit rather than an residential building permit.
- This notification section has been proposed to be added to 07-18-05, which applies to all types of administrative land divisions, which is why this section is proposed to be taken out of the code.

(43) Evaluation And Determination Of Application: The director shall consider all comments that are received within the fifteen (15) day comment period prior to making a final decision concerning the relocation request. In considering comments, the director shall evaluate whether such comments articulate and demonstrate that the parcel is eligible for the relocation of building permits. The director shall evaluate each application on an individual basis and shall exercise discretion in determining whether or not to approve such an application with consideration given to each of the following requirements:

A. The originating and destination parcels must be contiguous as defined herein. "Contiguous" ~~means touching at a point or along a boundary, including also includes~~ parcels divided by railroad, public right of way, canal, ditch, river, or stream; and

B. The originating parcels must be eligible for an administrative land division under this article or be considered a buildable parcel with ~~have~~ a building permit available; and

C. The relocation may uses all or part of the originating parcel's available administrative land division(s) or building permit(s) and ~~no other administrative land division is available for the parcel;~~ and

- Staff is proposing a definition of contiguous which will be in 07-02-03, rather than this section of code. Additionally, staff is proposing that building permit transfers can be

amended so property owners are not restricted on moving around property lines or allowing additional division through this process.

D. The relocation must demonstrate at least one of the following:

1. Promotion of effective or efficient farming. If the applicant demonstrates that the relocation would create a more cost effective or efficient method of farming the originating parcels or make them more viable for the production of crops; or

2. Clustering of structures; Clustering of structures may be demonstrated by one or all of the following criteria:

a. The proposed division place all proposed parcels at a single access point. If already existing, the division shall be put at the existing access point. If a new access point is proposed, all proposed divisions shall be clustered at the same access point and

b. The proposed divisions shall be placed in such a way as not to affect the existing agricultural operations significantly.

c. The proposed divisions shall be on the edges or along the property line.

E. Deliberate action to withhold productive farm ground from production strictly in order to qualify for administrative relocation of building permits pursuant to this subsection shall disqualify such farm ground from treatment under this subsection.

(5) Approval, Division Of Destination Parcel:

A. The size, shape, and location of the destination parcel, as well as the parcels to which it will be divided into, shall be subject to the approval of the director.

B. If the application meets the requirements of this subsection, the director may approve the division of the destination parcel into no more than four (4) buildable parcels. The director may attach limiting conditions to the approval.

- If clustering is one of the criteria for building permit transfers, staff thought it to be important to add agricultural-only parcels in to allow for clustering of building permits while leaving an agricultural-only parcel to protect agricultural uses.

~~C~~D. If the request is approved, the director shall issue a letter of approval decision setting forth the details and requirements of the division including the size, shape, and location of the destination parcel.

~~D~~E. The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.

(6) Appeal By Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section [07-05-07](#) of this chapter.

~~(7) Onetime Only Division: Once an administrative land division has been approved, there shall be no other administrative land division from that land regardless of~~

ownership of any of the land involved. Previously approved administrative land divisions in the agricultural zoning district may be amended to provide for divisions of the original parcel that were entitled pursuant to Chapter 7 Article 18 but not taken when the first division was approved. For amendments, the applicant must provide evidence of how the code criteria the divisions were approved by are still being upheld.

- Staff is proposing that building permit transfers can be amended so property owners are not restricted on moving around property lines or allowing additional division through this process. Staff also finds that a building permit transfer decision has certain criteria it must meet, so if the property owner comes back to adjust their decision, they should be have to prove they are still meeting the building permit transfer criteria.

(98) Exceptions: If the land division does not qualify as an exception under the subdivision standards of subsection [07-17-03\(3\)](#) of this chapter, then all regulations of article 17 of this chapter shall apply.

07-18-13: ADMINISTRATIVE DIVISION IN ALL OTHER ZONES:

(1) Purpose: The regulations of this section allow for a division of an original parcel in a commercial, industrial, and residential zone without being subject to the subdivision regulations as set forth in article 17 of this chapter.

(2) ~~(An) administrative land division of an original parcel in a commercial, industrial, and residential zone is allowed in accordance with the following:~~ The proposed administrative land division(s) of original parcels in a commercial, industrial, or residential zone as defined herein, shall be allowed in accordance with the following:

A. Land may be divided into no more than four (4) buildable parcels through the administrative land division process unless further restricted by provisions in Chapter 9 - Areas Of City Impact.

B. The minimum parcel size ~~or lot area~~ shall be subject to the minimum lot size provisions of subsection 07-10-21(2) of this chapter.

C. Previously approved administrative land divisions in the commercial, industrial, and residential zoning districts may be amended to provide for divisions of the original parcel that were entitled pursuant to Chapter 7 Article 18 but not taken when the first division was approved.

- No additional standards have been added to this section of code, it just contains some rewording to provide more clarity and allows for amendments to previously approved administrative land divisions to stay consistent with the other types of administrative land divisions.

**THE FOLLOWING DEFINITIONS ARE PROPOSED TO BE ADDED TO
CHAPTER 07, ARTICLE 02, SECTION 03, DEFINITIONS ENUMERATED IN
CONTINUING ALPHABETICAL ORDER:**

AGRICULTURAL ONLY PARCEL: A parcel zoned agricultural that is restricted to agricultural uses created through the administrative land division process as outlined in CCCO §07-18.

ALQUOT PARTS: A unit of measurement within the Public Land Survey System. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.

BUILDABLE: A property that is eligible for a building permit exclusive of accessory structures, accessory buildings and remodels, repairs, or reconstruction to the original building and which is not encumbered by an easement, plat note, or other restriction that prohibits building on the property.

COMPLETE LEGAL DESCRIPTION: A precise, formal written statement that defines the exact boundaries and location of a property in a deed inclusive of section, township, and range. The legal description may include different methods of legal descriptions, such as metes and bounds, aliquot parts, or rods and chains.

CONCEPTUAL PLAN: The draft layout of proposed use or division of a property including but not limited to estimated acreage of proposed properties, proposed and/or current accesses and easements, locations of septic tanks and wells, identification of buildings and fences, and irrigation facilities on site.

CONTIGIOUS: Next to, abutting, or touching and having a boundary, or portion thereof.

COUNTY CODE: Canyon County Code of Ordinances (CCCO) as adopted by the Board of Canyon County Commissioners. In addition, for purposes of this chapter, county code when referenced herein includes all ordinances, policies, resolutions, standards, manuals, rules and regulations as amended, revised, compiled, and adopted by the board and shall be, and the same hereby are, adopted and incorporated by reference herein.

HISTORIC LOT: Any single (or portion) of a recorded platted lot that was of record, a legal lot before September 6, 1979, and has not had subsequent boundary changes (unless approved through applicable Canyon County Zoning processes) but that may not meet a minimum width and minimum size permitted by this chapter.

LEGAL ACCESS: Legal access is the lawful right to enter and exit a property via:

- (1) A public road that meets the jurisdictional highway district, Idaho Transportation Department, or city access requirements; or
- (2) A recorded ingress and egress easement that meets Canyon County private road and driveway requirements across another person's property.

NON-BUILDABLE:

Exhibit C – Proposed Additions and Changes to Definitions in 07-02-03

- (1) A property that is not eligible for a building permit.
- (2) A property that is encumbered by an easement, plat note, or other restriction that prohibits building on the property.
- (3) A property that is not individually described in a deed and that does not meet the definition of parcel or original parcel.
- (4) A property that was created illegally.

PROPERTY: An area of land that includes more specific terms such as lots, historic lots, parcels, and tract of land.

THE FOLLOWING DEFINITIONS IN CHAPTER 07, ARTICLE 02, SECTION 03, DEFINITIONS ENUMERATED ARE HEREBY AMENDED AS FOLLOWS:

~~ALIQUOT: The length of one side of a quarter quarter section (1/16). The one sixteenth (1/16) section contains forty (40) acres, more or less.~~

~~LOT: See definition of parcel. A property described by lot and block that has been platted as a portion of a subdivision recorded after September 6, 1979.~~

~~PARCEL: A tract of land described by metes and bounds, chains, rods or aliquot parts or by lot and block. Land that is described by metes and bounds that includes all or parts of multiple, preexisting parcels or portions of platted lots, all of which are not separately defined or labeled as separate parcels or lots, shall be considered one parcel. An unplatted property that was created legally and is on a single deed, including:~~

(1) Properties that adjusted property boundaries that met the zoning requirements in effect at the time of the adjustment.

(2) Properties that met the zoning requirement in effect at the time they were created but were reduced in area and divided due to government action by Canyon County, a municipality within Canyon County, a local highway district, Idaho Transportation Department, utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, State, or Federal agency.

(3) When a single deed describes multiple properties, an individual property will only be considered a separate parcel if it has a complete legal description that clearly labels it as a separate parcel.

~~ORIGINAL PARCEL: A parcel of platted or unplatted land as it existed on September 6, 1979 (the effective date of the Zoning Ordinance 79-008), including any property boundary adjustments as defined in this chapter and any reduction in area due to creating a parcel for the exclusive use by Canyon County, a municipality within Canyon County, a local highway district, Idaho Transportation Department, utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, State, or Federal agency. A parcel as herein defined that existed on September 6, 1979 (the effective date of the Zoning Ordinance 79-008) as evidenced by the most recent deed prior to or on September 6, 1979.~~

PROPOSED ADDITIONS AND CHANGES TO CHAPTER 7 ARTICLE 12 SECTION 1:

07-12-01: PROVISIONS FOR CERTIFICATE OF ZONING COMPLIANCE:

(1) ~~Certificate Of Zoning Compliance: A certificate of zoning compliance is required for all structures requiring a building permit, and for agricultural structures exempt from the requirement to obtain a building permit. A certificate of zoning compliance is required prior to construction for all structures requiring a building permit, and for agricultural structures as defined in CCCO §06-01-07. An application for a certificate of zoning compliance shall be on a form approved by the director. The application certificate shall be filed with the DSD and accompanied by a filing fee as established by the adopted fee schedule. issued by the director.~~

- A. For structures requiring a building permit, the subject property must be buildable as herein defined must meet the following standards as determined by the director or their designee:
1. The subject property must have been legally created in one of the following methods:
 - (A) A lot in a subdivision
 - (B) A historic lot.
 - (C) A parcel created through an administrative land division process per section 07-18.
 - (D) An original parcel having a complete legal description as herein defined.
 2. The subject property is not encumbered by an easement, plat note, or other restriction that prohibits building on the property.
 3. The subject property is not an agricultural only parcel as herein defined
 4. The subject property is not non-buildable as herein defined.
- B. For structures requiring a building permit, the subject property must be buildable as herein defined and must meet the following standards as verified by the applicant:
1. The subject property has legal access as herein defined.
 2. The subject property has an eligible sewer or septic system as dictated by Southwest District Health or the appropriate city.
 3. The subject property has received fire district approval (if applicable).
 4. The subject property has a potable water source.
 5. The subject property has an electrical power source.
- C. For agricultural-exempt structures, the subject property must meet the following standards:
1. The subject property must have been legally created in one of the following methods:
 - (A) A lot in a subdivision
 - (B) A historic lot.
 - (C) A parcel created through an administrative land division process per section 07-18 or as an exception code in the subdivision code per section 07-17-03(3)A.
 1. This includes buildable parcels or agricultural-only parcels. Agricultural only parcels are only allowed agricultural exempt buildings devoted to the agricultural uses on site and no residential, commercial, or accessory structures may be built on the parcel. See CCCO §07-10-27 (Land Use Matrix) for conditional permitted uses for agricultural only parcels.
 - (D) An original parcel having a complete legal description.

Exhibit D – Proposed Additions and Changes to 07-12-01

5. The subject property is not encumbered by an easement, plat note, or other restriction that prohibits building on the property.
 6. The subject property is not non-buildable as herein defined.
- D. For agricultural-exempt structures, the subject property must meet the following standards as verified by the property owner:
1. The subject property has an adequate sewer or septic system as dictated by Southwest District Health or the appropriate city (if applicable).

~~(2) Illuminated Address Numbers: Address numbers for dwellings shall be illuminated for emergency services prior to issuance of a certificate of occupancy.~~

~~(3) Division Of Land: No certificate of zoning compliance for a new dwelling shall be issued until the subject property, if divided, has been divided according to county ordinances and has access as required in section 07-10-03: of this chapter. However, an existing dwelling located on a parcel of land that was not divided in accordance with county ordinance provisions for the division of land may be rebuilt or replaced.~~

~~(42) Hazardous Material Storage: The storage of any hazardous materials, as defined by title 40 of CFR part 261, shall require a list of those materials to be submitted to the Canyon County sheriff's office, the Canyon County paramedics, DSD, and the applicable fire district, prior to issuance of a certificate of zoning compliance.~~

~~(53) Expiration Of Certificate Of Zoning Compliance: A certificate of zoning compliance is valid as long as the building permit for the applied-for structure is valid. For agricultural structures exempt from the requirement to obtain a building permit, a certificate of zoning compliance expires upon failure to obtain a setback inspection and final inspection within one hundred eighty (180) calendar days from the date of issuance of the certificate of zoning compliance.~~

PROPOSED ADDITIONS TO CHAPTER 7, ARTICLE 10, SECTION 27 TO ADDRESS AGRICULTURAL-ONLY PARCELS ARE HIGHLIGHTED IN YELLOW:

07-10-27: LAND USE REGULATIONS (MATRIX):

This section lists uses within each land use zone: allowed uses (A), permitted uses through a conditional use permit (C), Director administrative decision (D), not applicable because covered by different use/section (n/a), or prohibited (-).

ZONING AND LAND USE MATRIX

Zoning Classification	A	R- R	R- 1	R- 2	C- 1	C- 2	M- 1	M- 2	MU- A
Zoning Classification	A	R- R	R- 1	R- 2	C- 1	C- 2	M- 1	M- 2	MU- A
Accessory uses and/or structures to a permitted use	D	D	D	D	D	D	D	D	D
Accessory uses and/or structures to allowed use	A	A	A	A	A	A	A	A	A
Agricultural research facility	A	-	-	-	-	-	A	A	A
Agriculturally related activities ⁴	A	C	-	-	-	-	-	-	-
Agriculture, except those animal uses with more restrictive provisions within this article and all other uses specifically listed in other zones ^{1,4}	A	A	A	A	-	-	A	A	A
Airpark	C	C	-	-	-	-	C	C	-
Airport	C	-	-	-	-	-	C	-	-
Airstrip excepting intermittent use	C	C	-	-	-	-	-	-	-
Amusement park, theme park or commercial racetrack	C	-	-	-	-	C	-	-	C
Animal cremation service	C	-	-	-	-	-	A	A	-
Animal facility (large): bird farm, calf raising operation, dairy, feedlot, and swine farm ^{1,4}	C	-	-	-	-	-	C	C	-
Animal facility (small) on 5 acres or more ^{1,4}	A	A	C	-	-	-	A	A	A
Animal facility (small) on less than 5 acres ⁴	C	C	C	-	-	-	A	A	A
Animal hospital	C	C	-	-	A	A	A	A	A
Animals are allowed as long as it is not an animal facility or CAFO ^{1,4}	A	A	A	A	A	A	A	-	A
Arena (commercial)	C	C	-	-	C	A	A	-	A

Exhibit E – Proposed Additions to Land Use Matrix for Agricultural-Only Parcels (07-10-27)

Assisted care facility	D	D	D	D	A	A	-	-	A
Auction establishment	C	-	-	-	-	C	A	A	C
Batch plants	C	-	-	-	-	-	A	A	-
Bed and breakfast (with employees)	D	D	D	D	-	-	-	-	-
Bed and breakfast (without employees)	A	A	A	A	-	-	-	-	-
Bulk storage as an accessory use of any flammable liquid above or below ground	-	-	-	-	-	-	A	A	-
Bulk storage for wholesale distribution of any flammable liquid above or below ground	-	-	-	-	-	-	C	A	-
CAFO ⁴	C	-	-	-	-	-	C	C	-
Caretaker residence	C	-	-	-	A	A	A	A	A
Cemetery	C	C	-	-	-	-	-	-	-
Church	C	C	C	C	A	A	A	-	-
Clinics or hospitals	-	-	-	-	A	A	-	-	A
Commercial and private off street parking facilities for vehicles	-	-	-	-	-	A	A	A	A
Contractor shop	C	-	-	-	C	A	A	A	A
Daycare facilities:									
Family daycare home (1 - 6 children)	A	A	A	A	A	A	-	-	A
Group daycare facility (7 - 12 children)	D	D	D	D	A	A	-	-	A
Daycare center (13+ children)	-	-	-	-	A	A	-	-	A
Drive-in theater	C	-	-	-	-	-	-	-	-
Equipment rentals (outdoor) ²	-	-	-	-	A	A	A	A	A
Ethanol plant	C	-	-	-	-	-	C	A	-
Farm implement sales or service, farm supply sales	C	-	-	-	A	A	A	A	A
Fertilizer processing facility	C	-	-	-	-	-	A	A	-
Firewood sales	D	C	-	-	D	A	A	A	-
Fireworks sales	-	-	-	-	A	A	A	A	A
Food processing facility	C	-	-	-	-	-	A	A	-
Golf course	C	A	-	-	-	-	-	-	-
Group home	C	C	C	C	C	C	-	-	C
Home business	D	D	D	D	-	-	-	-	-
Home occupations	A	A	A	A	-	-	-	-	-
Impound yard ²	-	-	-	-	-	-	A	A	-
Indoor recreation	-	-	-	-	A	A	A	-	A
Junkyards and vehicle wrecking yards ²	-	-	-	-	-	-	-	A	-

Exhibit E – Proposed Additions to Land Use Matrix for Agricultural-Only Parcels (07-10-27)

Kennel	C	C	C	C	C	C	A	A	C
Landscape business	A	-	-	-	A	A	A	-	C
Light manufacturing, assembly, testing and/or packaging facilities	-	-	-	-	-	-	A	A	A
Lumberyard	-	-	-	-	-	A	A	A	-
Manufacturing, assembling, fabricating, processing, packing, repairing, or storage uses	-	-	-	-	-	-	A	A	A
Manufacturing or processing of hazardous chemicals or gases	-	-	-	-	-	-	-	C	-
Mineral extraction (long term)	C	-	-	-	-	-	A	A	-
Mineral extraction (short term) ³	D	D	D	D	-	-	A	A	D
Ministorage and/or RV storage facility	-	-	-	-	C	A	A	A	C
Mobile or manufactured home sales	-	-	-	-	-	C	A	A	C
Mortuaries, cremation, and funeral home	-	-	-	-	A	A	A	-	A
Multi-family dwellings limited to not more than 8 units per lot	-	-	-	C	-	-	-	-	A
Multi-family dwellings limited to not more than 4 units per lot	-	-	-	A	-	-	-	-	-
Museum	C	-	-	-	A	A	A	-	A
Nursery	A	A	-	-	A	A	A	A	A
Nursery (retail/wholesale)	C	C	-	-	A	A	A	A	A
Outdoor sales or displays (accessory to allowed use)	A	-	-	-	A	A	A	A	A
PUDs	-	C	C	C	C	C	C	C	C
Private roads and driveways serving 2 properties	D	D	D	D	D	D	D	D	D
Private tower with antenna	A	A	D	D	A	A	A	A	A
Public service agency telecommunication facilities 75 feet or greater	D	D	D	D	D	D	D	D	D
Public uses and quasi-public uses	C	C	C	C	A	A	A	A	A
Quasi-public uses (temporary)	D	D	D	D	-	-	-	-	-
Radio, television and broadcasting stations	-	-	-	-	A	A	A	A	A
Recreational vehicle (RV) park	C	-	-	-	C	A	-	-	C
Refinery	-	-	-	-	-	-	-	A	-
Rehabilitation of manufactured/mobile homes ²	-	-	-	-	-	-	A	A	-
Rendering plant	-	-	-	-	-	-	C	A	-

Exhibit E – Proposed Additions to Land Use Matrix for Agricultural-Only Parcels (07-10-27)

Retail stores, personal service shops, banks, offices, hotels, motels, microbrewery, and restaurants	-	-	-	-	A	A	A	-	A
Sale (commercial) of hay, grain, seed and related supplies	C	-	-	-	-	A	A	A	A
Sale of heavy building materials and machinery	-	-	-	-	-	A	A	A	A
Sale of salvage goods ²	-	-	-	-	-	-	A	A	-
Sanitary landfill	C	-	-	-	-	-	-	-	-
School (public or private)	C	C	C	C	A	A	A	A	A
School (vocational or trade)	C	-	-	-	-	A	A	A	A
Seasonal activities	A	A	-	-	A	A	-	-	A
Secondary residence	A	A	A	C	-	-	-	-	-
Shooting range (indoor)	C	-	-	-	-	A	A	A	A
Shooting range (outdoor)	C	-	-	-	-	-	-	-	-
Similar uses to a conditional use	C	C	C	C	C	C	C	C	C
Similar uses to allowed use	A	A	A	A	A	A	A	A	A
Single-family dwelling, 1 per lot or parcel unless otherwise provided in this chapter	A	A	A	-	-	-	-	-	-
Single-family dwellings, but not more than 2 such dwellings per lot or parcel unless otherwise provided for in this chapter	-	-	-	A	-	-	-	-	-
Slaughterhouse	C	-	-	-	-	-	C	A	-
Small wind energy systems	D	D	D	D	D	D	D	D	D
Special events facility	C	-	-	-	A	A	-	-	A
Staging area	C	-	-	-	A	A	A	A	A
Tannery	-	-	-	-	-	-	-	A	-
Taverns, lounges, or wine bars	-	-	-	-	C	C	C	-	C
Telecommunication facility	C	C	C	C	C	C	A	A	C
Temporary uses	D	D	D	D	-	-	-	-	-
Theater	-	-	-	-	C	A	A	-	A
Transit or trucking terminal and/or service facility	-	-	-	-	-	C	A	A	C
Utility distribution system	A	A	A	A	A	A	A	A	A
Utility facility	D	D	D	D	A	A	A	A	A
Vehicle fueling station with convenience store	-	-	-	-	C	A	A	A	C
Vehicle sales lot	-	-	-	-	-	A	A	-	A
Vehicle service facility	-	-	-	-	C	A	A	A	A

Exhibit E – Proposed Additions to Land Use Matrix for Agricultural-Only Parcels (07-10-27)

Warehousing, wholesaling and distribution facilities	-	-	-	-	-	C	A	A	C
Water infiltration	C	-	-	-	-	-	C	C	-
Wind farm	C	-	-	-	-	-	C	C	-
Winery, distillery, brewery	D	-	-	-	-	-	A	A	C
Yard/garage sales (associated with any residential uses)	A	A	A	A	-	-	-	-	-
Zoo	C	-	-	-	-	-	C	-	-

Notes:

1. See confined animal feeding operation (CAFO), chapter 8 of this Code.
2. With a sight obscuring fence (see section 07-02-03: of this chapter).
3. In accordance with subsection 07-14-17(6) of this chapter.

4. These are the only uses allowed on agricultural-only parcels as defined in section 07-02-03 and referenced in section 07-12 and 07-18 or parcels created as an as an exception code in the subdivision code per section 07-17-03(3)A. All other uses are prohibited.

PROPOSED ADDITIONS AND CHANGES TO CHAPTER 7 ARTICLE 18:

07-18-01: PURPOSE:

The regulations of this article allow for the division of original parcels without being subject to the subdivision regulation as set forth in article 17 of this chapter.

07-18-03: APPLICABILITY:

(1) These regulations apply to:

A. ~~Parcels of land created prior to September 6, 1979.~~ Original parcels as defined in section 07-02-03.

07-18-05: APPLICATION AND PROCESS:

(1) The following shall be provided with all applications for land divisions pursuant to this Article:

A. Application;

B. Fees;

C. Site Conceptual plan showing all lots proposed division(s) and access locations;

D. An irrigation plan (if applicable) shall be provided with each application for an irrigation system shared by more than one (1) property owner with the following information:

1. If irrigation water is provided by an irrigation district, documentation must be provided the water rights or shares exist. If the applicant is proposing irrigation from (a) domestic well(s), documentation must be provided from the irrigation district having jurisdiction that water rights or shares do not exist to show compliance with Idaho Code §67-6537.
2. The irrigation plan shall also include a draft water users maintenance agreement. The water user's maintenance agreement shall describe how access to the irrigation system will occur for property owners who do not live on site and the responsible parties for maintenance, including repairs, and necessary improvements for the proposed irrigation system. The waters users maintenance agreement must be recorded at the time of pre-approval of the decision.
3. If an irrigation system is shared by multiple parcels, an access and irrigation maintenance easement shall be included on the draft record of survey.

E. Proof that any required conditions of county approvals are met (if applicable)

F. Administrative Land Division Review from Highway District, Fire District, Southwest District Health, and Irrigation District: To provide the opportunity for the applicant to understand agency requirements for their proposed administrative land division(s) and coordinate/mitigate potential issues, comment letters from Southwest District Health and applicable Highway, Fire, and Irrigation Districts must be provided which outline the agencies' standards and requirements for the proposed administrative land division. Agency letters shall not be valid if the comment letters are 6 months or

older or if the letters reference a different conceptual plan that does not correlate with the conceptual plan being submitted by the applicant.

(2) ~~Parcels divided pursuant to this Chapter Article with slopes greater than fifteen percent (15%) shall not be disturbed without an engineered grading and drainage plan consistent with section 07-17-33(1)C.~~ submit an engineered preliminary grading and drainage plan which meets criteria found in section 07-17-33(C)1A-C and be approved by the County's engineer prior to building permit issuance for additional structures on the parcels created through the administrative land division process. An engineered final grading and drainage plan must be submitted which meets criteria found in section 07-17-33(C)1A-C and approved by the County's engineer prior to certificate of occupancy.

(3) The subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and ~~this the~~ zoning code (chapter 7 of this code) before the director can approve the application.

(4) ~~Notification of the application shall be provided to the applicable fire and highway districts and shall provide such districts a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.~~

- A. Notification of the application shall be provided by mail to the owners of parcels which are within six hundred feet (600') of the external boundaries of all subject parcels and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed administrative land division.
- B. Notification of the application may be provided to affected agencies for additional information and clarification. The affected agencies shall be provided a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.

(5) Pre-approval of Decision: the following shall be provided within 180-days after receiving pre-approval of the ~~site conceptual~~ plan from the director:

- A. A draft Record of Survey with metes and bounds descriptions of all ~~lots~~ proposed parcels that shows access from each proposed parcel complies with the requirements of section 07-10-03: of this chapter, and that includes all existing and necessary proposed easements; "Existing Easements" include but are not limited to access, utility, irrigation, and agricultural easements.
 - 1. If a draft Record of Survey as described is not provided within 180-days, the application shall become null and void. The timeframe may be extended by the director prior to expiration of the pre-approval subject to demonstrating a need for a time extension.
 - 2. If the draft Record of Survey provided is not substantially similar to what is presented in the conceptual plan, the pre-approval issued for the decision may be considered void and additional noticing fees may apply. "Substantially similar" includes but is not limited to: the number of proposed parcels has not changed, the acreage sizes of the proposed

parcels have not changed more than 10%, and the access is located in the same place.

3. If the draft Record of Survey provided is substantially similar to the conceptual plan by the director, the Record of Survey shall be recorded. The instrument number or a copy of the recorded Record of Survey shall be provided to the director for inclusion in the decision.

(6) Decision:

A. If the application meets the requirements of this section, the director may approve the division. The director may attach conditions to the approval if applicable.

B. If the request is approved, the director shall issue a ~~letter of approval~~ decision setting forth the details and requirements of the division.

C. If the request is approved, the signed director's decision shall be recorded at Canyon County's Recorder's Office by the applicant for the decision to be considered valid.

(7) Appeal by Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section 07-05-07 of this chapter.

(8) Required Language on Approvals: Language from the Idaho Right To Farm Act shall appear on administrative land division ~~approvals~~. decisions and on the recorded Record of Survey.

07-18-07: ADMINISTRATIVE DIVISION IN AGRICULTURAL ZONES:

(1) Purpose: The regulations of this section allow for a division of an original parcel in ~~an~~ the agricultural zone without being subject to the subdivision regulations as set forth in article 17 of this chapter.

(2) Standards: The proposed division of original parcels as defined in section 07-02-03 ~~created prior to September 6, 1979~~, shall be allowed in accordance with the following:

Less than 80 acres	1 division (2 residential <u>buildable parcels*</u>)
80 to 119 acres	2 divisions (3 residential <u>buildable parcels*</u>)
More than 119 acres	3 divisions (4 residential <u>buildable parcels*</u>)

*See Section 07-02-03 for definition of buildable and 07-12-01 for standards for buildable parcels.

A. The proposed parcels created ~~and its remnant~~ shall be at least one (1) acre in size.

B. ~~An~~ One (1) additional agricultural-only parcel as herein defined ~~designated as agricultural only and with~~ at least ~~five (5)~~ forty (40) acres in size may be created in

accordance with this article, and subject regulations in accordance with article 10 of this chapter.

(3) ~~Once an administrative land division has been approved in the agricultural zoning district, there shall be no other administrative land divisions from that land regardless of ownership of any of the land involved except as permitted by this Article. Previously approved administrative land divisions in the agricultural zoning district may be amended to provide for divisions of the original parcel that were entitled pursuant to Chapter 7 Article 18 but not taken when the first division was approved.~~

~~07-18-09: ADMINISTRATIVE DIVISION OF NONVIABLE PARCELS IN AN AGRICULTURAL ZONE:~~

~~—(1) Purpose: The director shall have the authority regarding the division of nonviable land within an "A" (Agricultural) zone, in whole or in part, where the result of the division limits negative impacts to adjacent agricultural uses.~~

~~—(2) Minimum Parcel: The proposed parcel created and its remnant shall be at least one (1) acre in size.~~

~~—(3) Application: The applicant shall submit to DSD an application for a director's administrative decision along with the appropriate fee, including requirements of Section 07-18-05 of this chapter. Submittal shall also include the following:~~

~~—A. Evidence demonstrating the land, in whole or in part, is nonviable for agricultural use; and~~

~~—B. Evidence demonstrating the result of the request will minimize potential negative impacts to adjacent agricultural uses.~~

~~—(4) Notifications: Upon acceptance of an application, DSD shall, by mail, provide notification of the proposed division to the owners of parcels which are contiguous to the subject parcel(s) and to the owners of parcels which are within six hundred feet (600') of the external boundaries of the subject parcel(s) and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed division. Notification of the application shall also be provided to the applicable fire and highway districts and shall provide such districts a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.~~

~~—(5) Evaluation and Determination of Application: The director shall evaluate each application on an individual basis and shall exercise discretion in determining whether or not to approve such an application with consideration given to each of the following requirements:~~

~~—A. The parcel(s) must be eligible for division; and~~

~~—B. The subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code) and the building code (chapter 6 of this code) before the director can approve the application; and~~

~~— C. The parcel, in whole or in part, shall consist of land with site constraints and/or resource issues, such as lack of water, suitable soils, topography, land compatibility, lot size or configuration, that makes productive agricultural use extremely difficult; and~~

~~— D. The division shall not create a negative impact to surrounding agricultural uses. The director may include conditions of approval to mitigate potential negative impacts.~~

~~— (6) The applicant has the burden of proving that the application meets these requirements.~~

~~— A. Deliberate action to withhold agricultural land from productive use strictly to qualify for a land division pursuant to this section shall disqualify such land from treatment under this section.~~

~~— (7) Decision, Division of Nonviable Parcel:~~

~~— A. If the application meets the requirements of this section, the director may approve the division into fewer than five (5) parcels from the original parcel. The director may attach conditions to the approval which limits the division or use.~~

~~— B. If the request is approved, the director shall issue a letter of approval setting forth the details and requirements of the division.~~

~~— C. The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.~~

~~— (8) Appeal by Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section [07-05-07](#) of this chapter.~~

~~— (9) Onetime Only Division: Once a nonviable parcel in an agricultural zone has been approved, there shall be no other administrative land division from that land regardless of ownership of any of the land involved.~~

~~— (10) Required Language on Approvals: Language from the Idaho Right To Farm Act shall appear on administrative land division approvals.~~

07-18-11: ADMINISTRATIVE DIVISION AND RELOCATION OF BUILDING PERMITS BETWEEN CONTIGUOUS PARCELS IN AN AGRICULTURAL ZONE:

~~(1) Purpose: The director shall have the authority to relocate available residential building permits between said contiguous buildable parcels for the purpose of clustering said residential building permits on a destination parcel.~~

~~(2) Minimum Parcel Size Or Lot Area:~~

~~A. The minimum parcel size or lot area of this section shall be one (1) acre.~~

~~B. One (1) additional agricultural-only parcel as defined in section 07-02-03 at least forty (40) acres in size may be created in accordance with this article.~~

~~— (3) Notifications: Upon acceptance of an application, DSD shall, by mail, provide notification of the proposed relocation to the owners of parcels which are contiguous to the destination parcel and to the owners of parcels which are within six hundred feet~~

~~(600') of the external boundaries of the destination parcel and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed relocation.~~

(43) Evaluation And Determination Of Application: The director shall consider all comments that are received within the fifteen (15) day comment period prior to making a final decision concerning the relocation request. In considering comments, the director shall evaluate whether such comments articulate and demonstrate that the parcel is eligible for the relocation of building permits. The director shall evaluate each application on an individual basis and shall exercise discretion in determining whether or not to approve such an application with consideration given to each of the following requirements:

A. The originating and destination parcels must be contiguous as defined herein. "Contiguous" ~~means touching at a point or along a boundary, including also includes~~ parcels divided by railroad, public right of way, canal, ditch, river, or stream; and

B. The originating parcels must be eligible for an administrative land division under this article or be considered a buildable parcel ~~have~~ a building permit available; and

C. The relocation may use all or part of the originating parcel's available administrative land division(s) or building permit(s) ~~and no other administrative land division is available for the parcel; and~~

D. The relocation must demonstrate at least one of the following:

1. Promotion of effective or efficient farming. If the applicant demonstrates that the relocation would create a more cost effective or efficient method of farming the originating parcels or make them more viable for the production of crops; or

2. Clustering of structures; Clustering of structures may be demonstrated by one or all of the following criteria:

a. The proposed division place all proposed parcels at a single access point. If already existing, the division shall be put at the existing access point. If a new access point is proposed, all proposed divisions shall be clustered at the same access point and

b. The proposed divisions shall be placed in such a way as not to affect the existing agricultural operations significantly.

c. The proposed divisions shall be on the edges or along the property line.

E. Deliberate action to withhold productive farm ground from production strictly in order to qualify for administrative relocation of building permits pursuant to this subsection shall disqualify such farm ground from treatment under this subsection.

(5) Approval, Division Of Destination Parcel:

A. The size, shape, and location of the destination parcel, as well as the parcels to which it will be divided into, shall be subject to the approval of the director.

Exhibit F – Proposed Additions and Changes to 07-18

B. If the application meets the requirements of this subsection, the director may approve the division of the destination parcel into no more than four (4) buildable parcels. The director may attach limiting conditions to the approval.

C. If the request is approved, the director shall issue a ~~letter of approval~~ decision setting forth the details and requirements of the division including the size, shape, and location of the destination parcel.

D. The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.

(6) Appeal By Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section 07-05-07 of this chapter.

~~(7) Onetime Only Division: Once an administrative land division has been approved, there shall be no other administrative land division from that land regardless of ownership of any of the land involved. Previously approved administrative land divisions in the agricultural zoning district may be amended to provide for divisions of the original parcel that were entitled pursuant to Chapter 7 Article 18 but not taken when the first division was approved. For amendments, the applicant must provide evidence of how the code criteria the divisions were approved by are still being upheld.~~

(98) Exceptions: If the land division does not qualify as an exception under the subdivision standards of subsection 07-17-03(3) of this chapter, then all regulations of article 17 of this chapter shall apply.

07-18-13: ADMINISTRATIVE DIVISION IN ALL OTHER ZONES:

(1) Purpose: The regulations of this section allow for a division of an original parcel in a commercial, industrial, and residential zone without being subject to the subdivision regulations as set forth in article 17 of this chapter.

~~(2) (An) administrative land division of an original parcel in a commercial, industrial, and residential zone is allowed in accordance with the following: The proposed administrative land division(s) of original parcels in a commercial, industrial, or residential zone as defined herein, shall be allowed in accordance with the following:~~

A. Land may be divided into no more than four (4) buildable parcels through the administrative land division process unless further restricted by provisions in Chapter 9 - Areas Of City Impact.

B. The minimum parcel size ~~or lot area~~ shall be subject to the minimum lot size provisions of subsection 07-10-21(2) of this chapter.

C. Previously approved administrative land divisions in the commercial, industrial, and residential zoning districts may be amended to provide for divisions of the original parcel that were entitled pursuant to Chapter 7 Article 18 but not taken when the first division was approved.

Proposed Clean-Up for Lot, Parcel and Property References in Chapters 7 and 8:

CHAPTER 7
ZONING REGULATIONS

ARTICLE 1
GENERAL REGULATIONS

SECTION:

07-01-01: Title

07-01-03: Authority

07-01-05: Applicability

07-01-07: Amending Effect

07-01-09: Interpretation

07-01-11: Combining Applications

07-01-13: Business Licenses

07-01-15: Neighborhood Meetings

07-01-17: Purpose And Authority Of Chapter

07-01-19: Provisions For Official Zoning Maps

07-01-21: Disincorporation

07-01-23: Errors In Legal Descriptions

07-01-25: References

07-01-01: TITLE:

This chapter shall be known as the CANYON COUNTY ZONING ORDINANCE. (Ord. 10-006, 8-16-2010)

07-01-03: AUTHORITY:

This zoning ordinance is adopted pursuant to Idaho Code title 67, chapter 65 and title 50, chapter 13; and sections 31-801 and 31-828; and article 12, section 2 of the Idaho constitution. (Ord. 10-006, 8-16-2010)

07-01-05: APPLICABILITY:

Exhibit G – Proposed Clean-Up for Lot, Parcel, and Property References in Chapters 7 and 8

This chapter applies to the development and use of all land within the unincorporated area of Canyon County, Idaho.

(1) No person shall construct, alter, move, or change the use of a structure or commence any development or use, unless otherwise preempted by federal, state, or local law, unless:

A. The proposed use, structure, or division of property complies with this chapter.

B. Any approval required by this chapter is first obtained and any applicable conditions of approval are met.

(2) Nothing in this chapter shall eliminate the need for obtaining any other required permits, including, but not limited to, permits required by the Canyon County building code or any permit, approval, or entitlement required by other ordinances contained in this code, other political subdivisions of the state of Idaho, the state of Idaho, or the federal government.

(3) The prosecution of violations that occurred under previous land use/subdivision flood hazard areas regulations, and that remain a violation under this chapter, shall continue until resolved. This includes any pending enforcement action whether it be administrative, civil or criminal.

(4) All applications shall be processed according to the regulations and requirements in effect on the date the director accepted the application. (Ord. 10-006, 8-16-2010)

07-01-07: AMENDING EFFECT:

The enactment of this chapter amends Canyon County zoning ordinance 12-006, subsections 07-10-21(1)A4(C), (1)A5, (1)B3(C) and (1)B4 of this chapter. (Ord. 12-008, 4-19-2012)

07-01-09: INTERPRETATION:

(1) Language:

A. Terminology: When used in this chapter, all words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular, unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory, and the word "may" is permissive. The masculine includes the feminine. All words shall be given their plain and ordinary meaning, unless the natural construction of the sentence dictates otherwise.

B. Number Of Days: Computation of time shall be as provided by Idaho rule of civil procedure 6(a).

C. Minimum Requirements: When interpreting and applying the regulations of this chapter, all regulations shall be considered to be minimum requirements, unless stated

Exhibit G – Proposed Clean-Up for Lot, Parcel, and Property References in Chapters 7 and 8

otherwise. Proposed uses shall comply with all applicable regulations and standards unless specifically exempted elsewhere in this chapter.

D. Section Headings: Section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter.

E. References: All references to state or federal laws, rules and/or regulations, or county laws and/or regulations and/or maps shall refer to such laws and/or regulations as they may be amended over time.

(2) Measurements:

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

B. Structure height shall be measured as the vertical distance from the average contact ground level at the front wall of a building to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof. (Ord. 15-009, 4-23-2015)

(3) Zoning District Boundaries: The following rules shall be used to resolve uncertainties:

A. Where a zoning district boundary approximately follows a property line, such property line shall be construed as the zoning district boundary except when the property line is changed subsequent to zoning approval.

B. Where a zoning district boundary approximately follows a road or railroad line, such road, railroad line, or the extension of such line, shall be construed as the district boundary. Where a road is officially vacated and that road has not been given a zoning designation, the land that was formerly in the vacated road shall have the same designation as the abutting property on either side of the centerline of the vacated road.

C. Where a zoning district boundary approximately follows a watercourse, the centerline of the watercourse shall be construed to be such boundary. In the event of a change in the watercourse, the centerline shall be construed as moving with the actual watercourse.

(4) Conflicting Regulations: If conflicts occur between different regulations of this chapter, or between this chapter and other regulations of this code, the most restrictive provision shall apply.

A. In case of conflict between the zoning ordinance text and the official zoning district-boundary maps of this chapter, the maps shall prevail.

B. Where this chapter imposes a greater restriction upon the use of structures or premises or upon the height of structures, or requires larger space than is imposed or

Exhibit G – Proposed Clean-Up for Lot, Parcel, and Property References in Chapters 7 and 8

required by ordinances, rules or regulations, or by easements, covenants, or agreements, the regulations of this chapter shall also govern. (Ord. 10-006, 8-16-2010)

07-01-11: COMBINING APPLICATIONS:

Pursuant to Idaho Code section 67-6522, the board or commission may combine related applications for the convenience of applicants. If combined applications are authorized, DSD shall establish forms and procedures to combine related applications for the convenience of applicants. Fees for combined permits shall be established through a board resolution as provided in article 4 of this chapter. (Ord. 10-006, 8-16-2010)

07-01-13: BUSINESS LICENSES:

Notwithstanding an applicant's fulfillment of all requirements established in this chapter, all existing and future businesses, located within the unincorporated areas of Canyon County, including home occupations, shall obtain and maintain all business licenses required by any federal, state or local laws. (Ord. 10-006, 8-16-2010)

07-01-15: NEIGHBORHOOD MEETINGS:

(1) Applicants shall conduct a neighborhood meeting for any proposed variance, conditional use, zoning ordinance map amendment, expansion, or extension of nonconforming uses requiring a public hearing.

(2) It shall be the sole duty of the applicant to provide written notice to all property owners or purchasers of record owning property within six hundred feet (600') of the exterior boundary of the property subject to the application. Notice of a neighborhood meeting shall be in addition to, and not combined with, notices already required by this chapter, and shall include the date, time, location and purpose of the meeting.

(3) The purpose of the neighborhood meeting shall be to review the proposed project and discuss neighborhood concerns, if any.

A. The meeting shall not be on a holiday, a holiday weekend, or the day before a holiday or holiday weekend.

B. The meeting shall be held at one of the following locations:

1. On the property subject to the application;
2. At a nearby available public meeting place including, but not limited to, a fire station, library, school, or community center; or
3. At a location with suitable meeting facilities if such facilities are within a one mile radius of the nearest public meeting place.

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(4) The neighborhood meeting shall be conducted prior to acceptance of the application. The neighborhood meeting shall not be conducted earlier than six (6) months prior to the acceptance of the application, and shall be held no sooner than ten (10) calendar days from the mailing of the notice of the neighborhood meeting.

(5) Each application for a public hearing shall include a form acceptable to the director, which requires the applicant to provide the starting and ending times of the neighborhood meeting and an attendance list, with names and addresses of those who attended the neighborhood meeting. (Ord. 10-006, 8-16-2010)

07-01-17: PURPOSE AND AUTHORITY OF CHAPTER:

(1) Purpose: The purpose of this chapter is to establish specific zones within Canyon County and define the allowed, permitted and similar/accessory uses within each of the established zones.

(2) Authority: This chapter is also authorized by article 12, section 2 of the Idaho constitution; Idaho Code title 50, chapter 13 and title 67, chapter 65 and sections 31-801 and 31-828. (Ord. 10-006, 8-16-2010)

07-01-19: PROVISIONS FOR OFFICIAL ZONING MAPS:

(1) The boundaries of zones shall be established and clearly indicated upon the zoning map or maps adopted as part of this chapter.

(2) All amendments of the official zoning map or maps shall follow the procedures set forth in article 6 of this chapter.

(3) Areas are to be classified according to the established zoning requirements and such zoning shall give due consideration to the adopted comprehensive plan and its stated goals and objectives. (Ord. 10-006, 8-16-2010)

07-01-21: DISINCORPORATION:

Where property becomes a part of the unincorporated area of Canyon County by the disincorporation of any city, or portion thereof, such property shall be zoned by the board following the notice and hearing regulations of article 5 of this chapter. (Ord. 10-006, 8-16-2010)

07-01-23: ERRORS IN LEGAL DESCRIPTIONS:

Where a property has been zoned incorrectly due to an error in a legal description, the following shall apply:

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(1) If the error is directly caused by the county, the error shall be corrected and duly processed by the county as soon as the error is discovered.

(2) If the error is caused by the applicant and/or landowner, the applicant and/or landowner shall apply for a zoning ordinance map amendment. (Ord. 10-006, 8-16-2010)

07-01-25: REFERENCES:

References in this chapter to other ordinances of Canyon County and statutes of the state of Idaho are provided solely for the coordination of this chapter with such other ordinances and statutes. (Ord. 10-006, 8-16-2010)

ARTICLE 2 DEFINITIONS

SECTION:

07-02-01: Purpose

07-02-03: Definitions Enumerated

07-02-01: PURPOSE:

For the purpose of this chapter, certain terms are defined as set forth below. (Ord. 10-006, 8-16-2010)

07-02-03: DEFINITIONS ENUMERATED:

ABANDON/ABANDONMENT: An intent to leave, quit, renounce, resign, surrender, relinquish, vacate or discard.

ACCESS: Ingress/egress to a ~~parcel or lot~~ property.

ACCESSORY STRUCTURE (BUILDING): A structure which is subordinate, and incidental, to the principal structure or use pertinent to the same ~~parcel~~ property.

ACCESSORY USE: A use not separately listed in the regulations pertaining to the zone, which is incidental and subordinate to the principal use of the property or premises.

ADMINISTRATIVE RECORD: All documents and records timely filed with DSD; for example: applications, exhibits, petitions, requests, and other matters in support or opposition; all documents or records admitted into evidence or administratively noticed, and all orders or decisions issued by the commission, hearing examiner, Board or Administrative Hearing Officer; all official recordings or written transcripts of hearings conducted. The administrative record does not include any privileged or legally protected communications.

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AFFECTED PERSON: One having an interest in real property which may be adversely affected by the issuance or denial of a permit authorizing the development.

AGRICULTURALLY RELATED ACTIVITIES: Uses that include incidental farm equipment sales and service, incidental farm supply sales, roadside stands, sod and/or turf farms, U-pick fruit or vegetables, corn mazes, and similar uses that do not involve processing (except those incidental operations necessary to prepare for market or to convert into marketable form).

AGRICULTURE: Tilling of soil, pasturage, sod/turf farms, horticulture, aquaculture, viticulture, floriculture, raising crops directly from the soil, raising livestock, poultry, poultry products, dairy animals and dairy products, beekeeping or beekeeping products, fur animals, trees grown in row crop fashion, fruits of all kinds and their products, floral and ornamental and greenhouse products, including all uses and facilities customarily accessory and incidental thereto, including, but not limited to, the storage and warehousing of fertilizers or agricultural produce or raw products.

AIRPORT: Any area of land or water where aircraft can take off and land, including, but not limited to, the necessary appurtenant structures or facilities located thereon. For example, control tower, hangars, passenger terminals, and accommodations for cargo.

AIRSTRIP: An area serving as a takeoff or landing strip for any type of craft, vessel, or apparatus used for aviation, flight, flying, aerial navigation, aeronautics, air transportation, ballooning, skydiving, soaring, or gliding.

ALQUOT: The length of one side of a quarter-quarter section (1/16). The one-sixteenth (1/16) section contains forty (40) acres, more or less.

ALLOWED USE: Any use set forth as a use not requiring a conditional use permit.

ANIMAL/BIRD UNIT: The following numbers of animals are a unit of measurement to determine the number of animals allowed per acre of land devoted to the animals' care: two (2) cows, two (2) horses, ten (10) sheep, five (5) swine, ten (10) goats, six (6) llamas, twelve (12) alpacas, seventy five (75) chickens, seventy five (75) game birds, fifteen (15) turkeys, fifteen (15) geese, fifteen (15) peacocks/guinea hens, four (4) ostrich, eight (8) emu, and twelve (12) rhea.

For animals not listed individually, the Director shall use the most similar animal in regards to size and amount of waste produced to determine the animal unit ratio.

In determining the number of animals permitted, only the parent animal will be counted until a horse is six (6) months in age, and cattle shall be considered calves from birthweight to approximately four hundred (400) pounds. Sheep (lambs) and goats (kids) when greater than three (3) months of age and swine fifty five (55) pounds or greater will be counted when determining animal units.

In determining the number of domestic birds permitted, only birds one month or older in age shall be counted.

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In determining the number of animal units for calf raising or other operation where young animals are raised predominantly without the parent, each animal will be counted as one-half (1/2) its animal unit equation specified herein, until the animal reaches the age/weight herein. Combinations of animals are allowed, provided that the ratio of animal units per acre is maintained.

ANIMAL CARE PROJECT: The keeping of animals in conjunction with 4-H, FFA, or a similar recognized organization that provides participants with direction and guidance in the raising of animals and an opportunity to exhibit the animals at the end of the project.

ANIMAL CREMATION SERVICE: A service dedicated to the disposition of dead animal remains by means of cremation that may also provide necessary goods and services for the memorialization of the animal if requested.

ANIMAL FACILITIES (LARGE): A facility that exceeds more than four (4) animal units per acre of land devoted to the animals' care. Large animal facilities include:

Bird Farm: A facility or confined area for the keeping of birds.

Calf Raising Operation: The raising of young animals, predominantly without the parent, in preparation to return them to a dairy or feedlot.

Dairy Farm: A facility for bovine, sheep, goats or other animals that are milked; the operation is licensed by the State of Idaho Department of Agriculture to sell milk.

Feedlot: A facility or confined area for cattle, horses, sheep, goats, and/or swine.

ANIMAL FACILITIES (SMALL): A facility of more than one up to four (4) animal units per acre of land devoted to the animals' care.

ANIMAL HOSPITAL: Any building or portion thereof designed or used for the medical care or treatment of cats, dogs or other animals.

APPEAL: A request for a review of a decision to a superior authority.

APPLICANT: Any person initiating a proposal for development of land.

APPLICATION: Shall include, but not be limited to, zoning amendments, conditional use permits, variances, preliminary development plans or plats, final development plans or plats, appeals, and certificates of zoning compliance.

APPROACH: Any portion of the public right-of-way that is used for ingress/egress from or to a public road.

AQUACULTURE: The cultivation of the natural produce of water such as plants or fish.

AREA OF CITY IMPACT: As defined by Idaho Code section 67-6526 and requires that cities and counties adopt a map identifying an Area of City Impact within the unincorporated area of the County. The Area of City Impact shall be defined considering the trade area of the city, geographic factors and areas that can be reasonably expected to be annexed to the city in the future. The enabling legislation provides three (3) options of planning and regulating development within the Area of City Impact

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including exclusive use of the city plan and ordinances, exclusive uses of the County plan and ordinances, or application of any mutually agreed upon plan and ordinances.

ARENA (COMMERCIAL): A facility, whether private or public, indoor or outdoor, the primary purpose of which is to exhibit animals or hold events such as rodeos, horse events or cattle auctions or exhibits, and for which a fee is charged to participants and an admission charge is paid by the public.

ASSISTED CARE FACILITY: A commercial operation where adults help the aged and/or infirm care for themselves; a building housing any facility, however named, whether operated for profit or not, the purpose of which is to provide skilled nursing care and related medical services for two (2) or more individuals suffering from illness, disease, injury, deformity or requiring care because of old age.

AUCTION ESTABLISHMENT: An established regular place of business involving the use of land, buildings or structures where a public sale is conducted to sell goods or property to the highest bidder, whether or not an auctioneer is employed.

BARRIER: Includes, but is not limited to, berms, fences, landscaping, trees, shrubs and hedges and the separation of land uses by a road, open space, watercourse or other boundary whether naturally occurring or built.

BATCH PLANT: A central proportioning and mixing plant for the production of an aggregate product such as asphalt or concrete.

BED AND BREAKFAST: A private home, or portion thereof, where rooms and meals are provided to guests for compensation and where each guest's stay is of limited and sporadic duration.

BIRD FARM: A facility for the keeping of birds, primarily held for commercial agricultural purposes, including, but not limited to, exotic species such as ostrich and emu.

BLOCK: A piece of land or group of lots within a platted subdivision.

BOARD: The Board of County Commissioners.

BREWERY: A facility where alcoholic malt beverages are produced.

BUFFER: See definition of barrier.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy as defined in Canyon County Building Code.

BURDEN OF PERSUASION: The requirement that the party seeking relief from the presiding party must provide evidence to that party showing that the party has met this chapter's requirements.

BUSINESS: The purchase, sale, exchange or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreation or amusement

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enterprises or the maintenance and use of offices or professions and trades rendering service.

CAFO: See definition of confined animal feeding operation (CAFO).

CALF RAISING OPERATION: The raising of calves from birthweight to approximately four hundred (400) pounds in preparation to return them to a dairy, feedlot, or other facility for the purpose of raising replacement heifers or for fattening cattle in preparation for slaughter.

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT: The office designated to administer this chapter; sometimes called the Development Services Department Office, but also known as DSD.

CARETAKER: A person properly designated to watch over property for security or maintenance.

CERTIFICATE OF ZONING COMPLIANCE: A document certifying that a proposed use, building or structure complies with this chapter.

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

CLERK: The Clerk of the Board, or that official's designee.

CLINIC: A place where patients are studied and treated by a medical care provider or animal veterinarian.

CLUB OR LODGE: An auxiliary, fraternal, or veterans' organization as defined by Idaho Code section 23-902.

CLUSTER DEVELOPMENT: See definition of lot clustering.

COMMENCE: The date of commencement shall be the date in accordance with the following:

(1) Specific use(s): An approved zoning compliance is issued.

(2) Use(s) that require a facility/structure: The date when the first placement or permanent construction of a structure on a site begins, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the excavation as approved by an issued building permit and zoning compliance.

Permanent construction does not include:

- A. Land preparation such as clearing, grading and filling;
- B. Erection of signs;
- C. Excavation for a basement, footings, piers or foundation or the erection of temporary forms;

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D. The installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(3) Land divisions that require a subdivision plat: The acceptance by DSD of a complete application, together with the application fee, for a preliminary plat or a short plat.

(4) Land divisions that do not require a subdivision plat in accordance with this chapter: A recorded record of survey that reflects the approved land divisions and easements submitted to DSD.

COMMERCIAL RACETRACK: A facility, whether private or public, indoor or outdoor, the primary purpose of which is to hold race events run with animals, humans or human operated machines or equipment, and for which a fee is charged to participants and/or an admission charge is paid by the public.

COMMISSION: The Canyon County Planning and Zoning Commission.

COMPATIBILITY: Land uses are compatible if: a) they do not directly or indirectly interfere or conflict with or negatively impact one another and b) they do not exclude or diminish one another's use of public and private services. A compatibility determination requires a site specific analysis of potential interactions between uses and potential impacts of existing and proposed uses on one another. Ensuring compatibility may require mitigation from or conditions upon a proposed use to minimize interference and conflicts with existing uses.

COMPOST: The aerobically decomposed remnants of organic materials with plant and/or animal origins.

COMPREHENSIVE PLAN: The comprehensive plan for the County officially adopted by the County as such.

CONDITIONAL APPROVAL: An affirmative action by the Director, or the presiding party indicating that approval is given, subject to compliance with certain specified conditions.

CONDITIONAL REZONE: The rezoning of land with conditions imposed so that if the conditions are not complied with, the rezone may be withdrawn and the land reverts back to its former zoning classification.

CONDITIONAL USE: A use or occupancy of a structure, or use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein. See Idaho Code section 67-6512.

CONDOMINIUM: Housing in which the living units are owned individually and the common areas are jointly owned by all the unit owners.

CONFINED ANIMAL FEEDING OPERATION (CAFO):

(1) Confined animal feeding operation, also referred to as "concentrated animal feeding operation", means a ~~lot~~ property or facility where the following conditions are met:

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A. Animals have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days or more in any twelve (12) month period;

B. Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the ~~lot~~ property or facility; and

C. A facility designed to confine or actually does confine the minimum animal numbers as contained in chapter 8 of this Code, confined animal feeding operations.

(2) Two (2) or more concentrated animal feeding operations under common ownership are considered, for the purposes of this definition, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

CONTRACTOR SHOP: May include, but not be limited to, a building where a contractor conducts his business, including offices and parking of equipment and employee parking.

CORN MAZE: An intricate network of passages in a cornfield.

COUNTY: Canyon County, Idaho.

COUNTY ENGINEER: The engineer or contract engineer of the County.

CREMATORIUM: As applied to funeral homes or mortuaries: a dedicated area within a licensed funeral home or mortuary building, or an accessory building of a licensed funeral home or mortuary, wherein human remains are cremated in a cremation retort.

DSD: The Canyon County Development Services Department.

DAIRY/DAIRY FARM: A use of land where one or more bovine, sheep, or goats are milked and the operation is licensed by the State of Idaho Department of Agriculture to sell milk for human consumption.

DAYCARE: Care and supervision of children not related by blood or marriage to the caregiver, for compensation during part of a twenty four (24) hour day in a place other than the home of the children being cared for. Daycare can be provided in the following facilities:

Daycare Center: A home, place, or facility for daycare of thirteen (13) or more children.

Family Daycare Home: A home, place, or facility for daycare of one to six (6) children.

Group Daycare Facility: A home, place, or facility providing daycare for seven (7) to twelve (12) children.

DEDICATED OR DEDICATION: Land that is devoted to a public use, by the acknowledgment and recording of a plat or deed, and the acceptance by action of a public body accepting and confirming the dedication.

DESIGNED PURPOSE: The use for which the improvements were originally intended, designed and approved pursuant to any applicable ordinances.

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DEVELOPER: Any person or entity improving land for the purpose of subdivision, development, sale, or trade.

DEVELOPMENT AGREEMENT: A commitment reduced to writing as a means of evidence, and as a means of giving formal expression to some act or contract, by which an owner or developer makes a written commitment concerning the use or development of property. This "development agreement" is also known as a "written commitment".

DIRECTOR: The Director of DSD or his/her designee.

DISTILLERY: A place where alcoholic liquors are made.

DRIVEWAY: Vehicular access to one or two (2) inhabited buildings.

DWELLING: A building, or portion thereof, used for human habitation. A dwelling does not include a tent, recreational trailer, RV (self-propelled), motel, hotel, lodging or boarding house, club, sorority, or fraternity.

DWELLING UNIT: A dwelling designed for or used as a residence for not more than one family with a kitchen and a bathroom permanently installed.

EASEMENT: The right of a person, entity, government agency, or public utility company, by grant or other legal conveyance, to possess and use another's real property on a limited basis and for a specific purpose.

ENGINEER: Any person who is licensed in the State of Idaho to engage in the practice of professional engineering.

ENGINEERING PLANS: Plans, profiles, cross sections and other required details for the construction of improvements, prepared by an engineer in accordance with the final plat and in compliance with existing standards of design and construction.

ENVIRONMENTAL ASSESSMENT STATEMENT: A statement prepared by a qualified professional duly licensed by the State of Idaho in that area of expertise the professional is answering the questions noted in section 07-17-33: of this chapter. This is not a Federal impact statement.

ETHANOL PLANT: A facility where ethanol fuel is manufactured.

EXCEPTED PARCEL: Any parcel of land which is within the boundaries of a subdivision which is not part of the approved and recorded subdivision plat.

EXOTIC ANIMALS: Animals that are not native to the State of Idaho according to the Idaho Department of Fish and Game.

FCOs: Findings of fact, conclusions of law, and order or recommendation.

FAMILY: A person living alone or two (2) or more persons related by blood, adoption, or marriage.

FARM ANIMALS: Animals kept or raised for recreation or compensation. These animals may include, but shall not be limited to, equine, bovine, sheep, goat, swine, and fowl.

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FEE: The fees as established by the fee schedule adopted by the Board.

FEEDLOT: A facility or confined area that is used for finishing or fattening animals where less than fifty percent (50%) of the feed for such fowl or animals is produced by the owner on his immediate owned or leased property. A feedlot may also be a confined animal feeding operation.

FENCE: A barrier built for either confinement of an area or to keep others out of a confined area. A fence may be either affixed to the ground or be placed thereon and may include, but not be limited to, rock, stone wall, retaining wall, shrubs, panels, netted wire, or barbed wire.

FENCE (SIGHT OBSCURING): The construction of a solid barrier that blocks the visibility through the fence, and is erected to screen areas from public streets and abutting properties.

(1) **Allowed Materials:** Fences and walls shall be made of high quality, durable materials that require low maintenance. Acceptable materials for a fence include chainlink with slats, wood, brick, masonry block, stone, vinyl, composite/recycled materials (hardy board) or other manufactured material or combination of materials commonly used for fencing.

(2) **Prohibited Materials:** Fences and walls shall not be made of or contain:

A. Scrap materials such as scrap lumber and scrap metal.

B. Materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood.

FERTILIZER: Compounds given to plants to promote growth either through application to the soil or direct application to the plants. Fertilizers can be composed of organic (e.g., leaves or manure) or inorganic matter (such as urea or phosphates). They can be naturally occurring compounds (such as peat or mineral deposits) or manufactured through natural processes (such as composting) or chemical processes.

FINAL APPROVAL: Unconditional approval of the final plat as evidenced by appropriate certifications on the plat; such approval constitutes authorization to record a plat.

FINAL DECISION: The written decision at the conclusion of a case.

FIRE DISTRICT: A fire protection district exercising jurisdiction over property or premises as authorized by Idaho Code title 31, chapter 14.

FIREWORKS SALE: The sale of fireworks pursuant to Idaho Code title 39, chapter 26.

FLEA MARKET: A site used for ongoing sales that includes rented space for the public to show and sell selected items.

FOOD PROCESSING FACILITY: A facility where food, in its raw product form, is prepared for market.

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FUNERAL HOME OR MORTUARY: An establishment where the activities necessary for the care and custody of the dead, including: refrigeration, embalming; cremation; other necessary care; viewings; wakes; funerals; and other rites and ceremonies consistent with the proper final disposition of the dead, are conducted.

GRADE PLANE: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and ~~lot~~ property line or, where the ~~lot~~ property line is more than six feet (6') from the building, between the building and a point six feet (6') from the building.

GRAVEL PIT: An area that is being used for the purpose of removing the gravel from the land for commercial or private uses.

GROSS FLOOR AREA: The sum of the gross horizontal areas of the floors including the area under the exterior walls of a building or portion thereof.

GROUP HOME: A place or facility providing care and supervision for compensation for nine (9) or more persons during all or part of a twenty four (24) hour day. Examples may include, but not be limited to, halfway houses and homes for the disadvantaged.

HARD SURFACE: Any surface which is capable of providing an all- weather driving surface for reasonable emergency traffic, including Fire Department travel and may be, but is not limited to, gravel, concrete, asphalt, stone, or brick.

HAZARD: A probable source of danger.

HAZARDOUS WASTE: This is defined or determined by the United States Environmental Protection Agency.

HEARING EXAMINER: A person hired by Canyon County to act in the capacity of a hearing examiner as defined in Idaho Code section 67-6520.

HIGHWAY DISTRICT: A highway district exercising jurisdiction over property or premises as authorized by Idaho Code title 40, chapter 13.

HILLSIDE DEVELOPMENT: Any development or that portion of a development located in terrain having a maximum slope exceeding fifteen percent (15%), except where evidence is provided that no construction or development shall take place on slopes greater than fifteen percent (15%).

HOME BUSINESS: Any gainful business engaged in by a maximum of two (2) occupants of a dwelling unit and a maximum of three (3) adult employees. A home business may include, but not be limited to, professional services such as clerical, engineering, tax preparation, graphic design or web services; assembly of parts into salable items, teaching of music and other instruction or other like occupancies.

HOME OCCUPATION: Any gainful occupation engaged in by an occupant of a dwelling unit and may include, but not be limited to, handicrafts, dressmaking, office of a

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clergyman, teaching of music, dancing and other instruction, family daycare, and other like occupancies.

ILLUMINATED ADDRESS NUMBERS: The number portion of the physical address of a home or business having artificial illumination upon them so that they are visible at night from the access road.

IMMEDIATE FAMILY MEMBER: Includes natural, adopted and step father, mother, son, daughter, brother, sister, granddaughter, grandson, grandfather, and grandmother.

IMPOUND YARD OR LOT: Any portion, piece, division or ~~parcel of land~~ property, excluding fully enclosed buildings, that is used for the storage or holding of distrained vehicles or personal property, or for the care and keeping of vehicles or personal property whether taken into the custody of the law or for other reasons.

IMPROVEMENT: Shall include, but not be limited to, structure, roadway paving, curb, gutter, sidewalk, pedestrian pathway, bike path, water line, sewer line, drainage work, bus turnout, streetlight, and/or landscaping.

INDOOR RECREATION: Public or private recreation facilities, tennis or other racquet courts, swimming pools, bowling alleys, skating rinks, or similar uses which are enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same ~~lot~~ property as that on which the recreational use is located. The term "indoor recreation" shall include any accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. The term "indoor recreation" shall not include theaters, cultural facilities, massage parlors, or any use which is otherwise listed specifically in the table of permitted and conditional uses.

INHABIT: To dwell, live, reside, work or stay.

INTERMITTENT USE (AIRSTRIP): The use of a property for an airstrip for no more than three (3) operations in a six (6) month period. An "operation" means not more than one touchdown and one takeoff.

IRRIGATION FACILITIES: The means and mechanisms necessary for the supply, delivery, and drainage of irrigation water, including, but not limited to, canals, laterals, ditches, conduits, gates, wells, pumps and allied equipment.

JUNKYARD: See public nuisances, section 02-01-05: of this Code.

KENNEL: Any portion of land, or any building, structure, enclosure or premises on the same or adjacent ~~parcels~~ properties, in which canines are housed, groomed, bred, boarded, trained, or sold, in which a total of six (6) or more dogs, three (3) months of age or over are kept or maintained in conformance with section 03-05-09: of this Code.

LIVESTOCK: Domesticated animals (other than household pets or exotic animals) raised for food, fiber or transport.

LOT: See definition of parcel.

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~~LOT~~ CLUSTERING: A development design technique that concentrates residences in specific areas on site to allow the remaining land to be used for agriculture, recreation, common space, and/or conservation of environmentally sensitive areas.

~~LOT~~ PROPERTY COVERAGE: The area of a ~~lot~~ property occupied by an impervious surface.

~~LOT~~ PROPERTY LINE: The boundary property line ~~in a platted subdivision~~ of either a parcel or a lot.

~~LOT~~ PROPERTY WIDTH: The horizontal distance between side ~~lot~~ property lines measured at right angles to the depth at a point midway between the front and rear ~~lot~~ property lines.

MANUFACTURED HOME: A structure, constructed or rehabilitated according to HUD/FHA Mobile Home Construction and Safety Standards, transportable in one or more sections, which, in traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 USC 5401 et seq.

MINERAL EXTRACTION: The various activities associated with the extraction of mineral resources, including, but not limited to, gravel, from the ground.

MINISTORAGE FACILITY: A building or buildings containing various size storage compartments, and wherein each compartment is offered for rent or lease to the general public for the private storage of materials.

MOBILE HOME: A transportable, factory built home, whether single or multisectional, designed to be used as a year round residential dwelling and built prior to the enactment of the State of Idaho, Department of Labor and Industrial Services requiring a State approved insignia or the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Mobile homes must meet the requirements of the Idaho Division of Building Safety according to Idaho Code title 44, chapter 25.

MOTEL/HOTEL: A building or buildings in which lodging units are offered for persons, for compensation by the day or the week.

MULTI-FAMILY DWELLING: A structure containing more than one dwelling unit with separate ingress-egress from outside and having no interconnectibility between the units.

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

NATIVE ANIMALS: Animals that are common to the State of Idaho but which are wild and not domestic.

NEIGHBOR: A person possessing or owning contiguous land or property.

NET FLOOR AREA: That portion of the gross floor area of the building occupied by the listed use or uses and shall include hallways, storage and packaging space, dressing or rest rooms, and laboratory or workrooms; provided, however, that floor space within the building reserved for parking or loading of vehicles, and space used only for building maintenance and utilities shall be excluded.

NONCONFORMING PROPERTY: A property that lawfully existed prior to the effective date of this chapter, but that does not now conform to the dimensional standards for the district in which it is located.

NONCONFORMING STRUCTURE: A structure that was lawfully constructed and/or existing prior to the effective date of this chapter, but that does not now conform to the zoning standards.

NONCONFORMING USE: A use, structure, or ~~parcel~~ property that lawfully existed prior to the effective date of this chapter but that does not now conform to the land use restrictions for the district in which it is located.

NUISANCE: See public nuisances, section 02-01-05: of this Code.

NURSERY: A place where plants are grown for sale or transplanting and where seventy five percent (75%) of the products offered for sale are grown on the premises.

NURSERY (RETAIL/WHOLESALE): The selling of products and plants at retail and/or wholesale.

OFF STREET PARKING AND LOADING: An open off street area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys.

OPEN SPACE LAND: Any undeveloped or predominately undeveloped land which may be set aside for any of the following:

- (1) Park and recreation purposes;
- (2) Conservation of land and other natural resources;
- (3) Conservation of wildlife habitat and natural space;
- (4) Historic or scenic purposes;
- (5) Common areas;

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(6) Any area without structures that provides an open view.

OPERATION PLAN: A plan of action to include, but not be limited to, time requirements, commencement of the operation, hours of operation, noise levels, dust levels, air and water quality, raw material delivery, finished product and marketing, site improvements, public and private facilities, public amenities and infrastructure.

ORIGINAL PARCEL: A parcel of platted or unplatted land as it existed on September 6, 1979 (the effective date of the Zoning Ordinance 79-008), including any property boundary adjustments as defined in this chapter and any reduction in area due to creating a parcel for the exclusive use by Canyon County, a municipality within Canyon County, a local highway district, Idaho Transportation Department, utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, State, or Federal agency.

OVERLAY ZONE: A set of zoning requirements that are described in this chapter's text and maps, and subsequently imposed in addition to those of the underlying district. Development within the overlay zone must conform to the requirements of both zones. They are usually employed to deal with special physical characteristics such as floodplains, historic preservation areas, steep slopes, shorelines or other environmentally sensitive areas, but have other applications as well.

OWNER OR LANDOWNER: The person or persons holding title by deed to land or holding title as vendees under a land contract or holding any other title.

PARCEL: A property described by metes and bounds, chains, rods or aliquot parts or by lot and block. Land that is described by metes and bounds that includes all or parts of multiple, preexisting parcels or portions of platted lots, all of which are not separately defined or labeled as separate parcels or lots, shall be considered one parcel.

PARK, PUBLIC: "Public park" means a park within the County which is under operation or management of a government entity that dedicates an area of land, usually in a largely natural state, for the enjoyment of the public, having facilities for rest, recreation, educational opportunities and other ancillary uses associated with a park.

PARKING LOT: An open, graded, compacted and improved surfaced area, other than a street or public way, to be used for the parking or storage, for limited periods of time, of operable passenger vehicles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

PARKING SPACE: Usable space within a public or private parking lot, not less than one hundred eighty (180) square feet (9 feet x 20 feet), exclusive of access drives, aisles or ramps for the storage of one passenger vehicle or commercial vehicle.

PATHWAY: See definition of pedestrianway.

PEDESTRIANWAY: A walkway designed for pedestrians to move from one point to another.

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PERMITTED USE: The utilization of land which shall be permitted to take place in any district as set forth by this chapter after obtaining a conditional use permit.

PERSON: Includes, but is not limited to, an individual, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, limited liability company, agency, department, or division, and all other or any other similar entities.

PLANNED UNIT DEVELOPMENT (PUD): An area of land in which a variety of residential, commercial, industrial, or other land uses are provided for under single ownership or control, up until the final plat is recorded, and allows for flexibility in site design and dimensional standards to develop residential, commercial and/or industrial uses not allowed individually within specific zoning districts.

PLAT: An engineered map of a land subdivision in compliance with local and State law.

Final Plat: A map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared by a registered professional engineer or a registered land surveyor in accordance with this chapter, Federal, State and local regulations.

Preliminary Plat: A preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with applicable Federal, State and local regulations consisting of an approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, and blocks in the subdivision.

Recorded Plat: A final plat bearing all of the certificates of approval required in this chapter and duly recorded in the County Recorder's Office.

Short Plat: The combined approval process of preliminary and final plats.

POLITICAL SUBDIVISION: A county, city, school district, highway district, irrigation district, fire district or other district recognized by the Idaho Code.

PRESIDING PARTY: The Board, commission, hearing examiner, or Hearing Officer.

PRIVATE ROAD: A road serving more than two (2) permanent dwellings or commercial or industrial uses which is privately maintained, and not accepted for maintenance by the local highway district having jurisdiction.

PRIVATE TOWER WITH ANTENNA: A tower for private communications such as amateur radio, not for commercial use.

PROCESS: The mode, method, or operation necessary to prepare for market or to convert into marketable form.

PROPERTY LINE (FRONT): Property lines that abut any public or private road or are intersected by an ingress/egress easement.

PROPERTY LINE (REAR): The property line that is most opposite the front property line. If a property has more than one front property line, then the rear property line is that which is most opposite the front property line containing the access approach. The

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remaining property lines, opposite the other front property lines, may be side property lines.

PROPERTY LINE (SIDE): Property lines that are not front or rear property lines.

PUBLIC RIGHT-OF-WAY: Any land dedicated to the public and under the jurisdiction of a public highway agency. A public right-of- way can be open or closed to public travel and the highway district has no obligation to construct or maintain said right- of-way for vehicular traffic.

PUBLIC SERVICE AGENCY TELECOMMUNICATION FACILITIES: Police, fire, emergency medical services, highway district, and Idaho Transportation Department facilities which permit communication between public service agency dispatching facilities and public service agency personnel with each other. A public service agency telecommunication facility does not lose its designated status because it leases out a portion of its communication towers to private telecommunication facilities as long as the public service agency telecommunication facilities are the predominating use.

PUBLIC STREET: All roads, streets, alleys, or bridges open to public use and maintained by a public agency.

PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities. Also public owned buildings, fire and police stations, libraries, Post Offices, and public utilities administration buildings.

QUASI-JUDICIAL MATTER (HEARING): A term applied to the action of public administrative officers or bodies at public hearings, who are required to investigate facts, or ascertain the existence of facts, hold hearings, and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature. However, State law rules of evidence apply to judicial proceedings and do not apply to quasi-judicial hearings.

QUASI-PUBLIC USE (PERMANENT): Hospitals, convalescent homes, colleges, and other facilities of an educational, religious, charitable, or philanthropic nature that are nonprofit organizations or exempt properties.

QUASI-PUBLIC USE (TEMPORARY): An activity of a quasi-public nature which has a duration not to exceed seven (7) days and seven (7) nights in a six (6) month period and is allowed in all zones within the unincorporated parts of the County. Activities may include, but are not limited to, religious retreats, revivals, carnivals and like uses, musical concerts, theatrical performances, and sporting events.

RACETRACK: A configured course where races are run with animals, machines, or equipment.

RECREATIONAL VEHICLE (RV): A motor home, travel trailer, fifth- wheel trailer, park model recreational vehicle, truck camper or folding camping trailer, with or without motive power, designed for recreational or emergency occupancy. It does not include

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pick-up hoods, shells, or canopies designed, created or modified for occupational usage. School buses or van type vehicles which are converted to recreational use, are defined as recreational vehicles.

RECREATIONAL VEHICLE (RV) PARKS: A ~~parcel~~ property designed and intended for the use of recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes.

RECYCLED ASPHALT: Recycled or reclaimed asphalt pavement which is used as a base material, or to supplement the virgin aggregate and oil in plant mix pavement. It is pavement which is supplemented with oil and acceptable binding materials, to be used as an asphalt surface.

REFINERY: A facility where a group of chemical engineering unit processes and unit operations are used to convert raw material into products of value.

RENDERING PLANT: A facility where animal parts are converted into industrial fats and oils or fertilizers.

REPLAT: A new plat of all or a portion of an existing subdivision plat.

RESIDE: Dwell or inhabit.

RESTAURANT: Any land, building, or part thereof, other than a boarding house, where meals are provided for compensation.

REZONE: Changing the zoning classification of land from one zone to another.

RIBBON CURBING: At a minimum, curbing matching the slope and grade of adjoining road(s), with a two foot (2') wide six inch (6") thick concrete roadway edging strip (ribbon curbing), using road base in the same thickness as the adjoining road and designed to channel water from the road into adjacent infiltration swale.

ROAD LOT: A private road that provides access to more than two (2) lots within a subdivision.

ROADSIDE STAND: The site used for the sale of agricultural products where the majority of the products are produced by the landowner.

SCHOOL (PUBLIC OR PRIVATE): "Public or private schools" means an institution of learning or instruction primarily catering to minors, whether public or private, which is licensed at such facility by either the city or the State of Idaho. This definition includes nursery schools, kindergarten, elementary schools, junior high schools, middle high schools, senior high schools or any special institution of learning under the jurisdiction of the State Department of Education, but not including professional and vocational schools, charm schools, dancing schools, music schools or similar limited schools nor public or private universities or colleges.

SEASONAL ACTIVITIES: Activities dependent on a particular season of the year.

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SECONDARY RESIDENCE: A dwelling, other than a temporary residence, that is detached from the primary residence.

SETBACK: The space on a ~~lot~~ property required to be left open and unoccupied by buildings or structures, either by the front, side or rear yard requirements of this chapter, or by delineation on a recorded subdivision map or a record of survey.

SHOOTING RANGE: An indoor or outdoor facility designed for the use of firearms and for which a fee is charged.

SIGN: Any sign, copy, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial, industrial, or public activity.

SIMILAR USES: A use that has characteristics generally like those of a listed or defined use.

SINGLE-FAMILY DWELLING:

- (1) A dwelling for one family.
- (2) Any dwelling in which eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons reside and which is supervised and conforms to Idaho Code sections 67-6531 and 67-6532.
- (3) A manufactured home as defined by Idaho Code section 39-4105(8).

SITE PLAN: A scaled drawing showing the ~~parcel~~ property and all existing and proposed uses and structures and roads all with dimensions, distances and private and public road names. It includes ~~lot~~ property lines, ~~lot~~ property area, parking spaces, private roadways, walkways, topographic features, reserved open space, buildings and other structures, major landscape features, and the location of proposed utility easements. A site plan is a more detailed representation of a proposed development than shown in a plat, and may also include density and statistical data.

SLAUGHTERHOUSE: A facility where animals are killed and may be processed into meat products.

SMALL WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which is intended to primarily reduce on site consumption of utility power.

SPECIAL EVENTS: Any temporary event including, but not limited to, weddings, picnics, barbecues, holiday events and parties, dances, concerts, footraces and walks, bazaars, and harvest festivals.

STAGING AREA: An area where equipment and/or materials are stored for use conducted entirely off site.

STRUCTURE: Any building used or intended for supporting or sheltering any use or occupancy as defined in the Canyon County Building Code.

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SUBDIVISION: The division of any ~~lot, tract or parcel of land~~ property into more than four (4) parts since recognition of the original parcel under this chapter for the purpose of development or transfer of ownership.

SUBDIVISION REVIEW TEAM: A committee of DSD employees which reviews proposed preliminary and final subdivision plats.

SURVEYOR: Any person who is licensed in the State of Idaho to engage in the practice of land surveying.

SWINE: Any of the various stout short legged, hoofed mammals with bristly skin and flexible snout including, but not limited to, pigs, hogs or boars.

SWINE FARM: Land where swine are raised for compensation or animal care projects.

TANNERY (COMMERCIAL): A facility where the tanning process is applied to hides to produce leather.

TAVERN OR LOUNGE: A building where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food.

TELECOMMUNICATION FACILITY: Public or private cellphone, broadcast, communication, or wireless internet towers and associated facilities.

TEMPORARY USE: A land use intended to last or continue for a limited time.

TRACT: A ~~parcel of land~~.

URBAN DENSITY: Development of land into ~~parcels~~ property of less than one acre in size.

UTILITIES: Installations or facilities, underground or overhead, furnished for use by the public, including, but not limited to, electricity, gas, steam, communications, water, drainage, irrigation, sewage disposal or flood control, owned and operated by any person, firm, corporation, municipal department or board duly authorized by State or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments or boards.

UTILITY DISTRIBUTION SYSTEM: A system used to deliver any utility.

UTILITY FACILITY: Any facility providing utility services including, but not limited to, buildings, plants, substations, reservoirs or wastewater treatment plants owned or operated by a utility provider regulated by the Idaho Public Utility Commission or other regulatory agency or political subdivision of the State.

VARIANCE: A modification of the bulk and placement requirements of this chapter as to ~~lot~~ property size, ~~lot~~ property coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon ~~lots~~ the property, or the size of ~~lots~~ the property.

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VEHICLE SALES LOT: Premises on which new or used passenger vehicles, trailers, mobile homes or trucks in operating condition are displayed in the open for sale or trade.

VEHICLE SERVICE AND/OR FUELING STATION: Premises used for the sale and delivery of petroleum products and parts such as fuel, lubrication oils, tires, and incidental vehicular accessories and related services, including minor motor vehicle repairs and/or rental of vehicles.

VEHICLE SERVICE FACILITY: Premises on which repair and service work to vehicles is performed.

VEHICLE WRECKING YARD: Any use of premises, excluding fully enclosed buildings, on which two (2) or more motor vehicles not in licensed operating condition are standing more than thirty (30) days, or on which motor vehicles not in licensed operating condition, or parts thereof, are dismantled, displayed, stored, recycled or sold.

VIABLE FARMLAND: Land that is capable of producing marketable farm animals or crops.

WAREHOUSING: Storage of goods or merchandise.

WATER INFILTRATION: A process in which water is applied to an area of land.

WIND FARM: Multiple wind turbines grouped in a single location for the purpose of generating a large amount of electric power.

WIND TURBINE: A structure that uses moving air to generate electricity through the use of blades that are turned by the wind.

WINERY: A place where wine is produced.

YARD: An area that extends along a property line to a depth or width specified in the setback regulations for the zone in which the property is located.

YARD (FRONT): The open space extending across the full width of the ~~lot~~ property and lying between the front street line and the nearest line of a structure.

YARD (REAR): The open space extending across the full width of the ~~lot~~ property and lying between the rear line of the ~~lot~~ property and the nearest line of a structure.

YARD (SIDE): The open space extending from the front yard to the rear yard and lying between the side ~~lot~~ property line and the nearest line of a structure.

YARD/GARAGE SALE: A sale of used or unwanted household goods, personal items, bric-a-brac typically held in one's garage or yard.

ZONING MAP: An official map designating land use zones in the County. (Ord. 19-038, 8-30-2019; amd. Ord. 20-012, 5-29-2020)

**ARTICLE 3
ADMINISTRATION**

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SECTION:

07-03-01: Planning And Zoning Commission; Membership And Duties

07-03-03: Director Of The Development Services Department; Duties

07-03-05: Hearing Officer

07-03-07: Hearing Examiner

07-03-01: PLANNING AND ZONING COMMISSION; MEMBERSHIP AND DUTIES:

(1) Membership: The Canyon County planning and zoning commission is established to perform both planning and zoning duties specified in the Idaho "local land use planning act", Idaho Code, title 67, chapter 65 and this chapter.

(2) Term: The length of the appointment term for commissioners shall be four (4) years unless removed for cause pursuant to Idaho Code section 67-6504. A commissioner must have resided in the county for two (2) years prior to his/her appointment, and must remain a resident of the county during his/her service on the commission. Commissioners serving when this chapter is adopted shall continue to serve the terms for which they were appointed.

(3) Officers: The commission shall elect a chairman and create and fill other positions as provided for in Idaho Code section 67-6504(b).

(4) Duties And Powers: The commission shall have those powers and perform those planning and zoning duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65 and in county ordinances. (Ord. 10-006, 8-16-2010; amd. Ord. 21-033, 10-21-2021)

07-03-03: DIRECTOR OF THE DEVELOPMENT SERVICES DEPARTMENT; DUTIES:

The director shall perform those duties assigned by the board. (Ord. 10-006, 8-16-2010)

07-03-05: HEARING OFFICER:

The chairman of the board, when confirmed by majority vote of board, may appoint a hearing officer. (Ord. 10-006, 8-16-2010)

07-03-07: HEARING EXAMINER:

(1) Appointment, Authority, Duties And Procedures: Any hearing examiner appointed by the board shall perform such duties as assigned by the board pursuant to Idaho Code section 67-6520. (Ord. 10-006, 8-16-2010)

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ARTICLE 4
FEES

SECTION:

07-04-01: Established

07-04-03: Development Services Department Fees

07-04-05: Fee Waivers

07-04-07: Refunds

07-04-01: ESTABLISHED:

By resolution, the board shall establish fees to defray the costs of processing all applications, renewals and requests for action filed pursuant to this chapter. All fees shall be established in accordance with Idaho Code sections 31-870(1) and 63-1311A. (Ord. 10-006, 8-16-2010)

07-04-03: DEVELOPMENT SERVICES DEPARTMENT FEES:

Any person filing any application, renewal or request authorized by this chapter shall pay the fees authorized by the board. No application, renewal or request for action, except as hereafter provided, shall be accepted by DSD, unless accompanied by the required filing fee. (Ord. 10-006, 8-16-2010)

07-04-05: FEE WAIVERS:

Notwithstanding any required fee, only the board shall have the authority to waive, in whole or in part, any fee established by the board for an application, renewal or request for action filed by any governmental agency or persons when such a fee would present an undue hardship. An application for a hardship waiver must be in writing, must specifically describe the undue hardship, and must be filed with the clerk of the board for board action. (Ord. 10-006, 8-16-2010)

07-04-07: REFUNDS:

Upon request, the director shall determine the percentage of application processing time and expenditures that have been incurred and may recommend to the board that the applicant be refunded that portion of the processing fee which has and will not be used. All refunds shall not be issued unless approved by resolution by the board. (Ord. 10-006, 8-16-2010)

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ARTICLE 5

NOTICE, HEARING, AND APPEAL PROCEDURES

SECTION:

07-05-01: Notice Procedure

07-05-03: Board, Commission Or Hearing Examiner Hearing Procedures

07-05-05: General Appeal Procedures

07-05-07: Appeal Of Director Administrative Decision

07-05-09: Mediation Of Quasi-Judicial Land Use/Land Division Matters

07-05-01: NOTICE PROCEDURE:

(1) Notice Procedures: Notice shall be given for all proceedings in accordance with Idaho Code sections 67-6509, 67-6511 and 67-6512, as applicable, except as provided for in subsection (2) of this section.

(2) Special Notice Procedures: When notice is required to two hundred (200) or more property owners or purchasers of record, notice shall be provided as follows:

A. Notice shall be provided to property owners or purchasers of record, within the land being considered and properties within six hundred feet (600') beyond the external boundaries of the land being considered; and

B. The county shall publish the public hearing notice in the official newspaper or newspaper of general circulation at least fifteen (15) calendar days prior to the date of hearing. In addition, the county shall provide notice through a display advertisement at least four inches (4") by two (2) columns in size in the official newspaper of the county at least fifteen (15) calendar days prior to the hearing date. Notice shall also be posted on all public and/or private roads abutting the development not less than one week prior to the hearing.

(3) Deemed To Have Had Notice: Any person that appears at a hearing, or who submits any exhibit to be considered at such hearing, shall be deemed to have had actual notice by such appearance. (Ord. 10-006, 8-16-2010)

07-05-03: BOARD, COMMISSION OR HEARING EXAMINER HEARING PROCEDURES:

(1) The following hearing procedures shall be followed in all matters heard by the presiding party:

A. The presiding party shall adhere to the requirements of chapter 1, article 17 of this code.

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B. Prior to the commencement of a hearing, a sign up sheet shall be provided for prospective witnesses to sign.

C. The hearing shall be opened with a statement of the rules and procedures.

D. The chairman or his designee shall administer the oath or affirmation to the witnesses, except at legislative hearings where public input is solicited.

E. The applicant shall provide reports and testimony which will provide information necessary to enable the presiding party to render a decision on an application.

F. The presiding party may refuse to permit any person to testify who has not signed the witness list, is disruptive of the hearing proceedings, or is belligerent.

G. The presiding party shall approve, modify, or deny an application after reviewing whether or not the application satisfies the applicable provisions of the comprehensive plan, ordinances, and the local land use planning act, Idaho Code title 67, chapter 65. The applicant carries the burden of persuasion.

H. When the presiding party makes a recommendation to the board the FCOs, the minutes, and documents regarding the notice of hearing shall be certified to the board and shall be included in the official record of the board.

I. The presiding party shall issue FCOs, reflecting its final decision.

J. A copy of the signed FCOs shall be mailed to the applicant and/or the applicant's representative. (Ord. 10-006, 8-16-2010)

07-05-05: GENERAL APPEAL PROCEDURES:

(1) The decisions of the commission or the hearing examiner may be appealed to the board by filing a written notice of appeal with DSD within fifteen (15) calendar days of the date the FCOs were signed. The notice of appeal should include a statement of the reasons for the appeal and must be accompanied by a filing fee as established by the adopted fee schedule. (Ord. 10-006, 8-16-2010)

07-05-07: APPEAL OF DIRECTOR ADMINISTRATIVE DECISION:

(1) Appeal To Board: An affected person aggrieved by a final administrative decision or action of the director that was made pursuant to the provisions of this chapter may appeal to the board.

(2) Appeal Procedures:

A. Appeals shall be filed with DSD within fifteen (15) calendar days after the date of the decision. A notice of appeal should include a statement of the reasons for the appeal and must be accompanied with all appropriate fees as established by the adopted fee schedule. (Ord. 10-006, 8-16-2010)

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B. At the public hearing held in accordance with this article, the board shall consider the decision of the director and any additional evidence that may be offered by the public, applicant or director.

C. The board may affirm, reverse or modify, in whole or in part, the director's decision. (Ord. 12-006, 3-22-2012)

07-05-09: MEDIATION OF QUASI-JUDICIAL LAND USE/LAND DIVISION MATTERS:

The procedure for mediation shall be in accordance with the provisions of Idaho Code section 67-6510. Nothing in this chapter shall affect the rights of any party regarding mediation of land disputes. The county shall not be liable for nor pay the fees or expenses of any mediation requested by any applicant or affected property owner. (Ord. 10-006, 8-16-2010)

ARTICLE 6

REZONE, AMENDMENT OF COMPREHENSIVE PLAN,
AMENDMENT OF ZONING ORDINANCE

SECTION:

07-06-01: Initiation Of Proceedings

07-06-03: Comprehensive Plan Amendment Criteria

07-06-05: Zoning Amendment Criteria

07-06-07: Conditional Rezone

07-06-01: INITIATION OF PROCEEDINGS:

- (1) Type Of Change: Any person may apply for the following:
 - A. An amendment to the county comprehensive plan and/or map;
 - B. An amendment to this chapter; or
 - C. Amendment to official zoning maps (rezone or conditional rezone). (Ord. 11-003, 3-16-2011)
- (2) Applications: All applications for the above changes or amendments shall be filed with DSD. An application must be accompanied by a filing fee as established by the adopted fee schedule. Applications shall contain all required information.
- (3) Comprehensive Plan Changes: Requests for comprehensive plan changes and ordinance amendments may be consolidated for notice and hearing purposes. Although these procedures can be considered in tandem, pursuant to Idaho Code section 67-6511(b), the commission, and subsequently the board, shall deliberate first on the proposed amendment to the comprehensive plan; then, once the commission, and

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subsequently the board, has made that determination, the commission, and the board, should decide the appropriateness of a rezone within that area. This procedure provides that the commission, and subsequently the board, considers the overall development scheme of the county prior to consideration of individual requests for amendments to zoning ordinances. The commission, and subsequently the board, should make clear which of its findings relate to the proposed amendment to the comprehensive plan and which of its findings relate to the request for an amendment to the zoning ordinance.

(4) Zoning Ordinance Changes:

A. If an amendment to the ordinance text is approved, then the approved changes shall be effective in accordance with time requirements of Idaho Code sections 31-715 and 31-715A. The board shall, when considering an application for an amendment to the zoning ordinance, consider the comprehensive plan and other evidence gathered through the public hearing process.

B. If an amendment to a zone or zone boundary is approved, then the approved amendment shall be effective immediately upon written approval and shall be established and clearly indicated, as soon as practicable, on the zoning map or maps adopted as part of this chapter. The board shall, when considering an application for an amendment to the zoning ordinance, consider the comprehensive plan and other evidence gathered through the public hearing process. (Ord. 10-006, 8-16-2010)

07-06-03: COMPREHENSIVE PLAN AMENDMENT CRITERIA:

(1) The commission shall review the particular facts and circumstances of each proposed comprehensive plan amendment and make a recommendation regarding the same to the board. The commission and the board shall determine whether the proposed amendment meets the requirements of the local land use planning act, Idaho Code title 67, chapter 65, and is consistent with the comprehensive plan's purposes, goals and policies:

A. Is the requested type of growth generally in conformance with the comprehensive plan;

B. When considering the surrounding land uses, is the proposed land use more appropriate than the current comprehensive plan designation;

C. Is the proposed comprehensive plan amendment compatible with surrounding land uses;

D. Do development trends in the general area indicate that the current designation and circumstances have changed since the comprehensive plan was adopted; and

E. Will the proposed comprehensive plan amendment impact public services and facilities. What measures will be implemented to mitigate impacts? (Ord. 11-003, 3-16-2011)

07-06-05: ZONING AMENDMENT CRITERIA:

(1) The commission shall review the particular facts and circumstances of each proposed zoning amendment and make a recommendation regarding the same to the board. The presiding party shall make its review in terms of the following standards and shall find adequate evidence regarding the following criteria when evaluating the proposed zoning district boundary amendment:

- A. Is the proposed zone change generally consistent with the comprehensive plan;
- B. When considering the surrounding land uses, is the proposed zone change more appropriate than the current zoning designation;
- C. Is the proposed zoning map amendment compatible with surrounding land uses;
- D. Will the proposed zoning map amendment negatively affect the character of the area? What measures will be implemented to mitigate impacts?
- E. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed zoning map amendment;
- F. Does legal access to the subject property for the zoning map amendment exist or will it exist at the time of development;
- G. Does the proposed zoning map amendment require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development? What measures have been taken to mitigate road improvements or traffic impacts; and
- H. Will the proposed zoning map amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts? (Ord. 16-007, 6-20-2016)

07-06-07: CONDITIONAL REZONE:

(1) Restrictions: In approving a conditional rezone application, the presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions or limitations may be imposed to promote the public health, safety and welfare, or to reduce any potential damage, hazard, nuisance or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. When the presiding party finds that such conditions, stipulations, restrictions or limitations are necessary, land may be rezoned upon condition that if the land is not used as approved, or if an approved use ends, the land use will revert back to the zone applicable to the land immediately prior to the conditional rezone action.

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(2) Development Agreement: Any condition, stipulation, restriction or limitation imposed pursuant to this article shall be incorporated as part of any site plan, plat, document of title of conveyance and building permit relating to the restricted land. Any predevelopment condition, stipulation, restriction or limitation imposed pursuant to this subsection shall be verified as being met prior to the issuance of any building permit. The applicant must execute a written development agreement to implement and be bound by any such condition, stipulation, restriction, or limitation. No final conditional rezone action shall be taken until such development agreement is recorded in the office of the county recorder. The development agreement shall have the effect and impact provided by Idaho Code section 67-6511A. (Ord. 10-006, 8-16-2010)

(3) Conditional Rezoning Designation: Such restricted land shall be designated by a CR (conditional rezoning) on the official zoning map upon approval of a resolution by the board for an "order of intent to rezone". An "order of intent to rezone" shall be submitted to the board for approval once the specific use has commenced on the property and all required conditions of approval have been met and any required improvements are in place. Land uses that require approval of a subdivision shall have an approved final plat in accordance with this chapter before the "order of intent to rezone" is submitted for approval by the board. Designation of a parcel property as CR shall not constitute "spot" zoning and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same.

(4) Time Requirements: All conditional rezones for a land use shall commence (see definition of "commence", section 07-02-03: of this chapter) within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. All subsequent developments on the property shall reapply for land use approval.

(5) Notice That Conditional Rezone Conditions Not Being Met: If any person, including staff or member of the commission, files a written notice presenting sufficient evidence, as determined by the director, to establish that the rezone conditions have not been met, or that a use approved by conditional rezoning has been abandoned or has ended, the commission shall notice a public hearing pursuant to article 5 of this chapter, said hearing to be conducted pursuant to article 5 of this chapter. The burden of proof at such hearing shall be on the person who filed the notice. If the commission finds that the rezone conditions are not being followed or that the use approved by conditional rezoning has ended, it may recommend to the board a time schedule for compliance or may recommend that the board order the zone to revert back to the zone from which the property was conditionally rezoned, as provided by subsection (7)I of this section. (Ord. 11-003, 3-16-2011)

(6) Conditional Rezone Approval:

A. Standards Of Evaluation: The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone:

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1. Is the proposed conditional rezone generally consistent with the comprehensive plan;
2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation;
3. Is the proposed conditional rezone compatible with surrounding land uses;
4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
5. Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate proposed conditional rezone;
6. Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?
7. Does legal access to the subject property for the conditional rezone exist or will it exist at time of development; and
8. Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts? (Ord. 16-007, 6-20-2016)

B. Conditions Must Be Met: If the commission recommends and the board approves such order of preliminary rezoning, the order shall include any conditions, stipulations, restrictions or limitations which the commission recommends and the board finds are necessary to the public health, safety and welfare. Such conditions, stipulations, restrictions or limitations must be met before the "order of intent to rezone" is issued. The development agreement must be signed and recorded before final approval is given.

C. Conditions Incorporated Into Document: Any conditions, stipulations, restrictions or limitations imposed pursuant to this section shall be incorporated as part of any site plan, plat, document of title of conveyance, and building permit relating to the restricted land.

(7) Provisions Governing The Creation, Form, Recording, Modification, Enforcement And Termination Of A Development Agreement:

A. Creation Of Development Agreement: The county may enter into a development agreement with a developer for the development of real property in accordance with these rules and the board's FCOs following a public land use hearing; provided that the development agreement shall:

1. Describe the land subject to the development agreement;
2. Specify the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings;

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3. Specify any ongoing performance of owner or developer and the consequence for any owner's or developer's noncompliance therewith;
 4. Provide, where appropriate, for reservation or dedication of land for public purposes;
 5. State that the development agreement shall not prevent the county, in subsequent actions applicable to the property, from applying new rules, regulations or policies that do not conflict with development agreements applicable to the property as set forth in the agreement;
 6. Provide that the director shall administer the development agreements after such agreements become effective;
 7. Provide that the director shall conduct a review of compliance with the terms and conditions of the development agreement on a periodic basis as established by the development agreement; and
 8. Provide that a development agreement must be approved by the board, upon recommendation of the commission, which recommendation may be accepted, modified or rejected. A preliminary conditional rezoning approval becomes final when the conditions set forth in the recorded development agreement have been fully met by the developer as determined by the director, in the exercise of the director's discretion including, but not limited to, unforeseen circumstances.
- B. Development Agreement Duration: The development agreement shall run with the land and bind the property, only as in accordance with law, and shall inure to the benefit of and be enforceable by the parties, and any of their respective legal representatives, heirs, successors and assignees.
- C. Subject Matter: The development agreement may also cover any other matter not inconsistent with this chapter, which is reasonably related to the project, and not prohibited by law.
- D. Parties: In addition to the county and developer, any federal, state or local government agency or body may be included as a party to the development agreement. If more than one government body is made party to a development agreement, the development agreement shall specify which agency shall be responsible for the overall administration of the development agreement.
- E. Form Of Development Agreements: Development agreements shall include, in the board's discretion, but not be limited to, a clear statement of the intent of the parties in regard to entering the agreement, necessary real property descriptions, schedules and exhibits, a detailed statement regarding the development of the property, and periodic review, as established by the development agreement. The development agreement shall address the requirements and conditions for conditional rezoning approval and shall be accompanied by, or include, a statement necessitating the need for a development agreement.

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F. Modification Of Development Agreements: A development agreement by a developer concerning the use or development of the subject ~~parcel~~ property may be modified only by permission of the board after complying with the notice and hearing provisions of Idaho Code section 67-6509. The modification proposal must be in the form of a revised development agreement and must be accompanied by a statement demonstrating the necessity for the requested modification.

G. Recording Of Development Agreements: Development agreements or amended development agreements shall be recorded by the director in the office of the county recorder and shall take effect upon the adoption by the board. The director shall provide a copy of the recorded development agreement or amended development agreement to the prosecuting attorney and to the developer. Should a development agreement be terminated by the county, and the zoning designation upon which the use is based is reversed, a document authorizing such termination and zoning reversal shall be recorded by the director in the office of the county recorder and supplied to the same parties noted above.

H. Enforcement Of Development Agreements:

1. Unless terminated pursuant to subsection (7)I of this section, a development agreement, amended development agreement, or modified development agreement, shall be enforceable by any party thereto, or their successors in interest, notwithstanding any subsequent change in any applicable law adopted by the county which alters or amends the laws, ordinances, resolutions, rules, or policies (hereafter referred to as "laws") specified in this section.

2. All laws governing permitted uses of the land that is the subject of the development agreement, including, but not limited to, uses, density, design, height, size, and building specifications of proposed buildings, construction standards and specifications, and water utilization requirements applicable to the development of the property subject to a development agreement, shall be those laws made applicable and in force at the time of execution of the development agreement, notwithstanding any subsequent change in any applicable laws adopted by the county, which alter or amend the laws specified in this section. Such subsequent change shall be void as applied to the property subject to such development agreement to the extent that it changes any laws which any party to the development agreement has agreed to maintain in force as written at the time of execution; provided that a development agreement shall not prevent the board from requiring the developer to comply with laws of general applicability enacted subsequent to the date of the development agreement, if they could have been lawfully applied to the property which is the subject of the development agreement at the time of execution of the development agreement, provided the board finds it necessary to impose the requirements because a failure to do so would place the residents of a subdivision or of the immediate community, or both, in a condition perilous to the residents' health or safety, or both.

I. Termination Of Development Agreements:

1. A development agreement may be terminated and the zoning designation upon which the use is based reversed, upon the failure of the developer to comply with

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the provisions in the development agreement. The developer shall comply with the requirements set forth in the development agreement. A development agreement may be terminated only after complying with the notice and hearing provisions of Idaho Code section 67-6509.

2. If, as a result of a periodic review, the director finds and determines that the developer has committed a breach of the terms or conditions of the development agreement, the director shall serve notice in writing, within a reasonable time period after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and provide a reasonable time period in which to cure such material breach. If the developer fails to cure the breach within the time period given, the county may terminate or modify the development agreement only after complying with the notice and hearing provisions of Idaho Code section 67-6509 and subsection (5) of this section.

(8) Final Rezoning Approval ("Order Of Intent To Rezone"): A conditional rezoning approval becomes final when the conditions set forth in the development agreement have been fully met by the developer. Such approval shall be in the form of a board action known as an "order of intent to rezone", and the property shall be designated by a CR mark on the official zoning map so that persons using the map will be put on notice. Building permits may not be issued until the "order of intent to rezone" is approved by the board and recorded in the county recorder's office by the developer. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

ARTICLE 7 CONDITIONAL USE PERMITS

SECTION:

07-07-01: Purpose

07-07-03: Application Process

07-07-05: Hearing Criteria

07-07-07: Additional Standards For A Temporary Residence That Requires A Conditional Use Permit

07-07-09: Additional Standards For Daycares That Require A Conditional Use Permit (CUP)

07-07-11: Additional Standards For Mineral Extraction (Long Term) [1](#) (Rep. by Ord. 16-001, 1-8-2016)

07-07-13: Standards For A Conditional Use Permit (CUP) For A Wind Farm [2](#) (Rep. by Ord. 16-001, 1-8-2016)

07-07-15: Standards For Manufacturing Or Processing Of Hazardous Chemicals Or Gases [3](#) (Rep. by Ord. 16-001, 1-8-2016)

07-07-17: Special Conditions

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07-07-19: Additional Studies

07-07-21: Violation Of Conditions

07-07-23: Land Use Time Limitations

07-07-25: Request For Extension

Notes

- 1 1. See section 07-14-19: of this chapter.
- 2 2. See section 07-14-33: of this chapter.
- 3 3. See section 07-14-15: of this chapter.

07-07-01: PURPOSE:

Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. The commission may require higher standards of site development than those listed specifically in this chapter in order to assure that the proposed use will be compatible with other property and uses in the vicinity. The commission may revoke or modify its approval of a conditional use permit in accordance with the procedures set forth in the hearing and appeals procedures found in article 5 of this chapter. (Ord. 10-006, 8-16-2010)

07-07-03: APPLICATION PROCESS:

A conditional use permit application shall be subject to a public hearing, review, and approval, as provided by article 5 of this chapter. The application process shall be as follows:

- (1) Form: Applications for conditional use permits, including a development plan and/or an operation plan if applicable, shall be filed with DSD.
- (2) Fee: An application must be accompanied by a filing fee as established by the adopted fee schedule. (Ord. 10-006, 8-16-2010)

07-07-05: HEARING CRITERIA:

The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:

- (1) Is the proposed use permitted in the zone by conditional use permit;

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- (2) What is the nature of the request;
- (3) Is the proposed use consistent with the comprehensive plan;
- (4) Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area;
- (5) Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use;
- (6) Does legal access to the subject property for the development exist or will it exist at the time of development;
- (7) Will there be undue interference with existing or future traffic patterns; and
- (8) Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use? (Ord. 16-001, 1-8-2016)

07-07-07: ADDITIONAL STANDARDS FOR A TEMPORARY RESIDENCE THAT REQUIRES A CONDITIONAL USE PERMIT:

- (1) The decision making body shall consider the following:
 - A. The uses of the surrounding properties in the determination of the compatibility of the proposed temporary use permit with such uses;
 - B. Duration of the proposed use;
 - C. Considerations of site and building design and capabilities; and
 - D. Recommendations from applicable government agencies.
- (2) The decision making body may require conditions as are necessary to protect the health, safety and welfare of the residents of ~~parcels~~ properties within the set notification distance, as well as conditions that would protect the uses of surrounding properties. (Ord. 11-003, 3-16-2011)

07-07-09: ADDITIONAL STANDARDS FOR DAYCARES THAT REQUIRE A CONDITIONAL USE PERMIT (CUP):

- (1) If the presiding party approves a daycare, it shall specify the maximum number of children as a condition of approval. The presiding party shall also consider all health and safety requirements, considerations of site and building design and capabilities, and recommendations from applicable government agencies.

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(2) The board shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed daycare center with such uses. Additional conditions as are necessary to protect the public health, safety, and welfare of the children may be required. (Ord. 11-003, 3-16-2011)

07-07-11: ADDITIONAL STANDARDS FOR MINERAL EXTRACTION (LONG TERM) [1](#) :

(Rep. by Ord. 16-001, 1-8-2016)

Notes

[1](#) 1. See section 07-14-19: of this chapter.

07-07-13: STANDARDS FOR A CONDITIONAL USE PERMIT (CUP) FOR A WIND FARM [1](#) :

(Rep. by Ord. 16-001, 1-8-2016)

Notes

[1](#) 2. See section 07-14-33: of this chapter.

07-07-15: STANDARDS FOR MANUFACTURING OR PROCESSING OF HAZARDOUS CHEMICALS OR GASES [1](#) :

(Rep. by Ord. 16-001, 1-8-2016)

Notes

[1](#) 3. See section 07-14-15: of this chapter.

07-07-17: SPECIAL CONDITIONS:

Special conditions may be attached to a conditional use permit including, but not limited to, conditions which:

(1) Minimize adverse impact, such as damage, hazard, and nuisance, to persons or the subject property or property in the vicinity;

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- (2) Control the sequence and timing of development;
 - (3) Control the duration of development;
 - (4) Designate the exact location and nature of development;
 - (5) Require the provision for on site or off site public facilities or services;
 - (6) Require more restrictive standards than those generally required in this chapter;
- or
- (7) Mitigate the negative impacts of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the county. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-07-19: ADDITIONAL STUDIES:

Prior to making a decision concerning a conditional use permit request, the presiding party may require studies at the applicant's expense of the social, economic, fiscal, and environmental effects of the proposed conditional use. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-07-21: VIOLATION OF CONDITIONS:

If any person, including staff or a member of the commission, files a written notice presenting sufficient evidence, as determined by the director, that the conditions of the conditional use permit have been violated, the presiding party that made the final decision, shall set the matter for a public hearing noticed in accordance with article 5 of this chapter. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-07-23: LAND USE TIME LIMITATIONS:

(1) Commencement: When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date. If the use is not commenced or completed within these time periods, the use and its approval shall expire as provided for in subsection (2) of this section. Upon expiration of the use or the approval of that use as provided by this section, the applicant can seek approval of the use only by filing a new initial application. However, gravel pits and public utility facilities are excepted from the commencement and time completion requirements. The presiding party has the discretionary power to establish commencement and completion requirements as specific conditions of approval for gravel pits and power plant public service facilities. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

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(2) Expiration: After the three (3) year period has expired, if any person, including staff or member of the commission, files a written notice presenting sufficient evidence, as determined by the director, to establish that the land use or construction of its facility provided for in the conditional use permit, has not commenced or after the five (5) year period that said use has been abandoned, ended, or not completed, the use has expired. (Ord. 12-006, 3-22-2012)

A. Appeal By Affected Person: Any affected person who is aggrieved by the director's decision as to an application pursuant to this subsection, may file a written notice of appeal in accordance with section 07-05-07, "Appeal Of Director Administrative Decision", of this chapter.

B. Reversion: If an appeal is not received or if the commission finds that the use has been abandoned, ended, or not completed, the prior approval shall be set aside and the property shall revert to its prior status. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-07-25: REQUEST FOR EXTENSION:

(1) Request: An applicant may request extension of the time period provided by this section by filing an application for extension with DSD. Such application must be filed prior to the date of expiration of the three (3) year period for commencement of the land use or prior to the expiration of the five (5) year period for completion of the project. The matter shall be heard at a public hearing before the presiding party who made the final decision, in accordance with the notice and hearing procedures of article 5 of this chapter. If the application is not timely filed, it shall not be accepted. (Ord. 12-006, 3-22-2012)

(2) Decision: The presiding party may extend the commencement period or the completion period upon proof of good cause by the applicant. The burden of proof as to the showing of good cause for the extension shall be on the applicant, and good cause shall be determined at the discretion of the presiding party. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

ARTICLE 8
VARIANCE

SECTION:

07-08-01: Application

07-08-03: Criteria

07-08-05: Approval Or Denial

07-08-07: Appeal

07-08-01: APPLICATION:

(1) The applicant shall submit to DSD an application for variance along with the appropriate fee.

(2) The director may grant a variance, as an administrative decision, of up to thirty three percent (33%) of the following requirements: ~~lot~~ property size, ~~lot~~ property width or depth, structure height, setback distances for the front, back, or side yards, or parking space.

A. Application And Administrative Requirements: A site plan and letter of intent shall be submitted to DSD for review together with all appropriate fees as established by the adopted fee schedule. The burden of proof lies upon the applicant to show whether characteristics of the site create an undue hardship.

B. Notifications: Upon acceptance of an application, DSD shall provide notification by mail of the variance request to the owners of ~~parcels~~ properties within three hundred feet (300') of the external boundaries of the ~~parcel~~ properties and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed variance.

C. Comments: The director shall consider all comments that are received within the fifteen (15) calendar day comment period prior to making a final written decision concerning the variance request. In considering comments, the director shall evaluate whether granting the variance will be consistent with the comprehensive plan and whether characteristics of the site create an undue hardship.

D. Notice Of Decision: The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.

(3) The commission shall consider all other applications for variances in accordance with the notice and hearing procedure of article 5 of this chapter. (Ord. 11-007, 5-18-2011)

07-08-03: CRITERIA:

(1) A variance shall be granted in compliance with Idaho Code section 67-6516, and notice and an opportunity to be heard shall be provided to property owners adjoining the subject property.

(2) The presiding party shall ask and answer the following questions in their FCOs:

A. Will granting the variance be consistent with the comprehensive plan;

B. Do characteristics of the site create an undue hardship; and

C. Is the variance in conflict with the public interest? (Ord. 10-006, 8-16-2010)

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07-08-05: APPROVAL OR DENIAL:

Whenever the presiding party grants or denies a variance, it shall specify:

- (1) The ordinance and standards used in evaluating the application;
- (2) The reasons for approval or denial; and
- (3) If denied, what actions, if any, the applicant might propose to try to obtain the variance upon submission of a new application. (Ord. 10-006, 8-16-2010)

07-08-07: APPEAL:

Any affected person who is aggrieved by the decision made pursuant to this article, may file a written notice of appeal in accordance with article 5 of this chapter. (Ord. 10-006, 8-16-2010)

ARTICLE 9

AGRICULTURAL PROTECTION AREA ACT

SECTION:

07-09-01: Purpose

07-09-03: Definitions

07-09-05: Creation And Designation Of APA

07-09-07: Review Process

07-09-09: Expansion Or Modification Of An APA

07-09-11: Termination Of An APA

07-09-13: Enrollment Duration

07-09-15: Fees

07-09-17: Prohibitions

07-09-01: PURPOSE:

The purpose of this ordinance is to comply with an Idaho's Agricultural Protection Area Title 67-Chapter 97, Idaho Code, as amended. (Ord. 25-006, 4-18-2025)

07-09-03: DEFINITIONS:

For the purpose of this Article, the following definitions shall:

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ADMINISTRATIVE OFFICER:	A County employee appointed by the Board of County Commissioners to fulfill the duties of the planning and zoning administrator or other administrative officer pursuant to section 67-9706, Idaho Code.
AGRICULTURE PRODUCTION:	Activities or conditions conducted on land actively devoted to agriculture as defined in section 63-604, Idaho Code, or on forest land as defined in section 63-1701, Idaho Code.
AGRICULTURE PROTECTION AREA (APA):	Specific parcels <u>properties</u> in a designated geographic area voluntarily created under the authority of this chapter for the purpose of protecting and preserving agricultural land.
AGRICULTURE PROTECTION AREA COMMISSION:	The advisory board to the governing body created pursuant to section 67-9705, Idaho Code.
AGRICULTURE PROTECTION AREA APPLICANT:	Anyone who owns five (5) acres or more of land that has been in active agricultural or forest production for the previous three (3) consecutive years, consistent with the provisions of sections 63-604 and 63-1701, Idaho Code, and who voluntarily applies for that land to be part of an agricultural protection area.
HARDSHIP:	A situation or circumstance over which a landowner in an agricultural protection area has no control and can then petition for removal for reasons that include but are not limited to an adverse result in litigation against the farm or landowner, death of a close family member that would lead to unanticipated financial hardships, significant tax liabilities, bankruptcy due to another person's fraud, or any other illegal activity.
PROPOSAL:	Written documents submitted to a governing body or agricultural protection area commission from a landowner regarding his property. (Ord. 25-006, 4-18-2025)

07-09-05: CREATION AND DESIGNATION OF APA:

A. An APA designation is a voluntary land use designation available to landowners who wish to protect their agricultural land from future nonagricultural development. To qualify for an APA designation, the land must be:

1. At least five (5) contiguous acres, and
2. Actively devoted to an agricultural production as defined in Canyon County code, and

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3. Appraised as agriculture land, with a current agricultural exemption, and
4. Designated as "Agriculture" on the County Comprehensive Plan, and
5. Zoned as "Agriculture" on the County Zoning map, and
6. Under one ownership.

B. Landowners wishing to establish an AP A must provide a completed application to the County Development Services Department ("DSD") in a format and content prescribed by DSD.

C. At a minimum, the application shall include the following:

1. Name, phone number, email, and mailing address of the land owner;
2. Affidavit of legal land ownership;
3. A legal description of the ~~parcels~~ properties, structures, and facilities proposed to be included in the APA;
4. A map showing the proposed boundaries of the proposed APA;
5. History of ownership, the number of years the land has been in agricultural production, the types of agricultural commodities produced, and the applicant's plan to continue using the land for agricultural purposes;
6. A letter of intent addressing all application criteria, reasons for seeking an APA designation, the current contiguous acreages of land, land use, agricultural productivity, other relevant characteristics of the land to be included in the APA, the number of years the land has been in agricultural production, the types of agricultural commodities produced, and the applicant's plan to continue using the land for agricultural purposes; and
7. Soil surveys, documentation of water rights, flood plain designation, and any other relevant environmental assessments. (Ord. 25-006, 4-18-2025)

07-09-07: REVIEW PROCESS:

A. Upon receipt of the proposed application and payment of fees, DSD shall have up to forty-five (45) days for review, provide notification to cities if applicable, compilation and posting of application materials, and scheduling of the APA Commission meeting. If the proposed APA is within one mile of a city's area of impact boundary, that city or cities shall be notified of the application and be given a minimum of fourteen (14) days to provide comment. Comments from a city or cities shall be considered in context of the below listed criteria.

B. The application shall be evaluated on the following criteria:

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1. The total contiguous acreage of the land is at least five (5) acres in size and is actively devoted to agricultural production;

2. Potential of conflict with city annexation, development plans, or agreements;

3. Proximity to existing public rights of way;

4. Proximity to planned transportation corridors, improvements, or future public rights of way;

5. Proximity to existing or planned utility locations;

6. Proximity to planned airport expansion or development;

7. Proximity to any planned improvements described in the County Parks Plan;

8. Compatibility and consistency with existing development patterns, comprehensive plan designations, zoning designations, or planned development with land use entitlements;

9. Degree of transitional of the land use in the proximity of the proposed APA;

10. Agricultural production capability of the land within the proposed APA;

11. Soil classification, water rights and usage, and any effect on provision of essential services to the requested APA land or nearby land; and

12. Other local impacts relevant to the proposed APA.

C. Within sixty (60) days of receiving a recommendation from APA commission to support or reject an application, the planning and zoning administrator or other administrative officer appointed by the board of county commissioners shall approve or deny the application to include land in an agricultural protection area in a written decision. The administrative officer's written decision shall specify, at minimum:

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

2. The agricultural protection area commission's recommendation;

3. A reasoned explanation for the decision reached by the administrator or other administrative officer, if appointed; and

4. If applicable, the actions, if any, that the applicant could take to obtain approval.

D. If the administrative officer, fails to issue a written decision within sixty (60) days of receiving a recommendation from the agricultural protection area commission, the recommendation of the agricultural protection area commission shall become the decision of the administrative officer.

E. An aggrieved applicant may appeal the decision to the Board of County Commissioners within thirty (30) days of receiving the administrative officer's written decision or of the APA commission's recommendation become final because the administrative officer did not issue a timely written decision. The Board of County

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Commissioners shall review the appeal in the time and manner prescribed in section 67-9706, Idaho Code and hold the public hearing as required. Within sixty (60) days of the closing of the public hearing, the board of county commissioners shall issue a final decision approving or denying the application. The board of county commissioners' final decision shall be subject to judicial review.

F. Upon the final approval of an application, the Clerk of the Board of County Commissioners shall:

1. Record a date of creation or dissolution of an APA, a legal description of the area, and approved findings and facts related to the APA with the County Recorder within ten (10) days from the date of its final decision;
2. Notify relevant public officials and agencies of the designation. (Ord. 25-006, 4-18-2025)

07-09-09: EXPANSION OR MODIFICATION OF AN APA:

An expansion or modification of an existing APA shall follow the same application, review, and hearing procedures outlined in this code. Any expansion of an AP A shall be contiguous to the existing APA. (Ord. 25-006, 4-18-2025)

07-09-11: TERMINATION OF AN APA:

A landowner wishing to terminate an AP A must request in writing a meeting with the Board of County Commissioners. The meeting request shall include a proof of undue hardship. The Board of County Commissioners shall acknowledge receipt of the petition for removal in writing. Early termination of the APA shall only occur upon the proving by the land owner of an undue hardship. The landowner seeking to terminate an APA bears the burden of proof in demonstrating the undue hardship. (Ord. 25-006, 4-18-2025)

07-09-13: ENROLLMENT DURATION:

Per Idaho State code, lands designated as an APA will remain so designated for a period of twenty (20) years. A landowner wishing to end an approved APA designation must notify the Board of County commissioners in writing of their desire not to renew the land's APA designation before their land designation expires. Removal will occur upon the expiration of the current twenty (20) year designation period or ten (10) years from the written request for removal, whichever is sooner. Failure of the landowner to request removal, will result in the APA designation automatically renewing for another twenty (20) years. The clerk of the board of county commissioners shall record the renewal of an agricultural protection area pursuant to Idaho Code Section 67-9707.

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As a courtesy, Canyon County DSD may send written notice approximately fifteen (15) months prior to the deadline for automatic renewal as a reminder of the date. Failure of DSD to send notice or a landowner's claim of not receiving notice from DSD will not be a defense to the automatic renewal under Idaho Code 67-9708. (Ord. 25-006, 4-18-2025)

07-09-15: FEES:

Fee amounts are established and periodically updated by the Board of County Commissioner's approval of the DSD fee schedule. A completeness review fee will be required if submitted materials require more than two (2) staff reviews prior to acceptance. Upon acceptance by DSD, an application fee shall not exceed the cost of covering administrative expenses, including, but not limited to, reviewing materials, processing and recording documents, and conducting public meetings. In addition, if the APA is approved by the Board of County Commissioners, all applicable fees associated with updating the agricultural protection area map shall be required before the APA is finalized. Any application for changes to an APA shall be the same as the fees requesting establishment. (Ord. 25-006, 4-18-2025)

07-09-17: PROHIBITIONS:

Unless otherwise approved by the Board of County Commissioners, the following land uses are prohibited within an APA unless such uses are also contributing to agricultural production:

- A. The siting of residential, commercial, manufacturing, industrial, solar energy structures, or wind energy structures; or
- B. Any other non-agricultural land use not explicitly allowed in an agricultural zone in the Canyon County land use matrix. (Ord. 25-006, 4-18-2025)

ARTICLE 10 ZONES

SECTION:

07-10-01: Zones Enumerated

07-10-03: Private Road And Driveway Requirements

07-10-05: Public Street Right-Of-Way Widths

07-10-07: Unspecified Uses

07-10-09: Transmission Poles And Lines

07-10-11: Functional Classification Map

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07-10-13: Signs

07-10-15: Property Boundary Coverage

07-10-17: Property Boundary Adjustment

07-10-19: Section Line Setback

07-10-21: Setbacks; Minimum ~~Parcel Or Lot~~ Property Size; Height Regulations

07-10-23: City Impact Areas

07-10-25: Purposes Of Zones

07-10-27: Land Use Regulations (Matrix)

07-10-01: ZONES ENUMERATED:

For the purpose of promoting pride of ownership, health, safety, and general welfare within its area of jurisdiction, the County is hereby divided into the following zones:

- A (Agricultural) Zone
- R-R (Rural Residential) Zone
- R-1 (Single-Family Residential) Zone
- R-2 (Combined Medium-Density Residential) Zone
- C-1 (Neighborhood Commercial) Zone
- C-2 (Service Commercial) Zone
- M-1 (Light Industrial) Zone
- M-2 (Heavy Industrial) Zone
- MU-A (Mixed Use - Arterial) Zone
- F (Flood Hazard Overlay) Zone
- AP (Airport Overlay) Zone

(Ord. 19-038, 8-30-2019)

07-10-03: PRIVATE ROAD AND DRIVEWAY REQUIREMENTS:

(1) Frontage, Easement, Or Road Lot Required: For the purpose of providing adequate access for equipment, emergency vehicles and other services to inhabited buildings, each ~~parcel~~ property must demonstrate access by one of the following prior to the issuance of a certificate of zoning compliance:

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A. Frontage: A minimum property frontage of sixty feet (60') is required along the right-of-way of a public road for the purpose of ingress/egress. The frontage width requirement may be reduced to a width not less than fifty feet (50') in accordance with subsection (1)D of this section.

B. Driveway Or Private Road Application, Easement And Maintenance Agreement:

1. Applications for driveways serving two (2) properties and all private roads shall be filed with DSD.

(A) An application on a form provided by the Director and the fees shall be submitted. Additional fees shall be charged for any requested alternative standards which require review by the County Engineer.

(B) When the application is filed, the Director shall review the application to determine if: 1) the proposed driveway serving two (2) properties or private road is in accord with the standards in this section and chapter 6, article 5 of this Code and 2) will not disrupt regional or local long range transportation plans. Conditions may be placed on the approval to ensure continued compliance with the requirements of this section.

2. Driveways serving two (2) properties and all private roads shall be located within a recorded permanent, perpetual easement, having a minimum width of sixty feet (60') from the right-of-way of a public street to the property for the purpose of ingress/egress. The easement width requirement may be reduced to a width not less than twenty eight feet (28') in accordance with subsection (1)D of this section.

3. Driveways serving two (2) properties and all private roads shall have a recorded road users maintenance agreement that describes the responsible parties for construction and maintenance, including repairs, and necessary improvements to accommodate additional accesses in the future. The agreement shall also list any construction warranties applicable to the specific driveway or private road. Failure to maintain a previously approved driveway or private road shall be a violation of this article subject to the enforcement procedures in article 19 of this chapter.

4. All properties taking access to a private road shall be in compliance with the addressing standards in chapter 6, article 5 of this Code.

5. Driveways serving two (2) residences and all private roads shall be located to minimize disruption of existing agricultural practices.

C. Private Road On Subdivision Plat: A private road shall be shown as a separate, nonbuildable lot in accordance with the requirements of section 07-17-31: of this chapter.

D. Width Reduction: The width of a ~~parcel's~~ property's road frontage, easement or private road may be reduced by the Director if the reduction demonstrates all of the following:

1. Will the proposed reduction provide adequate access;

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2. Do physical characteristics of the site require a width reduction; and
3. Would approval of the request cause injury, damage, or a safety hazard?

(2) Fire District Road Requirements: The construction of driveways or private roads longer than one hundred fifty feet (150') from the public street right-of-way line to the most distant portion of an inhabited building must be approved in writing from the applicable fire district.

(3) Driveway And Private Road Requirements:

A. Minimum Standards: Driveways and private roads shall be built to the following minimum standards in table 1 of this subsection:

TABLE 1

Subbase Or Ballast

Base Course

Plant Mix

Pavement (ISPWC

Class III Mix)

Surface Width

Driveways (serving a maximum of 2 inhabited buildings per definition in section 07-02-03: of this chapter):

Existing driveways that add a second residence

n/a

4" thick 3/4 minus gravel base or equivalent recycled asphalt paving (RAP), graded and compacted

n/a

12' wide all weather driving surface

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New driveways built after January 19, 2005

If less than 150': n/a

If 150' or longer: 9" of uncrushed aggregate (pit run)

4" thick 3/4 minus gravel base or equivalent recycled asphalt paving (RAP), graded and compacted

n/a

12' wide all weather driving surface

Private roads (serving more than 2 permanent dwellings or inhabited buildings as defined in section 07-02-03: of this chapter):

Private roads that are estimated to serve 100 ADT or less

n/a

4" thick 3/4 minus gravel base, graded and compacted

n/a

20' wide all weather driving surface

Private roads that are estimated to serve more than 100 ADT

9" of minus 6" uncrushed aggregate (pit run)

6" of 3/4" crushed aggregate (gravel)

2.5" thick

24' for local roads and 26' for collector roads¹

Note:

1. Alternative pavement section designs that include geotextile fabrics, geogrids, cemented treated base, etc., may be submitted to the county for consideration and

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approval following review by the county engineer. Subbase thickness shall not be less than twice the maximum sized aggregate and base layer thickness shall not exceed 10 inches. Base is to be replaced in the GE pavement section at a ratio of 2.2:1 for plant mix and 0.9:1 for subbase.

1. Base to meet the requirements of ISPWC section 802, Table 1 - Type I Crushed Aggregate Base.

2. Subbase to meet the requirement of ISPWC section 801, Table 1 - 8 Inch, 6 Inch, Or 3 Inch Uncrushed Aggregate.

3. Trip generation per dwelling is 9.52 trips/day per ITE, "Trip Generation 9th Edition", rates for single-family detached housing. Total ADT for a private road is the total daily trips for the total dwellings entitled on properties using any segment of a private road.

4. The structural section of a private road shall be in accordance with the minimum section thickness as indicated in the table. Thinner sections of private roads may be possible based upon a traffic index proposed by the applicant and reviewed by the county engineer, an R-value (ITD method T-8) determined during the geotechnical investigation and the following formula:

$GE \text{ (inches)} = 0.0384 * (TI) * (100 - R)$ where GE equals gravel equivalence or the entire section of ISPWC - 3/4" base (section 802), TI = traffic index and R = R-value test result

R-value is to be determined by soil laboratory on a representative sample(s) from the project subgrade. Maximum subgrade R-value for design to be R-35. Subgrade is to be confirmed at the time of construction to be firm and stable. Soft, wet, or deflecting subgrade is to be addressed by project civil/geotechnical engineer(s).

5. Any private road shall be named and a sign conforming to the applicable highway district standards shall be erected and maintained at the property owners' expense. The road must have a road name approved by the director. The naming of roads shall comply with chapter 6, article 5 of this code. Verification of installation of road signs shall be provided to DSD.

B. Inspection And Certification: A driveway or private road must be constructed prior to final inspection of an inhabited building. The construction of driveways longer than one hundred fifty feet (150') from a public street right of way to the most distant portion of an inhabited building and private roads shall be inspected and certified by the applicant's engineer prior to obtaining a certificate of occupancy. This requirement may be waived by the director if a road construction warranty has been recorded.

C. Bridges: Bridges shall be inspected and certified by an engineer of the developer's choice, to have been constructed in compliance with all applicable federal, state, and local laws.

D. Cul-De-Sacs: Cul-de-sacs shall have a fifty foot (50') radius for a driving surface and a seventy foot (70') radius for right of way or easement. (Ord. 16-007, 6-20-2016)

07-10-05: PUBLIC STREET RIGHT OF WAY WIDTHS:

Public street right of way widths shall be determined and approved by the governing highway district or agency. (Ord. 16-007, 6-20-2016)

07-10-07: UNSPECIFIED USES:

Uses not specified are prohibited, unless determined by the director to be similar or accessory to at least one of the allowed or permitted uses for that particular zone. If a proposed use is similar to or accessory to a conditionally permitted use, the applicant may only receive permission for the similar or accessory use through a conditional use permit. (Ord. 10-006, 8-16-2010)

07-10-09: TRANSMISSION POLES AND LINES:

Transmission poles and lines greater than one hundred feet (100') in height or greater as allowed by the federal aviation administration are an allowed use in all zones. (Ord. 12-006, 3-22-2012)

07-10-11: FUNCTIONAL CLASSIFICATION MAP:

The adopted Canyon County functional classification map shall be considered in all development requests to the county. (Ord. 10-006, 8-16-2010)

07-10-13: SIGNS:

(1) No signs are allowed in any zones without an approved administrative decision with the following exceptions:

A. Nonilluminated Signs: The following types of signs, when not illuminated, do not require an administrative decision:

1. Signs related to home occupations in accordance with section 07-14-13: of this chapter.
2. Directional or information signs bearing no advertising message located within a ~~parcel~~ property, and signs not exceeding four (4) square feet in area erected for the convenience of the public, such as signs identifying restrooms, public telephones, walkways and similar features or facilities.
3. Any sign which is visible only from the ~~parcel~~ property on which it is located.

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4. Campaign signs, provided they are removed within seven (7) days after the election.

5. Property signs advertising the availability of property for sale, lease, or rent, but shall not be greater than thirty two (32) square feet.

6. Home signs. An accessory sign or nameplate announcing the names of the owners or occupants of the premises.

7. Memorial signs or tablets and names of buildings and dates of erection when cut into the surface or facade of the building.

8. Signs placed by a public utility showing the location of underground facilities.

9. Traffic or other county signs, signs required to be mentioned by law, railroad crossing signs, legal notices and such temporary emergency or nonadvertising signs as may be authorized by the board.

B. Agricultural Zone: Signs for any allowed or approved use not exceeding thirty two (32) square feet in area and not exceeding ten feet (10') in height. (Ord. 10-006, 8-16-2010)

C. Commercial And Industrial Zones: For commercial and industrial uses, the area of the sign shall not exceed sixty four (64) square feet and shall not exceed ten feet (10') in height, unless approved by an administrative decision from the director. Signs may be lighted, electric, or have moving parts but may not be a distraction to the public so as to be a traffic hazard. (Ord. 12-006, 3-22-2012)

(2) No sign shall be placed on a highway district right of way unless authorized by the highway district having jurisdiction.

(3) All signs must be placed so as not to block vision by oncoming traffic.

(4) All signs shall be maintained in good order and repair. If damaged, it shall be repaired or removed from the premises within thirty (30) days of notice from DSD.

(5) A building permit for a sign may be required upon review by DSD, or if the sign is over six feet (6') in height and permanently affixed to the ground.

(6) Standards for signs that require an administrative decision:

A. Application And Administrative Requirements: A site plan and letter of intent shall be submitted to DSD for review together with all appropriate fees as established by the adopted fee schedule.

B. Notifications: Upon acceptance of an application, DSD shall provide notification of the sign application by mail to the owners of ~~parcels~~ property within six hundred feet (600') of the external boundaries of the ~~parcel~~ property on which the sign will be located and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed sign. DSD shall also provide notice to the appropriate highway district for comment.

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C. Comments: The director shall consider all comments that are received within the fifteen (15) day comment period prior to making a final decision concerning the sign request. In considering comments, the director shall evaluate whether such comments adequately demonstrate that the sign would be reasonably compatible with the surrounding vicinity.

D. Approval Shall Be At The Discretion Of The Director: The director shall consider all of the application materials as well as all comments received relating to the application and the uses of the surrounding properties in the determination of the compatibility of the proposed sign. The burden is on the applicant to show compatibility. The director may require conditions that are necessary to make the sign compatible with the surrounding vicinity.

E. Notice Of Decision: The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.

F. Appeal By Affected Person: Any affected person who is aggrieved by the director's decision as to an application pursuant to this subsection, may file a written notice of appeal in accordance with section 07-05-07, "Appeal Of Director Administrative Decision", of this chapter. (Ord. 10-006, 8-16-2010)

07-10-15: PROPERTY BOUNDARY COVERAGE:

In residential and agricultural zones, there are no county regulations regarding the maximum area of a ~~lot~~ property which shall be occupied by impervious surface. In commercial and industrial zones, the area of a ~~lot~~ property occupied by impervious surface shall not exceed eighty five percent (85%) of the total area of the ~~lot~~ property. (Ord. 10-006, 8-16-2010)

07-10-17: PROPERTY BOUNDARY ADJUSTMENT:

Property lines of ~~unplatted~~ parcels may be adjusted in accordance with the following:

- (1) The adjustment does not create eligibility for a building permit or administrative ~~lot~~ split on a parcel that was otherwise ineligible;
- (2) The adjustment does not create any additional parcels;
- (3) The adjustment does not result in the relocation of a building permit or provide for an administrative ~~lot~~ split onto a contiguous parcel that is not eligible for an administrative ~~lot~~ split;
- (4) A recorded survey showing all changes to affected property lines shall be submitted to DSD;
- (5) The adjustment does not create parcels smaller than the minimum ~~lot~~ property size for the zone in which the ~~property~~ parcel is located, unless the adjustment

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increases the size of an existing parcel that was smaller than the minimum ~~lot~~property size for the corresponding zone prior to the adjustment;

(6) Original property ~~lot~~ lines may not be adjusted by more than eighty feet (80') except that the director may allow the adjustment of over eighty feet (80') if the adjustment does not cause injury, damage or a safety hazard;

(7) The adjustment shall not alter the location of any platted lot line;

(8) The property owner has submitted the application form, required supporting information and the applicable fee as established by the adopted fee schedule;

(9) If the adjustment involves contiguous parcels with different owners, both property owners shall submit their written consent to the adjustment with the application. However, only one application form and fee are required;

(10) Upon compliance with the above items of this section, the Director shall, within ten (10) business days, issue a permit for the property boundary adjustment. The property owner shall record the permit from the Director and the corresponding survey and legal description with the Canyon County Recorder's Office. (Ord. 10-006, 8-16-2010)

07-10-19: SECTION LINE SETBACK:

No permanent structure shall be located closer than seventy feet (70') to any section line or quarter section line preserved for a future road unless the highway district having jurisdiction waives the seventy foot (70') setback requirement. (Ord. 10-006, 8-16-2010)

07-10-21: SETBACKS; MINIMUM PARCEL OR LOT PROPERTY SIZE; HEIGHT REGULATIONS:

(1) Setback Requirements:

A. Agricultural And Residential Zones:

TABLE 1

AGRICULTURAL AND RESIDENTIAL ZONES

SETBACK REQUIREMENTS

	Front	Side	Rear	Corner
Agricultural Zone A	30'	10'	20'	30'
Residential Zones R-R, R-1, and R-2	20'	10'	20'	20'

Exhibit G – Proposed Clean-Up for Lot, Parcel, and Property References in Chapters 7 and 8

1. Front Yard: Unless the provisions of subsection (1)A4 of this section apply, front setbacks shall be measured from the greatest of either the front property line, public street right-of-way line, or private road easement line. Long established setbacks are permissible:

(A) When the alignment of existing buildings is matched on two (2) or more ~~parcels~~ lots, with at least one contiguous ~~parcel~~ lot; and

(B) When not a corner ~~parcel~~ lot; and

(C) When in a platted subdivision.

2. Rear Yard: Rear setbacks shall apply except that long established existing setbacks are permissible:

(A) When the alignment of existing buildings is matched on two (2) or more ~~parcels~~ lots, with at least one contiguous ~~parcel~~ lot; and

(B) When in a platted subdivision.

3. Corner ~~Parcel~~ Lot: Front yard setback requirements are applicable from property lines along a public street and/or private road of a corner ~~parcel~~ lot with no exceptions made for long established setbacks.

4. Principal Arterial And Major Collector Preservation:

(A) No building or structure shall be erected nearer than fifty feet (50') from the centerline of any major collector shown on the Canyon County functional classification map unless the highway district having jurisdiction waives such setback.

(B) No building or structure shall be erected nearer than one hundred twenty feet (120') from the centerline of U.S. 20/26, ninety five feet (95') from the centerline of SH44, ninety feet (90') from the centerline of SH55 and seventy feet (70') from the centerline of any other principal arterial shown on the Canyon County functional classification map unless the highway district having jurisdiction waives such setback.

5. Front And Corner Yard: Front and corner setbacks shall be measured from the greatest of either the property line, public street right-of-way line, or private road easement line.

B. Commercial, Mixed Use And Industrial Zones:

1. ~~Parcel~~ Property Adjacent To ~~Parcel~~ Property In An Unlike Zone: Setbacks on all ~~lot~~ property lines adjacent to a ~~parcel~~ property of any other zoning classification shall be determined by the sum of the setbacks where the zones abut, divided by two (2), when not located on section or quarter section line.

2. ~~Parcel~~ Property Adjacent On All Boundaries To Other ~~Parcels~~ Property In Like Zone: If a ~~parcel~~ property is adjacent on all boundaries to other ~~parcels~~ Property within the same zoning classification, then there are no side or rear setback requirements.

Exhibit G – Proposed Clean-Up for Lot, Parcel, and Property References in Chapters 7 and 8

Notwithstanding the foregoing, no building or structure shall be erected nearer than twenty feet (20') from the front property line, and any public street right- of-way line or private road easement line, except that long established setbacks are permissible:

- (A) When the alignment of existing buildings is matched on two (2) or more ~~parcels~~ lots, with at least one contiguous ~~parcel~~ lot; and
- (B) When not a corner ~~parcel~~ lot or not fronting a principal arterial; and
- (C) When in a platted subdivision.

3. Principal Arterial And Major Collector Preservation:

(A) No building or structure shall be erected nearer than fifty feet (50') from the centerline of any major collector shown on the Canyon County functional classification map unless the highway district having jurisdiction waives such setback.

(B) No building or structure shall be erected nearer than one hundred twenty feet (120') from the centerline of U.S. 20/26, ninety five feet (95') from the centerline of SH44, ninety feet (90') from the centerline of SH 55 and seventy feet (70') from the centerline of any other principal arterial shown on the Canyon County functional classification map unless the highway district having jurisdiction waives such setback.

(2) Minimum ~~Lot~~ Property Size:

TABLE 2

MINIMUM ~~LOT~~ PROPERTY SIZE

	Minimum Lot <u>Property Size</u>	Minimum Lot <u>Property Width</u>
Agricultural Zone A	40 acres or in accordance with the administrative land division requirements of article 18 of this chapter	60'
Residential Zone R-R	Average minimum lot size of 2 acres for a residential lot <u>property</u> 3,4	60'
Residential Zone R-1	Average minimum lot size of 1 acre for a residential lot <u>property</u> 1,3,4	60'
Residential Zone R-2	Average minimum lot size of 1/2 acre for a residential lot <u>property</u> 1,3,4	60'
Commercial and Industrial Zones C-1, C-2, M-1, M-2, and MU-A	No minimum lot size	80'2

Notes:

Exhibit G – Proposed Clean-Up for Lot, Parcel, and Property References in Chapters 7 and 8

1. For ~~parcels~~ property within the Area of City Impact with central sewer and/or water services, the ~~parcel or lot~~ property size may be reduced to 12,000 square feet.

2. There is no minimum ~~lot~~ property width requirement for ~~parcels or platted lots~~ property containing or intended for noninhabited structures.

3. Where a property owner dedicates land for public use or right-of-way for roadways where no direct ~~lot~~ access is provided, the total number of lots that can be created on a property through subdivision is calculated by the total ~~parcel~~ property size prior to platting divided by the average minimum lot size. The resulting lots, and residential lots created through an administrative land division in subsection 07-18-01(1) of this chapter, may reduce the average minimum lot size by no more than 15 percent.

4. The average minimum lot size shall be calculated for the residential lots within each phase of a subdivision.

(3) Height Regulations: The following table sets forth the maximum height requirements:

TABLE 3

HEIGHT REGULATIONS

	Residential	Accessory Structure	Commercial/ Industrial Structures
Agricultural Zone A	35'	35'	Not applicable
Residential Zones R-R, R-1, and R-2	35'	35'	Not applicable
Commercial Zones C-1, C-2, MU-A	Not applicable	50'	50'
Industrial Zones M-1 and M-2	Not applicable	75'	75'

Exceptions:

Type	Height Allowance	Zones
Type	Height Allowance	Zones
Manufacturing processing - columns, towers, smokestacks, or like structures	100'1	M-1 and M-2
Transmission poles and lines	100'1	All zones
Telecommunication facilities	100'1	All zones

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Private tower with antenna	100'1	All zones
Agricultural facilities/operations	100'1	A, M-1 and M-2
Mechanical equipment parapet wall	5'	C-1, C-2, M-1, M-2, MU-A
Church steeples or spires	No limit	All zones except M-2

Note:

1. No structure shall exceed the zone height, except structures that are listed above shall be permitted up to 100 feet or a height greater as allowed by the Federal Aviation Administration.

(Ord. 19-038, 8-30-2019 ; amd. Ord. 20-012, 5-29-2020)

07-10-23: CITY IMPACT AREAS:

Within adopted City Impact Areas, the applicable city's setback and height requirements may be applied. Combinations of County setbacks and heights and city setbacks and heights are not allowed. (Ord. 10-006, 8-16-2010)

07-10-25: PURPOSES OF ZONES:

(1) The purposes of the A (Agricultural) Zone are to:

A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations;

B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan;

C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65;

D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and

E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan.

(2) The purpose of the R-R (Rural Residential) Zone is to encourage and guide growth in areas where a rural lifestyle may be determined to be suitable.

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(3) The purpose of the R-1 (Single-Family Residential) Zone is to promote and enhance predominantly single-family living areas at a low density standard.

(4) The purpose of the R-2 (Combined Medium-Density Residential) Zone is to provide medium-density residential development areas. Medium-density development concentrations should have a full range of community services and facilities available or projected for establishment.

(5) The purpose of the C-1 (Neighborhood Commercial) Zone is to provide for local commercial service needs and to restrict incompatible uses.

(6) The purpose of the C-2 (Service Commercial) Zone is to provide areas where activities of a service nature, which are more intensive in character than in other Commercial Zones, may be carried out.

(7) The purpose of the M-1 (Light Industrial) Zone is to provide for and encourage the grouping together of light industrial uses capable of being operated under such standards as to location and appearance of buildings and the treatment of the land about them so that they will be unobtrusive and not detrimental to surrounding commercial or residential uses.

(8) The purpose of the M-2 (Heavy Industrial) Zone is to encourage industries to locate in and provide for suitable areas in which heavy industrial uses may be established, substantially free from residential, light industrial or commercial activities which could interfere with heavy industrial development and operations.

(9) The purpose of the MU-A (Mixed Use - Arterial) Zone is to encourage a mix of residential, commercial and industrial uses along principal arterials within Areas of City Impact which are designed in accord with adopted access management standards for State highways or arterials under the control of a local highway agency. (Ord. 19-038, 8-30-2019)

07-10-27: LAND USE REGULATIONS (MATRIX):

This section lists uses within each land use zone: allowed uses (A), permitted uses through a conditional use permit (C), Director administrative decision (D), not applicable because covered by different use/section (n/a), or prohibited (-).

ZONING AND LAND USE MATRIX

Zoning Classification	A	R- R	R- 1	R- 2	C- 1	C- 2	M- 1	M- 2	MU- A
Zoning Classification	A	R- R	R- 1	R- 2	C- 1	C- 2	M- 1	M- 2	MU- A
Accessory uses and/or structures to a permitted use	D	D	D	D	D	D	D	D	D
Accessory uses and/or structures to allowed	A	A	A	A	A	A	A	A	A

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use

Agricultural research facility	A	-	-	-	-	-	A	A	A
Agriculturally related activities	A	C	-	-	-	-	-	-	-
Agriculture, except those animal uses with more restrictive provisions within this article and all other uses specifically listed in other zones ¹	A	A	A	A	-	-	A	A	A
Airpark	C	C	-	-	-	-	C	C	-
Airport	C	-	-	-	-	-	C	-	-
Airstrip excepting intermittent use	C	C	-	-	-	-	-	-	-
Amusement park, theme park or commercial racetrack	C	-	-	-	-	C	-	-	C
Animal cremation service	C	-	-	-	-	-	A	A	-
Animal facility (large): bird farm, calf raising operation, dairy, feedlot, and swine farm ¹	C	-	-	-	-	-	C	C	-
Animal facility (small) on 5 acres or more ¹	A	A	C	-	-	-	A	A	A
Animal facility (small) on less than 5 acres	C	C	C	-	-	-	A	A	A
Animal hospital	C	C	-	-	A	A	A	A	A
Animals are allowed as long as it is not an animal facility or CAFO ¹	A	A	A	A	A	A	A	-	A
Arena (commercial)	C	C	-	-	C	A	A	-	A
Assisted care facility	D	D	D	D	A	A	-	-	A
Auction establishment	C	-	-	-	-	C	A	A	C
Batch plants	C	-	-	-	-	-	A	A	-
Bed and breakfast (with employees)	D	D	D	D	-	-	-	-	-
Bed and breakfast (without employees)	A	A	A	A	-	-	-	-	-
Bulk storage as an accessory use of any flammable liquid above or below ground	-	-	-	-	-	-	A	A	-
Bulk storage for wholesale distribution of any flammable liquid above or below ground	-	-	-	-	-	-	C	A	-
CAFO	C	-	-	-	-	-	C	C	-
Caretaker residence	C	-	-	-	A	A	A	A	A
Cemetery	C	C	-	-	-	-	-	-	-
Church	C	C	C	C	A	A	A	-	-
Clinics or hospitals	-	-	-	-	A	A	-	-	A
Commercial and private off street parking facilities for vehicles	-	-	-	-	-	A	A	A	A
Contractor shop	C	-	-	-	C	A	A	A	A
Daycare facilities:									

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Family daycare home (1 - 6 children)	A	A	A	A	A	A	-	-	A
Group daycare facility (7 - 12 children)	D	D	D	D	A	A	-	-	A
Daycare center (13+ children)	-	-	-	-	A	A	-	-	A
Drive-in theater	C	-	-	-	-	-	-	-	-
Equipment rentals (outdoor) ²	-	-	-	-	A	A	A	A	A
Ethanol plant	C	-	-	-	-	-	C	A	-
Farm implement sales or service, farm supply sales	C	-	-	-	A	A	A	A	A
Fertilizer processing facility	C	-	-	-	-	-	A	A	-
Firewood sales	D	C	-	-	D	A	A	A	-
Fireworks sales	-	-	-	-	A	A	A	A	A
Food processing facility	C	-	-	-	-	-	A	A	-
Golf course	C	A	-	-	-	-	-	-	-
Group home	C	C	C	C	C	C	-	-	C
Home business	D	D	D	D	-	-	-	-	-
Home occupations	A	A	A	A	-	-	-	-	-
Impound yard ²	-	-	-	-	-	-	A	A	-
Indoor recreation	-	-	-	-	A	A	A	-	A
Junkyards and vehicle wrecking yards ²	-	-	-	-	-	-	-	A	-
Kennel	C	C	C	C	C	C	A	A	C
Landscape business	A	-	-	-	A	A	A	-	C
Light manufacturing, assembly, testing and/or packaging facilities	-	-	-	-	-	-	A	A	A
Lumberyard	-	-	-	-	-	A	A	A	-
Manufacturing, assembling, fabricating, processing, packing, repairing, or storage uses	-	-	-	-	-	-	A	A	A
Manufacturing or processing of hazardous chemicals or gases	-	-	-	-	-	-	-	C	-
Mineral extraction (long term)	C	-	-	-	-	-	A	A	-
Mineral extraction (short term) ³	D	D	D	D	-	-	A	A	D
Ministorage and/or RV storage facility	-	-	-	-	C	A	A	A	C
Mobile or manufactured home sales	-	-	-	-	-	C	A	A	C
Mortuaries, cremation, and funeral home	-	-	-	-	A	A	A	-	A
Multi-family dwellings limited to not more than 8 units per lot property	-	-	-	C	-	-	-	-	A
Multi-family dwellings limited to not more than 4 units per lot <u>property</u>	-	-	-	A	-	-	-	-	-

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Museum	C	-	-	-	A	A	A	-	A
Nursery	A	A	-	-	A	A	A	A	A
Nursery (retail/wholesale)	C	C	-	-	A	A	A	A	A
Outdoor sales or displays (accessory to allowed use)	A	-	-	-	A	A	A	A	A
PUDs	-	C	C	C	C	C	C	C	C
Private roads and driveways serving 2 properties	D	D	D	D	D	D	D	D	D
Private tower with antenna	A	A	D	D	A	A	A	A	A
Public service agency telecommunication facilities 75 feet or greater	D	D	D	D	D	D	D	D	D
Public uses and quasi-public uses	C	C	C	C	A	A	A	A	A
Quasi-public uses (temporary)	D	D	D	D	-	-	-	-	-
Radio, television and broadcasting stations	-	-	-	-	A	A	A	A	A
Recreational vehicle (RV) park	C	-	-	-	C	A	-	-	C
Refinery	-	-	-	-	-	-	-	A	-
Rehabilitation of manufactured/mobile homes ²	-	-	-	-	-	-	A	A	-
Rendering plant	-	-	-	-	-	-	C	A	-
Retail stores, personal service shops, banks, offices, hotels, motels, microbrewery, and restaurants	-	-	-	-	A	A	A	-	A
Sale (commercial) of hay, grain, seed and related supplies	C	-	-	-	-	A	A	A	A
Sale of heavy building materials and machinery	-	-	-	-	-	A	A	A	A
Sale of salvage goods ²	-	-	-	-	-	-	A	A	-
Sanitary landfill	C	-	-	-	-	-	-	-	-
School (public or private)	C	C	C	C	A	A	A	A	A
School (vocational or trade)	C	-	-	-	-	A	A	A	A
Seasonal activities	A	A	-	-	A	A	-	-	A
Secondary residence	A	A	A	C	-	-	-	-	-
Shooting range (indoor)	C	-	-	-	-	A	A	A	A
Shooting range (outdoor)	C	-	-	-	-	-	-	-	-
Similar uses to a conditional use	C	C	C	C	C	C	C	C	C
Similar uses to allowed use	A	A	A	A	A	A	A	A	A
Single-family dwelling, 1 per lot or parcel <u>property unless otherwise provided in this chapter</u>	A	A	A	-	-	-	-	-	-

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Single-family dwellings, but not more than 2 such dwellings per lot or parcel <u>property</u> unless otherwise provided for in this chapter	-	-	-	A	-	-	-	-	-
Slaughterhouse	C	-	-	-	-	-	C	A	-
Small wind energy systems	D	D	D	D	D	D	D	D	D
Special events facility	C	-	-	-	A	A	-	-	A
Staging area	C	-	-	-	A	A	A	A	A
Tannery	-	-	-	-	-	-	-	A	-
Taverns, lounges, or wine bars	-	-	-	-	C	C	C	-	C
Telecommunication facility	C	C	C	C	C	C	A	A	C
Temporary uses	D	D	D	D	-	-	-	-	-
Theater	-	-	-	-	C	A	A	-	A
Transit or trucking terminal and/or service facility	-	-	-	-	-	C	A	A	C
Utility distribution system	A	A	A	A	A	A	A	A	A
Utility facility	D	D	D	D	A	A	A	A	A
Vehicle fueling station with convenience store	-	-	-	-	C	A	A	A	C
Vehicle sales lot	-	-	-	-	-	A	A	-	A
Vehicle service facility	-	-	-	-	C	A	A	A	A
Warehousing, wholesaling and distribution facilities	-	-	-	-	-	C	A	A	C
Water infiltration	C	-	-	-	-	-	C	C	-
Wind farm	C	-	-	-	-	-	C	C	-
Winery, distillery, brewery	D	-	-	-	-	-	A	A	C
Yard/garage sales (associated with any residential uses)	A	A	A	A	-	-	-	-	-
Zoo	C	-	-	-	-	-	C	-	-

Notes:

1. See confined animal feeding operation (CAFO), chapter 8 of this Code.
2. With a sight obscuring fence (see section 07-02-03: of this chapter).
3. In accordance with subsection 07-14-17(6) of this chapter.

(Ord. 19-038, 8-30-2019 ; amd. Ord. 20-012, 5-29-2020)

ARTICLE 10A
FLOOD HAZARD OVERLAY ZONE

SECTION:

07-10A-01: Statutory Authorization, Findings Of Fact, Purpose, And Objectives

07-10A-03: Definitions

07-10A-05: General Provisions

07-10A-07: Administration

07-10A-09: Floodplain Development Application, Permit And Certification Requirements

07-10A-11: Provisions For Floodplain Hazard Reduction

07-10A-13: Variance Procedures

07-10A-15: Appeals

07-10A-17: Legal Status Provision

07-10A-01: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES:

(1) Statutory Authority: The Legislature of the State of Idaho, pursuant to Idaho Code section 46-1020 through section 46-1024, authorized local government to adopt Floodplain Management Ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property. Therefore, the Board of County Commissioners of Canyon County, Idaho does hereby ordain as follows.

(2) Findings Of Fact:

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

B. These flood losses are caused by development in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

C. Local government units have the primary responsibility for planning, adopting and enforcing land use regulations to accomplish proper floodplain management.

Exhibit G – Proposed Clean-Up for Lot, Parcel, and Property References in Chapters 7 and 8

(3) Statement Of Purpose: The purpose of this article is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life, health, and property;
- B. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
- C. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;
- D. Minimize expenditure of public money for costly flood control projects;
- E. Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;
- F. Minimize prolonged business interruptions;
- G. Ensure potential buyers are notified the property is in an area of special flood hazard; and
- H. Ensure those who occupy the areas of the special flood hazard assume responsibility for their actions.

(4) Objectives And Methods Of Reducing Flood Losses: In order to accomplish its purpose, this article includes methods and provisions to:

- A. Require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;
- B. Restrict or prohibit developments which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- C. Control filling, grading, dredging, and other development which may increase flood damage or erosion;
- D. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands; and
- E. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters. (Ord. 19-038, 8-30-2019)

07-10A-03: DEFINITIONS:

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Unless specifically defined below, words or phrases used in this article shall be interpreted according to the meaning they have in common usage and to give this article its most reasonable application.

ACCESSORY STRUCTURE: See section 07-02-03: of this chapter.

APPEAL: A request for review of the Floodplain Administrator's interpretation of provisions of this article or request for a variance.

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

AREA OF SPECIAL FLOOD HAZARD: See definition of special flood hazard area (SFHA).

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

BASE FLOOD ELEVATION (BFE): A determination by the Federal Insurance Administrator of the water surface elevation of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year. When the BFE has not been provided in a special flood hazard area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the freeboard, establishes the flood protection elevation.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING: See definition of structure.

CRITICAL FACILITY: Facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, such as a hospital, emergency operations center, electric substation, police station, fire station, nursing home, school, vehicle and equipment storage facility, or shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.

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

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

Exhibit G – Proposed Clean-Up for Lot, Parcel, and Property References in Chapters 7 and 8

Pursuant to Idaho Code sections 46-1021; 46-1022 "development" specifically including the construction of berms, dikes and levees and does not include the operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or other irrigation or drainage works that is performed or authorized by the owner thereof pursuant to lawful rights and obligations. Note: Should the State alter or repeal any portion of this definition or should a court of competent jurisdiction decide that any portion of this definition is unlawful or invalid, such decision shall only affect those specific sections and the remaining portions of the definition shall remain in full force and effect.

DEVELOPMENT ACTIVITY: Any activity defined as development which will necessitate a floodplain development permit; such as; the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms and levees.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM): The digital official map of a community, issued by the Federal Insurance Administrator, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

ELEVATION CERTIFICATE: An administrative tool of the NFIP that is used to provide elevation information, to determine the proper flood insurance premium rate; and it may be used to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision Based On Fill (LOMR-F).

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

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

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by the community, June 17, 1975.

EXISTING STRUCTURES: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. May also be referred to as "existing construction".

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The agency with the overall responsibility for administering the national flood insurance program.

FLOOD ELEVATION STUDY: See definition of Flood Insurance Study (FIS).

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

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

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

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

FLOOD PROTECTION ELEVATION (FPE): The base flood elevation plus the freeboard.

FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD ZONE: A geographical area shown on a Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area, and applicable insurance rate.

FLOODPLAIN ADMINISTRATOR: The individual appointed to administer and enforce the floodplain management regulations.

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FLOODPLAIN DEVELOPMENT PERMIT: Any type of permit that is required in conformance with the provisions of this article, prior to the commencement of any development activity.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY): The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams and the hydrologic effects of urbanization in a watershed. The base flood elevation (BFE) plus the freeboard establishes the flood protection elevation (FPE). Freeboard shall be one foot (1').

FUNCTIONALLY DEPENDENT USE: A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long term storage, manufacture, sales, or service facilities.

HIGHEST ADJACENT GRADE (HAG): The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the FEMA Elevation Certificate for HAG related to building elevation information.

HISTORIC STRUCTURE: A structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district.
- (3) Individually listed on a State Inventory of Historic Places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior, or

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(4) Individually listed on a Local Inventory of Historic Places and determined as eligible by communities with historic preservation programs that have been certified either:

A. By an approved State program as determined by the Secretary of the Interior, or

B. Directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP CHANGE (LOMC): A general term used to refer to the several types of revisions and amendments to FIRMs that can be accomplished by letter. They include:

(1) **Letter of Map Amendment (LOMA):** An official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's or structure's location in relation to the special flood hazard area (SFHA). LOMAs are usually issued because a property or structure has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

(2) **Letter of Map Revision (LOMR):** FEMA's modification to an effective Flood Insurance Rate Map (FIRM). LOMR's are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report.

(3) **Letter of Map Revision Based On Fill (LOMR-F):** FEMA's modification of the special flood hazard area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM or FIS report.

(4) **Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building permits and/or flood development permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

LEVEE: A manmade structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

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LOWEST ADJACENT GRADE (LAG): The lowest point of the ground level next to the structure. Refer to the FEMA Elevation Certificate for LAG related to building elevation information.

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

MANUFACTURED HOME: See definition in section 07-02-03: of this chapter.

MARKET VALUE: The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values.

MEAN SEA LEVEL: For purposes of the national flood insurance program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's FIRM are referenced.

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

NATIONAL FLOOD INSURANCE PROGRAM (NFIP): The NFIP is a Federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced Building and Zoning Ordinance and to provide access to affordable, Federally backed flood insurance protection for property owners.

NEW CONSTRUCTION: For floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Any construction started after September 28, 1984 and before the effective start date of this article is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within one hundred eighty (180) days of permit issuance.

POST-FIRM: Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map (FIRM).

PRE-FIRM: Construction or other development for which the "start of construction" occurred before September 28, 1984, the effective date of the initial Flood Insurance Rate Map (FIRM).

RECREATIONAL VEHICLE: A vehicle that is:

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

REPETITIVE LOSS STRUCTURE: An NFIP-insured structure that has had at least two (2) paid flood losses of more than one thousand dollars (\$1,000.00) each in any 10-year period since 1978.

RIVERINE: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

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

START OF CONSTRUCTION: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank that is principally aboveground, as well as a manufactured home.

SUBDIVISION: See section 07-02-03: of this chapter.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of its market value before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a 10-year period for

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which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty five percent (25%) of the market value of the structure before the damage occurred.

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

(1) Any project for improvement of a structure to correct existing violations of State or local Health, Sanitary, or Safety Code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by variance issued pursuant to this article.

TEMPERATURE-CONTROLLED: Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

VARIANCE: A grant of relief by the Floodplain Administrator from a requirement of the Flood Hazard Overlay Zone.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required within 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other specified datum), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE: A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourses includes specifically designated areas in which substantial flood damage may occur. (Ord. 19-038, 8-30-2019)

07-10A-05: GENERAL PROVISIONS:

(1) **Lands To Which This Article Applies:** This article shall apply to all special flood hazard areas within the jurisdiction of Canyon County. Nothing in this article is intended to allow uses or structures that are otherwise prohibited by the Zoning Ordinance.

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(2) Basis For Area Of Special Flood Hazard: The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report titled "Flood Insurance Study (FIS) for Canyon County, Idaho, and Incorporated Areas", dated June 7, 2019, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this article. The FIS and the FIRM are on file at the Office of the Development Services Department 111 North 11th Avenue, Suite 140, Caldwell, Idaho, of Canyon County.

(3) Establishment Of Floodplain Development Permit: A floodplain development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities within special flood hazard areas determined in accordance with the provisions of section 07-10A-09 of this article.

(4) Interpretation: In the interpretation and application of this article, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the Governing Body; and
- C. Deemed neither to limit nor repeal any other powers granted under State Statutes.

(5) Compliance: No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this article and other applicable regulations.

(6) Abrogation And Greater Restrictions: This article shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this article and others conflict or overlap, whichever imposes more stringent or greater restrictions shall control.

(7) Warning And Disclaimer Of Liability: The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of Canyon County or by any officer or employee thereof for flood damages that result from reliance on this article or an administrative decision lawfully made hereunder.

(8) Enforcement: It shall be unlawful for any person to fail to comply with the preceding sections, or any part or provision, of this chapter. Upon conviction violations shall be punishable according to section 01-01-07 of the County's Ordinance, General Penalty. Criminal enforcement shall not foreclose use of other remedies in this chapter.

(9) Civil penalties: In addition to, and exclusive of, the criminal remedy provided by this section, the County may institute any civil enforcement proceedings pursuant to

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section 07-19-01 of the County's Ordinance, Civil Enforcement Procedure. Actions to abate for a violation of this section shall require an additional finding by the Board that there is an imminent threat to human health or safety. (Ord. 19-038, 8-30-2019; amd. Ord. 21-030, 10-14- 2021)

07-10A-07: ADMINISTRATION:

(1) Designation Of Floodplain Ordinance Administrator: The Director of Development Services, or designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this article. (Based on comments from FEMA Region 10.)

(2) Duties: The Floodplain Administrator shall perform, but not be limited to, the following duties:

A. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this article have been satisfied.

B. Review all proposed development within special flood hazard areas to assure that all necessary local, State and Federal permits have been received, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 USC 1334.

C. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse and submit evidence of such notification by means of a LOMC to the Federal Insurance Administrator (FIA).

D. Assure by means of a hydraulic and hydrology analysis that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

E. Prevent encroachments into floodways unless the certification and flood hazard reduction provisions of subsection 07-10A-11(4) of this article are met.

F. Obtain and maintain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of subsection 07-10A-09(3) of this article.

G. Obtain and maintain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of subsection 07-10A-09(3) of this article.

H. Review plans to verify public utilities are constructed in accordance with the provisions of subsections 07-10A-11(1)E through (1)G of this article.

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I. When floodproofing is utilized for a particular structure, obtain and maintain certifications from a registered professional engineer or architect in accordance with the provisions of subsections 07-10A-09(3)B and 07-10A-11(2)B of this article.

J. Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas, and floodways (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity through application of a LOMC from FEMA to appeal the interpretation as provided in this article.

K. When base flood elevation (BFE) data has not been provided in accordance with the provisions of subsection 07-10A-05(2) of this article, obtain, review, and reasonably utilize any BFE data, along with floodway data available from a Federal, State, or other source, including data developed pursuant to subsection 07-10A-11(3)A2 of this article, in order to administer the provisions of this article.

L. When base flood elevation (BFE) data is provided but no floodway data has been provided in accordance with the provisions of subsection 07-10A-05(2) of this article, require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community.

M. Permanently maintain all records that pertain to the administration of this article and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

N. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator may make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of the proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action. The stop-work order shall constitute a request for voluntary compliance under section 07-19-01: of this chapter provided the stop-work-order is in substantial compliance with the form and procedure for a voluntary request for compliance required by that section.

O. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

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P. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her Inspections Department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

Q. Administer requests for variances in compliance with section 07-10A-13 of this article.

R. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of subsection 07-10A-05(2) of this article, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's mapping needs.

S. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based On Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

T. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the Federal Insurance Administrator (FIA) of the changes by submitting technical or scientific data in accordance with volume 44 Code of Federal Regulations section 65.3. Such a submission is necessary to that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

U. Upon occurrence, notify the Federal Insurance Administrator (FIA) in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that FIRMs accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority. (Ord. 19-038, 8-30-2019)

07-10A-09: FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS:

(1) Application Requirements: Upon determination by the Floodplain Administrator, an application for a floodplain development permit shall be made prior to any development activities located within the special flood hazard areas. The following items shall be presented to apply for a floodplain development permit:

A. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

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1. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 2. The boundary of the special flood hazard area as delineated on the FIRM as determined in subsection 07-10A-05(2) of this article, or a statement that the entire lot is within the special flood hazard area;
 3. The flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in subsection 07-10A-05(2) of this article;
 4. The boundary of the floodway(s) as determined in subsection 07-10A-05(2) of this article;
 5. The base flood elevation (BFE) where provided as set forth in subsections 07-10A-05(2) and (3); or subsection 07-10A-11(3) of this article;
 6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 7. The certification of the plot plan by a registered land surveyor or professional engineer.
- B. Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 2. Elevation in relation to mean sea level to which any non- residential structure in Zone A, AE, AH, and AO will be floodproofed; and
 3. Elevation in relation to mean sea level to which any proposed utility equipment and machinery will be elevated or floodproofed.
- C. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-33) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures will be required prior to Certificate of Occupancy/Completion.
- D. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this article are met. These details include but are not limited to:
1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/piers/piles/shear walls); and

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2. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with subsection 07-10A-11(1)H2 of this article when solid foundation perimeter walls are used in Zones A, AE, AH, and AO.

E. Usage details of any enclosed areas below the lowest floor.

F. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

G. Certification that all other local, State, and Federal permits required prior to floodplain development permit issuance have been received.

H. Documentation for placement of recreation vehicles and/or temporary structures, when applicable, to ensure that the provisions of subsection 07-10A-11(2)E of this article are met.

I. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream.

(2) Permit Requirements: The floodplain development permit shall include, but not be limited to:

A. A complete description of all the development to be permitted under the floodplain development permit (i.e., house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, rip-rap, docks, grading, paving excavation or drilling operations, or storage of equipment or materials, etcetera).

B. The special flood hazard area determination for the proposed development in accordance with available data specified in subsection 07-10A-05(2) of this article.

C. The flood protection elevation required for the lowest floor and all attendant utilities.

D. The flood protection elevation required for the protection of all utility equipment and machinery.

E. All certification submittal requirements with timelines.

F. A statement that no fill material or other development shall encroach into the floodway of any watercourse, as applicable.

G. The flood openings requirements.

H. All floodplain development permits shall be conditional upon the start of construction of work within one hundred eighty (180) days after issuance unless the permitted activity has commenced as per the start of construction definition.

I. Fully enclosed areas below the lowest floor are usable solely for parking of vehicles, building access or storage.

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J. All materials below BFE/FPE must be flood resistant materials.

(3) Certification Requirements:

A. Elevation Certificates:

1. A Construction Drawings Elevation Certificate (form provided by FEMA) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

2. A Final As Built Finished Construction Elevation Certificate (form provided by FEMA) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the lowest floor and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the data certification. The photographs must be taken with views confirming the building description and diagram number provided in section A of the certificate. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

B. Floodproofing Certificate: If non-residential floodproofing is used to meet the flood protection elevation requirements, design plans, with supporting data, an operation plan and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the lowest floor and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Prior to request for a Certificate of

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Compliance/Occupancy a Floodproofing Certificate (FEMA 086-0-34) shall be provided to the Floodplain Administrator for review and approval.

C. **Manufactured Home:** If a manufactured home is placed within Zone A, AE, AH, and AO, and the elevation of the chassis is more than thirty six inches (36") in height above grade, an engineered foundation certification is required in accordance with the provisions of subsection 07-10A-11(2)D2 of this article.

D. **Alter Or Relocate Watercourse:** If a watercourse is to be altered or relocated, the following shall all be submitted by the permit applicant prior to issuance of a floodplain development permit:

1. A description of the extent of watercourse alteration or relocation; and
2. A professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
3. A map showing the location of the proposed watercourse alteration or relocation; and
4. An Idaho stream channel alteration permit approval shall be provided by the applicant to the Floodplain Administrator.

E. **Certification Exemptions:** The following structures are exempt from the elevation/floodproofing certification requirements specified in subsections (3)A and (3)B of this section:

1. Recreational vehicles meeting requirements of subsection 07-10A-11(2)E of this article;
2. Temporary structures meeting requirements of subsection 07-10A-11(2)F of this article; and
3. Accessory structures one thousand five hundred (1,500) square feet or less meeting requirements of subsection 07-10A-11(2)G of this article. (Ord. 19-038, 8-30-2019)

07-10A-11: PROVISIONS FOR FLOODPLAIN HAZARD REDUCTION:

(1) **General Standards:** In all special flood hazard areas the following provisions are required:

A. All new construction, substantial improvements, and development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. All new construction, substantial improvements, and development shall be constructed with materials and utility equipment resistant to flood damage.

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C. All new construction, substantial improvements, and development shall be constructed by methods and practices that minimize flood damages.

D. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

F. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

H. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor used solely for parking, access, and storage shall:

1. Be constructed entirely of flood resistant materials at least to the flood protection elevation; and

2. Include, in Zones A, AE, AH, and AO, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

- (A) A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;

- (B) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;

- (C) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

- (D) The bottom of all required flood openings shall be no higher than one foot (1') above the grade;

- (E) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

- (F) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or flood

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resistant wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

I. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this article, shall meet the requirements of "new construction" as contained in this article.

J. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the flood protection elevation and certified in accordance with the provisions of subsection 07-10A-09(3) of this article.

K. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.

L. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

M. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

N. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 USC 1334.

O. All subdivision proposals and other development proposals greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include within such proposals base flood elevation data.

P. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

Q. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation (BFE) shall apply.

(2) Specific Standards: In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in subsection 07-10A-05(2) of this article, the following provisions, in addition to the provisions of subsection (1) of this section, are required:

A. Residential Construction: New construction, substantial improvements, and development of any residential structure (including manufactured homes) shall have the

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lowest floor, including basement, elevated no lower than the flood protection elevation, as defined in section 07-10A-03 of this article.

B. Non-Residential Construction: New construction, substantial improvements, and development of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement, elevated no lower than the flood protection elevation as defined in section 07-10A-03 of this article. Structures located in Zones A, AE, AH, and AO may be floodproofed to the flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with subsection (5)B of this section. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in subsection 07-10A-09(3) of this article, along with the operational plan and the inspection and maintenance plan.

C. Additions/Improvements:

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(A) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or

(B) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

2. Additions to non-compliant post-FIRM structures that are a substantial improvement with modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

3. Additions and/or improvements to non-compliant post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(A) Not substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or

(B) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

D. Manufactured Home Standards:

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1. New and replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is not lower than the flood protection elevation, as defined in section 07-10A-03 of this article.

2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code section 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty six inches (36") or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty six inches (36") in height, an engineering certification is required.

3. All enclosures or skirting below the lowest floor shall meet the requirements of subsections (1)H1 and (1)H2 of this section.

4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within a flood prone area. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

E. Recreational Vehicles: Temporary placement of recreational vehicles shall:

1. Be on site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or

F. Temporary Non-Residential Structures: Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

1. A specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one year;

2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;

3. The time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);

4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

5. Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

G. Accessory Structures:

1. Accessory Structures (Footprint Greater Than 1,500 Square Feet): When accessory structures (sheds, detached garages, etc.) used solely for parking, and storage are to be placed within a special flood hazard area, elevation or floodproofing certifications are required for all accessory structures in accordance with subsection 07-10A-09(3) of this article, and the following criteria shall be met:

(A) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);

(B) Accessory structures shall not be temperature-controlled;

(C) Accessory structures shall be designed to have low flood damage potential;

(D) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(E) Accessory structures shall be firmly anchored in accordance with the provisions of subsection (1)A of this section. All utility equipment and machinery, such as electrical, shall be installed in accordance with the provisions of subsection (1)D of this section; and

(F) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below flood protection elevation in conformance with the provisions of subsection (1)H of this section.

2. Accessory Structures (1,500 Square Feet Or Less): An accessory structure with a footprint less than one thousand five hundred (1,500) square feet that satisfies the criteria outlined in subsections (2)G1(A) through (2)G1(F) of this section is not required to provide the elevation certificate per subsection (2)B of this section.

3. Accessory Structures Not Used Solely For Parking Access And Storage: Accessory structures not used solely for parking access, and storage must be elevated per subsections (2)A and (2)B of this section.

H. Tanks: When gas and liquid storage tanks are to be placed within a special flood hazard area, the following criteria shall be met:

1. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);

2. Elevated above-ground tanks, in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

3. Not elevated above-ground tanks may be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris;

4. Tank inlets, fill opening, outlets and vents shall be:

(A) At or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and

(B) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

I. Construction Of Below-Grade Crawlspace:

1. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet (4') at any point.

2. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.

3. The velocity of floodwaters at the site should not exceed five feet (5') per second for any crawlspace.

J. Other Development In Floodways:

1. Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated floodways shall meet the limitations of subsection (4) of this section.

2. Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways shall meet the limitations of subsection (4) of this section.

3. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of the watercourse to the other side, which encroach into regulated floodways, shall meet the limitations of subsection (4) of this section.

4. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways shall meet the limitations of subsection (4) of this section.

5. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, ship building, and ship repair facilities that encroach into regulated floodways shall meet the limitations of subsection (4) of this section.

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6. Gravel and sand extraction: See sections 07-14-17 and 07-14-19 of this chapter.

K. Subdivision Plats In Flood Zone:

1. Development Plan: For any proposed subdivision that is located within a map floodplain, the developer/applicant shall provide a development plan of adequate scale and supporting documentation that demonstrates consistency with subsection (1) of this section and includes the following:

- (A) Location of all planned improvements;
- (B) The location of floodways and the floodway fringe in accordance with sound engineering practices;
- (C) The location of the present water channel;
- (D) Any planned rerouting of waterways;
- (E) All major drainageways;
- (F) Areas of frequent flooding;
- (G) Means of floodproofing buildings; and
- (H) Means of insuring loans for improvements within the floodplain.

2. Review: To give additional guidance in approving any proposed subdivision within a floodplain, the commission shall review proposed developments considering the new construction and substantial improvements of residential structures within the floodplain shall have the lowest floor (including basement) elevated to or above the level of the 100-year flood; and for new construction or substantial improvements of nonresidential structures, the lowest floor (including basement) shall be elevated to or above the level of the 100-year flood, or together with attendant utility and sanitary facilities, shall be floodproofed up to the level of the 100-year flood.

3. Justification For Development: Upon determination that buildings are planned within the floodplain or that alterations of any kind are anticipated within the floodplain area that will alter the flow of water, the developer/applicant shall demonstrate conclusively that such development will not present a hazard to life or limb, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel and not have an adverse impact on the natural environment. Justification shall be submitted in letter form with the preliminary plat.

4. Appropriateness Of Subdivision: In determining the appropriateness of subdivision for land located within the floodplain, the presiding party and board shall consider the objectives of this chapter and at least the following upon consideration of the preliminary plat:

- (A) The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads and intended uses;

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(B) The danger that intended uses may be swept on the other lands or downstream to the injury of others;

(C) The adequacy of proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions under flood conditions;

(D) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(E) The importance of the services provided by the proposed facility to the community;

(F) The requirements of the subdivision for a waterfront location;

(G) The availability of alternative locations not subject to flooding for the proposed subdivision and land uses;

(H) The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future;

(I) The relationship of the proposed subdivision to the comprehensive plan and any floodplain management programs for the area;

(J) The safety of access to the property for emergency vehicles in times of flood;

(K) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and

(L) The cost of providing governmental services during the after flood conditions including maintenance and repair of public utilities such as sewer, gas, electrical and water systems, and streets and bridges.

(M) No subdivision or part thereof shall be approved if levees, fills, structures or other features within the proposed subdivision will individually or collectively significantly increase flood flows, heights or danger. If only part of the proposed subdivision can be safely developed, development shall be limited to that part and the County shall require development to proceed consistent with that determination.

5. Floodproofing Plans: Floodproofing plans must be individually approved by the Board upon recommendation from the commission before such uses are constructed. Floodproofing may include, but not be limited to, the following:

(A) Anchorage to resist flotation and lateral movement;

(B) Installation of watertight doors, bulkheads and shutters or similar methods of closure;

(C) Reinforcement of walls to resist water pressure;

(D) Use of paints, membranes or mortars to reduce seepage of water through walls;

- (E) Addition of mass or weight to structures to resist flotation;
 - (F) Installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation walls and basement flood pressures;
 - (G) Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters;
 - (H) Installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures;
 - (I) Building design and construction to resist rupture or collapse caused by water pressure or floating debris;
 - (J) Installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and stormwaters into buildings or structures;
 - (K) Location and installation of all electrical equipment, circuits and electrical appliances so that they are protected from inundation by the regulatory flood; and
 - (L) Location of storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic material which could be hazardous to public health, safety and welfare at elevations above the height associated with the regulatory protection elevation or design of such facilities to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into floodwaters.
- L. Critical Facilities: Applications for the construction of a critical facility shall include a statement from a licensed engineer specifying the design flood event and base flood elevations.
- (3) Standards For Floodplains Without Established Base Flood Elevations: Within the special flood hazard areas designated as Zone A (also known as unnumbered A Zones) and established in subsection 07-10A-05(2) of this article, where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of subsection (1) of this section, shall apply:
- A. The BFE used in determining the flood protection elevation (FPE) shall be determined based on the following criteria:
 - 1. When base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this article and shall be elevated or floodproofed in accordance with standards in subsections (1) and (2) of this section.
 - 2. When floodway data is available from a Federal, State or other source, all new construction and substantial improvements with the floodway areas shall also comply with the requirements of subsections (2) and (4) of this section.

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3. Require that all new subdivision proposals and other proposed developments (including proposals for subdivisions greater than 50 lots or 5 acres, whichever is the lesser), include within such proposals base flood elevation data. Such base flood elevation (BFE) data shall be adopted by reference in accordance with subsection 07-10A-05(2) of this article and utilized in implementing this article.

4. When base flood elevation (BFE) data is not available from a Federal, State or other source as outlined above, the lowest floor shall be elevated or floodproofed (non-residential) to two feet (2') above the highest adjacent grade (HAG) at the building site or to the flood protection elevation (FPE) whichever is higher, as defined in section 07-10A-03 of this article. All other applicable provisions of subsection (2) of this section shall also apply.

(4) Standards For Floodways: Areas designated as floodways located within the special flood hazard areas established in subsection 07-10A-05(2) of this article. The floodways are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in subsections (1) and (2) of this section, shall apply to all development within such areas:

A. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:

1. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practices and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or

2. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six (6) months of completion of the proposed encroachment.

B. If subsection (4)A of this section is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this article.

C. Manufactured homes may be permitted provided the following provisions are met:

1. The anchoring and the elevation standards of subsection (2)D of this section; and

2. The encroachment standards of subsection (4)A of this section.

(5) Standards For Areas Of Shallow Flooding (Zone AO And AH): Areas designated as shallow flooding areas have special flood hazards associated with base flood depths of one foot (1') to three feet (3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to subsections (1) and (2) of this section, all new construction and substantial improvements shall meet the following requirements:

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A. The lowest floor shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one foot (1'), above the highest adjacent grade; or at least two feet (2') above the highest adjacent grade if no depth number is specified. A minimum of two feet (2') is required and four feet (4') is recommended where a depth is not provided.

B. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in subsection (5)A of this section so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with subsection 07-10A-09(3) of this article, and subsection (2)B of this section.

C. Accessory structure (sheds, detached garages, etc.):

1. Used solely for parking, access, and storage:

(A) Shall have the lowest floor elevated to at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one foot (1'), above the highest adjacent grade; or at least two feet (2') above the highest adjacent grade if no depth number is specified. A minimum of two feet (2') is required and four feet (4') is recommended where a depth is not provided; or

(B) Shall have flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Flood Protection Elevation in conformance with the provisions of subsection (1)H of this section.

2. Not used solely for parking, access, and storage:

(A) Shall be elevated per subsections (2)A and (2)B of this section.

D. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures. (Ord. 19-038, 8-30-2019)

07-10A-13: VARIANCE PROCEDURES:

(1) Application And Process:

A. An application for a variance must be submitted to the Floodplain Administrator on the form provided by the Canyon County Development Services Department and include, at a minimum, the same information required for a development permit, an explanation for the basis for the variance request and appropriate fee.

B. Upon receipt of a completed application for a variance, the variance request will be reviewed by the Floodplain Administrator. Compliance with granting a variance shall be within the discretion of the Floodplain Administrator following a full review of the facts as stated on the application and as a result of the required agency notification.

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C. Prior to decision by the Floodplain Administrator, notice of the variance request will be provided to the applicable Flood District and Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) at least fifteen (15) days prior to decision by the Floodplain Administrator.

D. The burden to show that the variance is warranted and meets the criteria set out herein is on the applicant.

(2) Issuance: Variances shall only be issued:

A. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;

B. For the repair, rehabilitation or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;

C. Upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

D. Upon showing of good and sufficient cause;

E. Upon determination that failure to grant the variance would result in exceptional hardship to the applicant;

F. Upon showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity of water. This includes only facilities defined in section 07-10A-03 of this article in the definition of "functionally dependent use".

(3) Variance Criteria:

A. In considering variance applications, Canyon County shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location as defined under section 07-10A-03 of this article as a functionally dependent facility, where applicable;

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6. The availability of alternative locations, not subject to flooding or erosion damage for the proposed use;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

B. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

(4) Variance Decision: The decision to either grant or deny a variance shall be in writing and shall set forth the reasons for such approval and denial. If the variance is granted, the property owner shall be put on notice along with the written decision that the permitted development will have its lowest floor below the flood protection elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance. (Ord. 19-038, 8-30-2019)

07-10A-15: APPEALS:

(1) Hearing And Decision: The Board of Canyon County Commissioners shall hear and decide appeals from the interpretations of the Floodplain Administrator.

(2) Filing: An appeal must be filed with the Floodplain Administrator within fourteen (14) days of the date of any permit denial or interpretation of the Administrator. Failure to timely file an appeal shall be considered a failure to exhaust the administrative remedies. The appeal must set out the interpretation of the Floodplain Administrator and a narrative setting forth the facts relied upon by the appellant and the appellant's claim regarding the error in the interpretation.

(3) Ruling: Upon receipt of a completed appeal, the appeal will be scheduled for the next available Board of Commissioners meeting to be heard. The Board of Commissioners shall consider the following in ruling on an appeal:

A. All technical evaluations, all relevant factors, standards specified in this section, including:

1. The danger that materials may be swept onto other lands to the injury of others;

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2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual landowner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity of the facility to a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 11. The cost of providing government services during and after flood conditions;
 12. Including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (4) Decision: The Board of Commissioners' decision on appeal shall be in writing and set out the facts, technical information and the legal basis for the decision. (Ord. 19-038, 8-30-2019)

07-10A-17: LEGAL STATUS PROVISION:

(1) Effect On Rights And Liabilities Under The Existing Flood Damage Prevention Ordinance: This article, in part, comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted September 28, 1984 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this article shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Canyon County enacted on September 28, 1984, as amended, which are not reenacted herein are repealed.

(2) Effect Upon Outstanding Floodplain Development Permits: Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the

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time of passage of this article. Provided, however, that when construction is not begun under such outstanding permit within a period of one hundred eighty (180) days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this article. (Ord. 19-038, 8-30-2019)

ARTICLE 10B
AIRPORT OVERLAY ZONE

SECTION:

07-10B-01: Purpose

07-10B-03: Uses Allowed And Permitted

07-10B-05: Conflict

07-10B-07: Other Considerations

07-10B-09: Nonliability Clause

07-10B-01: PURPOSE:

The purpose of the AP (Airport Overlay) Zone is to provide zoning protection to the present and long term use of airports and airport facilities. Uses within the AP Zone are generally associated with airport related activities, open space and agricultural uses which are harmonious with the use of airports. The AP Zone is superimposed over other zones. (Ord. 19-038, 8-30-2019)

07-10B-03: USES ALLOWED AND PERMITTED:

(1) A use is allowed or permitted within the AP Zone only by approval of the commission after a hearing held pursuant to the conditional use permit procedure as set forth in article 7 of this chapter.

(2) All uses allowed and all uses permitted by conditional use permit in the respective zone over which the AP Zone is superimposed are appropriate, but uses of airports and airport related facilities such as radio facilities, directional aids to navigation and other structures or facilities as may be determined to be essential to air navigation and operation, agriculture uses, structures used for the habitation of people, and those uses, operations or structures where people might congregate or meet may be approved by the commission only following the conditional use permit procedure. The commission shall not permit a use which would conflict with the airport presently or in the future, unless the conflict can be avoided by imposition of special conditions.

(3) Utility distribution facilities not in violation of any applicable Federal airport standard or regulation applicable to the airport. (Ord. 19-038, 8-30-2019)

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07-10B-05: CONFLICT:

If any of the regulations specified in article 10A, "Flood Hazard Overlay Zone", of this chapter differ from regulations in this article, then the regulations of article 10A, "Flood Hazard Overlay Zone", of this chapter shall govern. (Ord. 19-038, 8-30-2019)

07-10B-07: OTHER CONSIDERATIONS:

(1) In evaluating a proposed land use, the presiding party shall consider the following:

A. Evaluation of the effect of a proposed use on airport facilities will be made based not only on a single use acting alone but upon the reasonable assumption that other landowners within the AP (Airport Overlay) Zone may need or desire to establish similar land uses. As such, accumulative effects will be considered in making decisions.

B. Different construction material and methods may be required for sound control purpose beyond those normally required to avoid adverse effects from noise.

C. Auditoriums, churches, schools, hospitals, theaters, and other uses where congregations of people are common, shall be avoided whenever possible.

D. Criteria related to the established noise contours for the airport shall be used in considering conditional use permit applications.

E. Criteria related to Federal Aviation Administration Regulations shall be used in considering conditional use permit applications.

F. Input from government entities. (Ord. 19-038, 8-30-2019)

07-10B-09: NONLIABILITY CLAUSE:

(1) The granting of a conditional use permit for a use in the AP Zone shall not constitute a representation, guarantee, or warranty of any kind or nature by the commission or the Board or by any office or employee thereof of the practicality or safety of any structure or use proposed and shall create no liability upon or cause action against such public body, officer or employee for any damage that may result pursuant thereto. (Ord. 19-038, 8-30-2019)

ARTICLE 11
NONCONFORMING USES

SECTION:

07-11-01: Purpose

07-11-03: Applicability

07-11-05: Nonconforming Property

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07-11-07: Nonconforming Use

07-11-09: Nonconforming Structure

07-11-11: Violations

07-11-01: PURPOSE:

The purpose of this article is to allow any nonconforming property, use, or structure that was lawfully existing prior to the effective date of this chapter to continue until they are removed, but not to encourage their continuation. It is further the intent of this article that nonconforming uses shall not expand or extend the nonconforming aspect of the property, use, or structure, unless approved subject to the regulations of this chapter. (Ord. 19-001, 1-11-2019)

07-11-03: APPLICABILITY:

(1) These regulations shall apply to any lawfully existing nonconforming property, use, or structure in Canyon County, except: In the event that a property, use, or structure that was deemed nonconforming under past zoning regulations now complies with the standards of this chapter, such property, use, or structure shall be deemed conforming.

(2) These regulations shall apply to properties that were not created in accord with the regulations of this chapter (an illegal division of property) and that were of record in the Canyon County Recorder's Office prior to September 6, 1979, the boundaries of which shall not have changed except by governmental action.

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

B. A property shall be deemed nonconforming and shall be eligible for building permits if it meets one of the following standards:

1. The property met the dimensional standards for the applicable base district at the time it was created.

2. A dwelling, as herein defined, was constructed or placed on the property prior to September 6, 1979 provided, in the event that the dwelling is subsequently damaged or destroyed by fire, flood, explosion, wind, earthquake, war, riot, calamity or other catastrophic event after September 6, 1979, the property remains eligible for a building permit. (Ord. 19-001, 1-11-2019)

07-11-05: NONCONFORMING PROPERTY:

(1) The nonconforming property shall not be further diminished in size.

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(2) Any property reduced by governmental action that reduces an existing conforming ~~parcel~~ property below the required property size shall be deemed as a conforming property for the purpose of development. To be deemed a conforming property, the owner or applicant shall submit documents to the Director proving the following:

A. The property was in compliance with the minimum property size requirement of the applicable zoning district prior to the decrease in property size; and

B. The decrease in property size was caused by acquisition through prescription, purchase, or other means by Canyon County, a municipality within Canyon County, a highway district within Canyon County, Idaho Transportation Department, utility company or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, State, or Federal agency. (Ord. 19-001, 1-11-2019)

07-11-07: NONCONFORMING USE:

(1) The nonconforming use may continue as long as the use remains lawful and is not expanded or extended, unless approved subject to the regulations of this chapter.

(2) For the purposes of this article, the term "expanded or extended" shall include, but not be limited to: increased hours; increased services or programs; increased number of residential dwellings; interior renovations or structural additions that increase the occupant load of the structure dedicated to the nonconforming use (see Canyon County Building Code as set forth in chapter 6 of this Code); any new structures accessory to the nonconforming use; expansion or replacement of the structure (or portions thereof) dedicated to the nonconforming use; anything beyond regular maintenance and minor repairs (as required by the Canyon County Building Code as set forth in chapter 6 of this Code); and any action that extends the duration of the nonconforming use.

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

(4) A nonconforming use or structure housing a nonconforming use that is damaged more than fifty percent (50%) of its current assessed taxable value by fire, flood, explosion, wind, earthquake, war, riot, calamity, or other catastrophic event, shall comply with this chapter upon reconstruction. If the damage to the nonconforming use or structure housing the nonconforming use is fifty percent (50%) or less of the current assessed taxable value, the nonconforming use may continue, provided that the nonconforming use commences within ten (10) years of the event. If nonuse or vacancy continues for a period of a year or longer, the County may request resolution of the

nonconforming use right according to procedures outlined in Idaho Code section 67-6538(2) as it may be amended or retitled from time to time. (Ord. 19-001, 1-11-2019)

07-11-09: NONCONFORMING STRUCTURE:

(1) Nonconforming structures may be enlarged or modified, provided that the additions or modifications to the structure conform to the requirements of this chapter.

(2) A nonconforming structure that is damaged more than seventy five percent (75%) of its current assessed taxable value by fire, flood, explosion, wind, earthquake, war, riot, calamity, or other catastrophic event, shall comply with this chapter upon restoration or reconstruction. If the damage to the nonconforming structure is seventy five percent (75%) or less of the current assessed taxable value, the structure may be restored or reconstructed, provided that restoration or reconstruction commences within twelve (12) months of the event. (Ord. 19-001, 1-11-2019)

07-11-11: VIOLATIONS:

Properties, uses, or structures that were in violation of previous land use regulations and that remain a violation under this chapter shall be considered continuing violations. (Ord. 19-001, 1-11-2019)

ARTICLE 12 CERTIFICATES OF ZONING COMPLIANCE

SECTION:

07-12-01: Provisions For Certificate Of Zoning Compliance

07-12-01: PROVISIONS FOR CERTIFICATE OF ZONING COMPLIANCE:

(1) Certificate Of Zoning Compliance Required: A certificate of zoning compliance is required for all structures requiring a building permit, and for agricultural structures exempt from the requirement to obtain a building permit. An application for a certificate of zoning compliance shall be on a form approved by the director. The application shall be filed with the DSD and accompanied by a filing fee as established by the adopted fee schedule.

(2) Illuminated Address Numbers: Address numbers for dwellings shall be illuminated for emergency services prior to issuance of a certificate of occupancy.

(3) Division Of Land: No certificate of zoning compliance for a new dwelling shall be issued until the subject property, if divided, has been divided according to county ordinances and has access as required in section 07-10-03: of this chapter. However, an existing dwelling located on a parcel property that was not divided in accordance with county ordinance provisions for the division of land may be rebuilt or replaced.

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(4) Hazardous Material Storage: The storage of any hazardous materials, as defined by title 40 of CFR part 261, shall require a list of those materials to be submitted to the Canyon County sheriff's office, the Canyon County paramedics, DSD, and the applicable fire district, prior to issuance of a certificate of zoning compliance.

(5) Expiration Of Certificate Of Zoning Compliance: A certificate of zoning compliance is valid as long as the building permit for the applied-for structure is valid. For agricultural structures exempt from the requirement to obtain a building permit, a certificate of zoning compliance expires upon failure to obtain a setback inspection within one hundred eighty (180) calendar days from the date of issuance of the certificate of zoning compliance. (Ord. 10-006, 8-16-2010)

ARTICLE 13

OFF STREET PARKING AND LOADING REQUIREMENTS

SECTION:

07-13-01: Off Street Parking And Loading

07-13-03: Number Of Spaces Required

07-13-01: OFF STREET PARKING AND LOADING:

(1) When the intensity of use of any building, structure or premises is increased through the addition of dwelling units, gross floor area, seating capacity or other unit of measurement requiring parking or loading facilities, such parking and loading facilities shall be increased to provide for the intensity of use.

(2) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use.

(3) Access roads from state and local highway district highways into parking areas as required herein for commercial and industrial uses shall be forty feet (40') wide at the curb line.

(4) No lawfully existing building shall be deemed to be a nonconforming building solely because of the lack of any such required spaces; provided, that space being used for off street parking or loading in connection with any such building at the time of the effective date hereof shall not be further reduced in area or capacity.

(5) When the calculation of the required number of spaces called for herein results in a fractional number, fractions equal to or greater than one-half ($1/2$) shall be adjusted to the next highest whole number of spaces.

(6) Parking space requirements for a use not specifically mentioned in this article shall be the same as for a use specified which has similar traffic generating characteristics.

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(7) Except as required for dwellings and motels, off street parking facilities for several buildings, structures or uses, or for mixed uses, may be provided collectively if the total number of spaces so located together shall not be less than the sum of the separate requirements for each of the buildings or uses.

(8) Every open off street parking area having more than four (4) parking spaces shall be hard surfaced.

(9) Lighting used to illuminate off street parking areas shall be directed away from residential properties.

(10) Off street parking areas may be required to screen any side adjoining any residential property by a wall, fence, or hedge to a height of six feet (6'), except for the front yard setback areas of the adjoining residential property, which shall be a maximum height of three feet (3').

(11) Required parking spaces for dwellings shall be upon the same premises as the dwelling, and no parking space shall be located in any public right of way. (Ord. 10-006, 8-16-2010)

07-13-03: NUMBER OF SPACES REQUIRED:

Parking spaces as hereinafter set forth shall be provided for all uses allowed and conditional uses permitted in any zone, provided that a greater number of spaces may be required in any case where a conditional use permit is involved and further provided these regulations are subject to the Americans with disabilities act and state law:

- | | |
|---|---|
| (1) For each dwelling unit | 2 spaces inclusive of a garage, carport, or open off street parking |
| (2) For each guest bedroom in a hotel, motel, bed and breakfast, club, lodging house, fraternity or sorority house | 1 parking space, plus 1 additional parking space for each 3 beds in a room, plus 2 parking spaces for each 3 employees |
| (3) For each 2 persons in a convalescent, nursing or rest home, sanatorium or home for the care of children or the aged | 1 parking space, plus 1 parking space for each doctor assigned full time to the staff, plus 2 parking spaces for each 3 employees |
| (4) For a hospital | 1 parking space for each 1,000 square feet of net floor area, plus 1 parking space for each 2 employees |
| (5) For a church, school auditorium or gymnasium, auditorium, theater, or sports arena | 1 parking space for each 5 persons based on building capacity |
| (6) For floor space used by the public or by members in a social hall, dance hall, nightclub, pool hall, restaurant, | A number of parking spaces equal to 20 percent of the capacity in persons. For the purpose of this section, "capacity in |

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	or other similar enterprise or establishment	persons" shall mean the gross floor area used by the public divided by 15 square feet
(7)	For a bowling alley	3 parking spaces for each bowling lane
(8)	For a drive-in theater	An additional parking area at the entrance containing 1 parking space for each 10 vehicles accommodated within the theater
(9)	Business offices, not otherwise specified	1 parking space for each 250 square feet of net floor area
(10)	Medical or dental office or clinic	1 parking space for each 250 square feet of net floor area
(11)	Mortuary	1 parking space for each 5 seats based on building capacity
(12)	Retail stores, banks, and shops other than as specified below	1 parking space for each 200 square feet of net floor area; and for drive-in banks 3 additional parking spaces for each teller window
(13)	Retail sales establishments handling only durable goods or bulky merchandise such as machinery, furniture or vehicles, personal service and repair shops, or wholesale stores	1 parking space for each 600 square feet of net floor area
(14)	For manufacturing establishments	1 parking space for each employee, based on the greatest number of employees on site at any one time
(15)	For every building containing more than 15,000 square feet in area and which is designed to be occupied by any use requiring regular receipt or dispatch of merchandise by truck	1 loading space not less than 30 feet in length and 10 feet in width, exclusive of access platforms and maneuvering areas
(16)	Subdivision community facility	1 parking space for every 300 square feet of net floor area

(Ord. 10-006, 8-16-2010)

ARTICLE 14
USE STANDARDS

SECTION:

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07-14-01: Reserved

07-14-03: Applicability

07-14-05: Assisted Care Facilities

07-14-07: Bed And Breakfast (With Or Without Employees)

07-14-09: Contractor Shop

07-14-11: Home Business

07-14-13: Home Occupations

07-14-15: Manufacturing Or Processing Of Hazardous Chemicals Or Gases

07-14-17: Mineral Extraction Short Term

07-14-19: Mineral Extraction Long Term

07-14-21: Ministorage Facility

07-14-23: Roadside Stand

07-14-25: Secondary Residence

07-14-27: Small Wind Energy System

07-14-29: Staging Area

07-14-31: Vehicle Sales Lot

07-14-33: Wind Farm

07-14-35: Private Tower With Antenna

07-14-01: RESERVED:

(Ord. 16-001, 1-8-2016)

07-14-03: APPLICABILITY:

(1) The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27: of this chapter (land use matrix). (Ord. 16-001, 1-8-2016)

07-14-05: ASSISTED CARE FACILITIES:

(1) If a director's decision is required, the director shall specify the maximum number of clients within the decision. (Ord. 16-001, 1-8-2016)

07-14-07: BED AND BREAKFAST (WITH OR WITHOUT EMPLOYEES):

(1) The operator of the establishment may dwell in the home. (Ord. 16-001, 1-8-2016)

07-14-09: CONTRACTOR SHOP:

(1) The use shall be contained within a building or behind a sight obscuring fence. (Ord. 16-001, 1-8-2016)

07-14-11: HOME BUSINESS:

(1) The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

(2) The use is conducted entirely within a dwelling or only one of its existing accessory structures.

(3) Not more than one-third (1/3) of the gross area of the dwelling may be devoted to such use, whether said use is carried on in the dwelling or in an accessory building.

(4) No more than three (3) persons other than the residents of the dwelling may work on the premises.

(5) The use does not adversely affect the uses allowed or permitted in the zone in which it is to be located.

(6) One sign no larger than four (4) square feet is allowed, which may not be internally illuminated or constructed of reflective materials.

(7) A home business permit shall not be issued to any use that is allowed or permitted or otherwise defined by this chapter within the agricultural or residential zones or to any use of an industrial nature. (Ord. 16-001, 1-8-2016)

07-14-13: HOME OCCUPATIONS:

(1) The home occupation shall not cause the premises to differ from its residential character in the appearance, lighting, or in the emission of noise, fumes, odors, vibrations, or electrical interference.

(2) The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

(3) The home occupation shall not adversely affect the uses allowed or permitted in the zone in which it is to be located.

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- (4) The use requires no additional off street parking space.
- (5) No persons other than the residents of the dwelling work on site.
- (6) Not more than one-fourth (1/4) of the gross area of dwelling may be devoted to such use, whether said use is carried on in the dwelling or in an existing accessory building.
- (7) A nonobtrusive, nonelectric sign with no moving parts is allowed when it is no larger than four (4) square feet in the message board.
- (8) The home occupation shall not involve the use of more than one vehicle necessary for the home occupation. (Ord. 16-001, 1-8-2016)

07-14-15: MANUFACTURING OR PROCESSING OF HAZARDOUS CHEMICALS OR GASES:

- (1) The standards shall apply to the manufacture or processing of hazardous chemicals or gases as a permitted use in this chapter. The standards shall not apply to research and development facilities.
- (2) All structures shall be located a minimum of three hundred feet (300') from any property line.
- (3) The use shall be located a minimum of one thousand feet (1,000') from any Residential District or approved hospital use.
- (4) All hazardous chemicals or gases shall be stored and/or used within an enclosed structure.
- (5) The facility shall be enclosed by a minimum eight foot (8') high security fence or wall. Entrance and exit shall be through a gate that shall be locked during nonbusiness hours.
- (6) The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.
- (7) The application materials shall include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been, or shall be, eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.
- (8) The facility must register and maintain current hazardous waste generation notification as required by Environmental Protection Agency and/or Idaho Department of Environmental Quality and provide such proof of registration. (Ord. 16-001, 1-8-2016)

07-14-17: MINERAL EXTRACTION SHORT TERM:

(1) Setbacks:

	Front	Side	Rear	Corner
Short term	30'	10'	20'	30'

A. Front and corner setbacks shall be measured from the greatest of either the property line, right-of-way line, or road easement line of any local or private street.

(2) Minerals: Gravel, sand, soil or other minerals may be excavated and removed from a maximum of a two (2) acre site, per ~~parcel~~ property. The minerals must be removed from the subject property within six (6) months from the date excavation begins. Extracted minerals may not be stored on site beyond the six (6) month time period.

(3) Processing: Crushing, screening, or processing the material is allowed on or at the excavation site at the discretion of the Director.

(4) Accessory Uses: Temporary asphalt mixing and concrete batching may only be allowed as accessory uses to a pit, mine, or quarry at the discretion of the Director.

(5) Submittals: Prior to commencing any phase of extraction, the landowner or operator/extractor shall submit all appropriate fees and provide the following to DSD:

- A. Name of the landowner;
- B. Name of the operator/extractor;
- C. Legal description of the property where gravel is to be extracted;
- D. A site plan of the property showing the area where the gravel is to be extracted;
- E. The extraction commencement date and completion date (no later than 6 months after commencement date); and
- F. Reclamation plan as approved by Idaho Department of Lands.

(6) Time Limit: Short term mineral extraction is allowed during the process of subdivision construction following the provisions of this section. The six (6) month time limit shall apply to extraction during each phase as shown on the approved preliminary plat.

(7) Mineral Extraction In Floodway: Gravel and sand and their subsequent extraction on lands within the special flood hazard area that encroach into regulated floodways shall meet the requirements of subsection 7-10A-11(4) of this chapter. A Reclamation

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LOMR shall be completed within one year of the completion of mining. (Ord. 19-038, 8-30-2019)

07-14-19: MINERAL EXTRACTION LONG TERM:

(1) If a conditional use permit is required, the following standards shall apply:

A. Setbacks:

Front	Side	Rear	Corner
30'	30'	30'	30'

1. Front and corner setbacks shall be measured from the greatest of either the property line, right-of-way line, or road easement line of any local or private street.

2. When making a decision for a conditional use permit for the use, the decision making body shall consider the following:

(A) The uses of the surrounding properties in the determination of the compatibility of the proposed application with such uses;

(B) Duration of the proposed use;

(C) Setbacks from surrounding uses;

(D) Reclamation plan as approved by Idaho Department of Lands;

(E) The locations of all proposed pits and any accessory uses; and

(F) Recommendations from applicable government agencies.

(2) If the use is allowed in the zone, the following standards shall apply:

A. Setbacks:

Front	Side	Rear	Corner
30'	20'	20'	30'

1. Front and corner setbacks shall be measured from the greatest of either the property line, right-of-way line, or road easement line of any local or private street.

B. Submittals: Prior to commencing any phase of extraction, the landowner or operator/extractor shall submit the following to DSD:

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1. Name of the landowner;
2. Name of the operator/extractor;
3. Legal description of the property where gravel is to be extracted;
4. A site plan of the property showing the area where the gravel is to be extracted;
5. Commencement and completion date;
6. Reclamation plan as approved by Idaho Department of Lands.

(3) Mineral extraction in floodway: Gravel and sand and their subsequent extraction on lands within the special flood hazard area that encroach into regulated floodways shall meet the requirements of subsection 7-10A-11(4) of this chapter. A Reclamation LOMR shall be completed within one year of the completion of mining. (Ord. 19-038, 8-30-2019)

07-14-21: MINISTORAGE FACILITY:

(1) Materials shall not be sold or delivered to customers directly from the storage compartment. (Ord. 16-001, 1-8-2016)

07-14-23: ROADSIDE STAND:

- (1) A roadside stand must not exceed four hundred (400) square feet in size.
- (2) Parking and loading must occur on site. (Ord. 16-001, 1-8-2016)

07-14-25: SECONDARY RESIDENCE:

(1) The owner of the ~~lot or parcel~~ property containing the secondary residence must live on site.

(2) The secondary residence must have its own address and address numbers shall be placed on the home for emergency purposes. (Ord. 16-001, 1-8-2016)

07-14-27: SMALL WIND ENERGY SYSTEM:

(1) ~~Lot/Property~~ Size: No more than one small wind energy system per one acre of land is allowed.

(2) Height: When located on ~~parcels~~ properties five (5) acres or less, tower height shall be a maximum of thirty five feet (35') above finished grade of the fixed portion of

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the tower, excluding the wind turbine and blades. When located on ~~parcels~~ properties' greater than five (5) acres, tower height shall be limited to eighty feet (80').

(3) Proximity To Property Boundary: No part of the small wind energy system structure, including guywire anchors, may extend closer than one hundred feet (100') to the property boundaries of the installation site.

(4) Noise: Noise produced by the wind turbine shall not exceed fifty five (55) decibels (dBA) at the site's property lines.

(5) Capacity: The system capacity shall not exceed one hundred kilowatts (100 kW).

(6) Decision Of The Director:

A. The Director shall consider the following:

1. ~~Let~~ Property size;
2. ~~Let~~ Property configuration;
3. Proximity to neighboring structures;
4. Topography;
5. Viewsheds; and
6. The uses of the surrounding properties in the determination of the compatibility of the proposed small wind energy system with such uses.

B. The Director shall specify the maximum number of towers. (Ord. 16-001, 1-8-2016)

07-14-29: STAGING AREA:

- (1) All work shall be conducted off site.
- (2) Business vehicles shall be operable and parked on site, not on a public or private road.
- (3) Persons not employed on the premises may visit the premises for the purpose of picking up equipment and materials to be used elsewhere, including trucks offloading or transferring equipment and/or materials to other vehicles.
- (4) Employees may meet on the premises to share rides to and from job sites.
- (5) Employees' vehicles shall be parked on site and not on a public or private road. (Ord. 16-001, 1-8-2016)

07-14-31: VEHICLE SALES LOT:

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- (1) Vehicle repair or service work is prohibited on site. (Ord. 16-001, 1-8-2016)

07-14-33: WIND FARM:

- (1) The presiding party shall consider the following when making a decision:
 - A. ~~Lot~~ Property size;
 - B. ~~Lot~~ Property configuration;
 - C. Proximity to neighboring structures;
 - D. Topography;
 - E. Viewsheds; and
 - F. The uses of the surrounding properties in the determination of the compatibility of the proposed wind farm with such uses. (Ord. 16-001, 1-8-2016)

07-14-35: PRIVATE TOWER WITH ANTENNA:

The intent of this section is to provide reasonable accommodation of amateur radio towers in accordance with PRB-1.

- (1) The tower or antenna structure is accessory to a permitted or approved use.
- (2) The tower must have a fall zone radius equal to fifty percent (50%) of the height of the tower and completely within the subject property.
- (3) ~~Parcels~~ Properties one (1) acre or less in size and residentially zoned are limited to one (1) tower per ~~parcel~~ property.
- (4) Building permits are required for all permanently installed towers.
- (5) All building permit applications for amateur radio antennas shall be accompanied by written approval as applicable from the Federal Aviation Administration or Chief of Idaho Bureau of Aeronautics.
- (6) All building permit applications shall include the manufacturer's specifications that describes the facility height and design (including a cross section and elevation) and adapted for the local climate design criteria.
- (7) A non-operational or abandoned tower or antenna structure shall be removed within six (6) months of abandonment. (Ord. 20-012, 5-29-2020)

ARTICLE 15

DIRECTOR ADMINISTRATIVE DECISIONS

SECTION:

Exhibit G – Proposed Clean-Up for Lot, Parcel, and Property References in Chapters 7 and 8

07-15-01: Applicability

07-15-03: Application, Procedure, Approval, Renewal, Revocation

07-15-05: Temporary Use Permit Additional Requirements/Standards

07-15-07: Home Business Permit Additional Requirements/Standards [1](#) (Rep. by Ord. 16-001, 1-8-2016)

07-15-09: Daycare Facilities Additional Requirements/Standards

Notes

[1](#) 1. See section 07-14-11: of this chapter.

07-15-01: APPLICABILITY:

This article applies to land uses that require approval of a director's administrative decision in accordance with the zoning and land use matrix in section 07-10-27: of this chapter. (Ord. 11-003, 3-16-2011)

07-15-03: APPLICATION, PROCEDURE, APPROVAL, RENEWAL, REVOCATION:

(1) Application: The applicant shall submit to DSD an application for a director's administrative decision along with the appropriate fee. DSD shall provide notification by mail of the application to the owners of parcels property within six hundred feet (600') of the external boundaries of the parcel property, as well as any applicable agencies and shall provide such individuals and agencies a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed application. (Ord. 12-006, 3-22-2012)

(2) Compliance With This Code: Prior to issuance of a director's administrative decision, the subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and with all other articles of this chapter.

(3) Compliance With All Applicable Regulations: The property shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property and/or business.

(4) Compliance With County Ordinances: The property shall be in compliance with the Canyon County zoning ordinance, public nuisance ordinance and building ordinance.

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(5) Nontransferable: This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the director.

(6) Parking: Off street parking shall be provided in accordance with article 13 of this chapter. No parking space shall be located in any public right of way.

(7) Decision Of The Director:

A. Review Of Application: Compliance with granting an administrative approval shall be within the discretion of the director following a full review of the facts as stated on the application and as received as a result of the required notification process. The burden of persuading the director to grant a permit is on the applicant. The director shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed use with such uses.

B. Additional Conditions: The director may require additional land use related conditions as are necessary to protect the health, safety and welfare of the residents of parcels properties within six hundred feet (600'), as well as conditions that would protect the uses of surrounding properties.

C. Notice Of Decision: The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.

(8) Appeal By Affected Person: Any affected person who is aggrieved by the director's decision may file a written notice of appeal in accordance with section 07-05-07, "Appeal Of Director Administrative Decision", of this chapter. An appeal shall be noticed and heard as a conditional use permit.

(9) Renewals: Renewals are not required for administrative decisions unless specifically addressed in the additional standards of this article. Development services will conduct periodic reviews of approved administrative decisions to ensure compliance with conditions of approval.

(10) Revocation/Violation Of Conditions:

A. Any person, including staff, may file a written notice with the director presenting evidence that the conditions of the administrative decision have been violated. The director shall review the evidence and may conduct an additional investigation if deemed necessary. If the director determines that sufficient evidence shows a violation of the conditions, he shall provide by mail notice of such findings to the permit holder. The permit holder shall be given thirty (30) days to bring the condition into compliance.

B. The director may issue written findings revoking a permit for noncompliance if the permit holder fails to comply with the conditions of the notice given.

C. The director's revocation may be appealed in accordance with section 07-05-07, "Appeal Of Director Administrative Decision", of this chapter. (Ord. 11-003, 3-16-2011)

07-15-05: TEMPORARY USE PERMIT ADDITIONAL REQUIREMENTS/STANDARDS:

(1) In zones allowing a temporary use, the landowner may apply for a temporary use permit for the following reasons:

A. For farmworkers engaged in performing a substantial amount of the operation of the applicant's bona fide farming activities in an agricultural zone;

B. While a single-family dwelling is being constructed;

C. Residing in an RV outside an RV park for a period not to exceed ninety (90) days within a calendar year. (Ord. 12-006, 3-22-2012)

07-15-07: HOME BUSINESS PERMIT ADDITIONAL REQUIREMENTS/STANDARDS ¹
:

(Rep. by Ord. 16-001, 1-8-2016)

Notes

¹ 1. See section 07-14-11: of this chapter.

07-15-09: DAYCARE FACILITIES ADDITIONAL REQUIREMENTS/STANDARDS:

(1) If a daycare facility is approved the director shall specify the maximum number of children within the decision.

(2) Group daycare facility and daycare center general standards:

A. There shall be a minimum of thirty five (35) square feet of net floor area indoors per child. This space shall be measured wall to wall in rooms that are regularly used by the children, exclusive of halls, bathrooms, and kitchen.

B. On site vehicle pick up and turnaround areas shall be provided to ensure safe discharge and pick up of children, in addition to the required off street parking for the dwelling.

C. The applicant or owner shall secure and maintain a basic daycare license from the state of Idaho department of health and welfare family and children's services division.

D. The applicant shall provide a minimum outdoor play area of one hundred (100) square feet per child. The minimum play area requirement may be waived if:

1. There is greater or equal area of parks that abut the facility that can be used by the children; or

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2. The program design is such that the number of children using the play area at any one time conforms to the one hundred (100) square feet per child criteria.

E. All outdoor play areas shall be completely enclosed by a minimum six foot (6') barrier to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Canyon County building code as set forth in chapter 6 of this code. (Ord. 11-003, 3-16-2011)

ARTICLE 16

HOME OCCUPATIONS [1](#)

(Rep. by Ord. 16-001, 1-8-2016)

Notes

[1](#) 1. See section 07-14-13: of this chapter.

ARTICLE 17

SUBDIVISIONS

SECTION:

07-17-01: Purpose

07-17-03: Jurisdiction

07-17-05: Applicability

07-17-07: Preplatting Building Permits

07-17-09: Preliminary Plat

07-17-11: Final Plat Application

07-17-13: Final Plat

07-17-15: Completion Of Bonded Improvements

07-17-17: Combining Preliminary And Final Plats

07-17-19: Simple Changes To Recorded Plat

07-17-21: Minor Replats And Amendments

07-17-23: Changes Involving Rights Of Way In A Recorded Plat

07-17-25: Lot Requirements

07-17-27: Existing Natural Features

07-17-29: Road And Utility Improvement Requirements

07-17-31: Required Improvements

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07-17-33: Special Developments

07-17-35: Subdivision/Easement Vacations

07-17-37: Mineral Extraction

07-17-01: PURPOSE:

These regulations provide for the following:

- (1) Uniform standards for the subdivision of property and to protect the health, safety, and general welfare of the people of Canyon County.
- (2) The manner and form of making and filing of any plat.
- (3) The administration of these regulations by defining the powers and duties of approval authorities including procedures for the equitable review and approval of all plats of subdivisions covered by these provisions. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-03: JURISDICTION:

These regulations shall apply to the subdividing of all land within the unincorporated parts of the county and shall include the following:

- (1) The subdivision of land into more than four (4) lots parcels since September 6, 1979, for transfer of ownership or development.
- (2) Any change to a recorded plat.
- (3) The following are exceptions to the subdivision requirements of this article:
 - A. A **parcel**, resulting from the subdivision of land, that is used exclusively for agricultural purposes (on which there is no permanent dwelling) and is described on the deed, whether including or excluding a public right of way, and consists of one-fourth (1/4) of one-fourth (1/4) of a section of land or forty (40) or more acres.
 - B. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code and when the dedication of a right of way for public purposes is initiated by a public body.
 - C. Simple changes to a recorded plat in accordance with section 07-17-19 of this article.
 - D. A **lot or parcel** created for the exclusive use of a public or private school, other political subdivisions, or public or private utility facilities.
 - E. Land that is divided into no more than four (4) from the original parcel in accordance with Article 18 of this chapter.

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(Ord. 16-007, 6-20-2016; amd. Ord. 21-033, 10-21-2021; Ord. 22-017, 9-14-2022)

07-17-05: APPLICABILITY:

(1) No person shall subdivide any tract or parcel of land located wholly or in part in the county except in compliance with the provisions of this article.

(2) No person shall purchase, sell or exchange any parcel of land which is any part of a subdivision or a proposed subdivision submitted to the commission, nor offer for recording in the office of the county clerk, any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this article. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-07: PREPLATTING BUILDING PERMITS:

DSD shall not issue a zoning compliance for construction of residences within any area or upon any property approved for development that requires platting until the final plat has been recorded with the county recorder's office, the applicable conditions of this code met, and the required improvements are constructed or bonded. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-09: PRELIMINARY PLAT:

(1) Application: The applicant shall file with DSD a copy of the completed subdivision application form as prescribed by the director and a copy of the preliminary plat with data as required in this section including, but not limited to, preliminary irrigation plans, the availability of irrigation water to the property, and a preliminary drainage plan. All applicable fees shall be paid at this time.

A. Form Of Presentation: The information hereinafter required as part of the preliminary plat submitted shall be shown graphically or by note on plans, and may comprise several sheets showing various elements or required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, having a scale of no more than one inch equals one hundred feet (1" = 100'), unless otherwise approved by DSD prior to submission. The drawing shall measure no larger than twenty four inches by thirty six inches (24" x 36").

B. Identification And Descriptive Data:

1. Proposed name of subdivision and its location by section, township and range.
2. Reference by dimension and bearing to a section corner or quarter section corner.

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3. Name, address and phone number of developer.
4. Name, address and phone number of the person preparing the plat.
5. North arrow.
6. Date of preparation.
7. Revision block showing dates of any revisions subsequent to the original preparation date. The revision block shall be part of the title block which shall be placed along the right edge of the drawing sheet.
8. Vicinity map drawn to scale clearly showing proposed subdivision location in relationship to adjacent subdivisions, main arterial routes, collector streets, etc.

C. Existing Conditions Data:

1. The general standard for topography shall be by two foot (2') contours and shall be shown on the preliminary plat map which sets out the proposed subdivision layout unless the director determines that another appropriate contour interval would adequately reflect the character and drainage of the land and highlight or show all areas in excess of fifteen percent (15%) slope.
2. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes or other water features; direction of flow; location and extent of known areas subject to inundation.
3. Location, widths and names of all platted streets, railroads, utility rights of way of public record, public areas, permanent structures to remain, including water wells and municipal corporation lines, within or adjacent to the tract.
4. Name, book and page numbers of any recorded adjacent subdivision having a common boundary with the tract.
5. By note, the existing zoning classification of the tract.
6. By note, the approximate acreage of the tract.
7. Boundary dimensions of the tract.
8. Names and addresses of adjoining property owners within three hundred feet (300') of the exterior boundary of the tract.

D. Proposed Conditions Data:

1. Road layout including location, width and proposed names of roads, alleys, pathways, easements, and roadway connections, if any, to an adjoining platted tract.
2. Typical lot dimensions including curvilinear data to scale; each lot numbered individually; total number of lots by type and grand total. A private road must be a lot.
3. Location, width and use of easements.

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4. Designation of all land to be dedicated or reserved for public use with use indicated.

5. If plat includes land for which multi-family, commercial, or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification and status of zoning change, if any.

6. If the proposed subdivision is part of a larger area intended for development, a development master plan of the entire area shall be provided.

7. Appropriate information that sufficiently details the proposed development within any special development area such as hillside, PUD, floodplain, cemetery, manufactured home, large scale development, hazardous and unique areas of development.

8. All roads must be labeled as either "private" or "public" behind or beneath the road name.

E. Proposed Utility Methods:

1. Sewage: A statement as to the type of proposed sanitary sewage facilities.
2. Water Supply: A statement as to the type of proposed water supply facilities.
3. Stormwater Disposal: A statement as to the type of stormwater disposal facilities which may include evidence as may be required to the design and operation of proposed stormwater system.
4. Irrigation System: A statement as to proposed irrigation system, which may include evidence as may be required relative to the design and operation of any proposed irrigation system.
5. Utility Easement: The utility easement width shall be a minimum of ten feet (10') from the exterior boundaries and five feet (5') from the interior boundaries. Utility easements shall be shown graphically on the plat.

F. Special Developments: If applicable, all requirements of section 07-17-33, "Special Developments", of this article shall be submitted with the preliminary plat.

(2) Acknowledgment: Upon receipt of the application, preliminary plat, and applicable fees, DSD shall acknowledge, sign, and date the application and deem it accepted.

(3) Agency Review:

A. The DSD shall transmit one copy of the preliminary plat to county departments and any such other agencies that may have jurisdiction or an interest in the proposed subdivision for their review and recommendation.

B. If no written reply is received from any of the various departments or interested agencies within thirty (30) calendar days from the date of notification, approval of the preliminary plat by such department or agency will be considered to be granted. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

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(4) Commission Review:

A. The commission or hearing examiner shall hold a noticed public hearing on the preliminary plat. The hearing body shall recommend that the board approve, approve conditionally, modify, or deny the preliminary plat. The reasons for such action will be shown in the commission's minutes. The reasons for action taken shall specify:

1. The ordinance and standards used in evaluating the application;
2. Recommendations for conditions of approval that would minimize adverse conditions, if any;
3. The reasons for recommending the approval, conditional approval, modification, or denial; and
4. If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision.

B. Upon recommendation by the commission, the preliminary plat, together with the commission's recommendation, shall be transmitted to the board. (Ord. 15-009, 4-23-2015)

(5) Board Action:

A. The board shall consider the commission's recommendation at a noticed public hearing.

B. The board shall base its findings upon the evidence presented at the board's public hearing, and within thirty (30) calendar days declare its findings. It may sustain, modify or reject the recommendations of the commission and make such findings as are consistent with the provisions of this chapter and the Idaho Code. The findings shall specify:

1. The ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. If denied, the actions, if any, that the applicant could take to gain approval of the proposed subdivision. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-11: FINAL PLAT APPLICATION:

(1) After approval or conditional approval of the preliminary plat, the developer may cause the subdivision, or part thereof, to be surveyed and a final plat prepared in accordance with the preliminary plat as approved.

(2) The developer shall file with DSD a copy of a completed final plat application and five (5) copies of the final plat with data as required in this section including, but not limited to, final irrigation plans, if irrigation water is available to the property, and a final drainage plan. The applicant must submit with the final plat application an engineered

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construction drawing of the private road design, including curbing and drainage. All fees shall be paid at the time the application is received by DSD. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-13: FINAL PLAT:

(1) Method And Medium Of Presentation:

A. All plats to be recorded shall be prepared on a drafting medium in accordance with the requirements of Idaho Code, title 55, chapter 19, section 55-1905, paragraph (1) for records of survey maps;

B. The plat shall be drawn to an accurate scale of not more than one hundred feet to an inch (100' = 1") unless otherwise approved by DSD prior to submission; and

C. The final plat drawings shall be additionally submitted in digital form approved by the director.

(2) Identification Data Required:

A. A title which includes the name of the subdivision and its location by number of section, township, range and county shall be placed together at one location at the top of the sheet and generally centered.

B. Name, address and official seal of the surveyor preparing the plat.

C. North arrow.

D. Date of preparation.

E. Revision block showing dates of any revisions subsequent to the original preparation date. The revision block shall be part of the title block which shall be placed along the right edge of the drawing sheet.

(3) Survey Data Required:

A. Boundaries of the tract to be subdivided and the interior lots are to be fully balanced and closed, showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.

B. Any excepted lots within the plat boundaries shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.

C. Basis of bearing on the plat shall be referenced.

(4) Descriptive Data Required:

A. Name, right of way lines, courses, lengths, width of all private and public streets, alleys, pedestrianways and utility easements.

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- B. All drainageways.
 - C. All easements provided for public services or utilities and any limitations of the easements.
 - D. All lots and blocks shall be numbered throughout the plat in accordance with Idaho Code. "Exceptions", "tracts" and "private parks" shall be so designated, lettered or named and clearly dimensioned.
 - E. All sites to be dedicated to the public will be indicated and the intended use specified.
 - F. All roads must be labeled as either "private" or "public" behind or beneath the road name.
 - G. The area of each lot shall be stated in acres and decimals thereof.
 - H. The statement from Idaho Code section 22-4503 or any later or amended statutory language shall appear on all final plats located in a zone where agricultural uses are allowed or permitted.
 - I. A note as to the type of sewage disposal facilities to be provided.
 - J. A note as to the type of water supply facilities to be provided.
 - K. Required section and quarter section line setbacks.
- (5) Dedication And Acknowledgment:
- A. Dedication: A statement of dedication of all streets, alleys, pedestrianways and other easements for public use by the persons holding title of record and by persons holding title as vendees under land contract.
 - B. Acknowledgment Of Dedication: The dedication referred to in subsection (5)A of this section shall be in the form of a certificate acknowledged in accordance with Idaho Code section 50-1309. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)
- (6) Required Certifications: The following certifications shall be placed on the signature page of the final plat:
- A. Landowner's signature.
 - B. Certification by a surveyor stating that the plat is correct and accurate and that the monuments described in it have been located as described.
 - C. Certification of plat approval by the county surveyor.
 - D. Certification of plat approval by the board.
 - E. Approval or certification by impacted agencies that may include: highway districts, health department, the city when the development is in an area of impact, treasurer, recorder, and state and federal agencies having jurisdiction. (Ord. 15-009, 4-23-2015)

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(7) Time Limitations:

A. The following time limitations are in accordance with section 07-07-23: of this chapter:

1. In the event that the development of the preliminary plat is made in successive continuous segments in an orderly and reasonable manner and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of twenty four (24) months, may be considered for final plat approval. In the event a longer period elapses, the preliminary plat must be reviewed by the commission and approved by the board;

2. Final plat application must be submitted and accepted by DSD within two (2) years of the date of written approval of the preliminary plat; and

3. The final plat shall be filed with the county recorder within sixty (60) days after approval of the board; otherwise, such approval shall become null and void unless an extension of time is applied for and granted. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

(8) Commission Review: (Rep. by Ord. 15-009, 4-23-2015)

(9) Board Action:

A. Upon receipt of the final plat and all other data as required herein, the board shall thereafter place the final plat on its agenda for consideration at a regular meeting held not less than fifteen (15) calendar days after the date of submittal.

B. The board, following receipt of the final plat, shall consider said plat and any changes from the approved preliminary plat. If the plat conforms to the requirements of the subdivision regulations and Idaho Code, the board shall approve the plat.

C. At the time of approval and recording of the final plat, the board shall accept the dedications shown thereon. As a condition precedent to the approval of any final plat, the board may require the developer to improve or agree to improve the streets and all other public improvements to the standards approved for the preliminary plat by furnishing a surety bond or other guarantee. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-15: COMPLETION OF BONDED IMPROVEMENTS:

All subdivision improvements covered by surety bond or other guarantee shall be completed prior to the issuance of a certificate of occupancy. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-17: COMBINING PRELIMINARY AND FINAL PLATS:

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(1) The developer may request that the subdivision application be processed as both a preliminary and final plat, known as a short plat, if all of the following exist:

- A. The proposed subdivision does not exceed fourteen (14) lots;
- B. No major special development considerations are involved such as development in floodplain, hillside development, etc.; and
- C. All required information for both preliminary and final plat is complete and in acceptable form. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-19: SIMPLE CHANGES TO RECORDED PLAT:

This chapter establishes the procedure and requirements for making simple changes to a recorded plat when not involving a vacation or dedication of a public street right of way or private road easement. (Ord. 16-007, 6-20-2016)

(1) Application For Change:

A. The person seeking a change must file an application on a form provided by the director, and the fees. The application must demonstrate full compliance with all requirements established by the board as prerequisites for making a change to a plat.

B. When the application is filed, the director shall have a period of fourteen (14) calendar days from the time of receipt of the application to determine whether the application is complete.

C. If the director determines that the application is not complete, the application shall be returned to the applicant with written instructions as to what deficiencies must be satisfied. No further consideration will be given to the application until it is returned by the applicant and determined by the director to be complete.

D. When a fully completed application has been filed and the fees paid, the director shall conduct a review. The burden of proof is on the applicant to show compliance with the requirements for a simple change to a recorded plat. The director may grant the application only if the changed plat can meet all requirements of the zone in which it is located.

(2) Approval Or Denial:

A. If the director denies the application, he shall state his reasons in written findings within fourteen (14) calendar days of the denial. A copy shall be forwarded by mail to the applicant at the address given on the application.

B. If the director grants the application, the applicant must submit a record of survey showing the plat change pertaining to the request and a metes and bounds description of all changed lots. The record of survey must bear in the title or in a side note on the record of survey that the purpose of the record of survey is to change the specific plat, stating the name of the plat, with affected lots and blocks. The written

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decision of the director and a copy of the record of survey must be recorded at the applicant's expense.

C. Any affected person who is aggrieved by the director's decision may file a written notice of appeal in accordance with section 07-05-07, "Appeal Of Director Administrative Decision", of this chapter. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-21: MINOR REPLATS AND AMENDMENTS:

This section establishes the procedure and requirements for making minor modifications to a previously recorded subdivision plat or portion of a plat, when the modification cannot be accomplished as a simple change to a recorded plat in accordance with section 07-17-19: of this article. A minor correction on a final plat or an amendment that does not create a new lot or alter the character or purpose of a subdivision, may be made by application to the director who shall determine the validity of the requested correction and record, at the applicant's expense, any approved change. A new mylar and signature page reflecting the correction or amendment shall be required. Minor modifications include insignificant changes in wording, corrections, adjustments ~~between platted and unplatted parcels~~ lots and parcels, consolidations and lot line adjustments for up to five (5) lots where easements not utilized are adjusted with the lot line.

Substantial changes to a recorded plat must comply with the requirements of section 07-17-13: of this article, and may not be accomplished through the provisions of this section. Substantial changes include those that would affect the location of public streets or private roads, septic systems, building envelopes, no build envelopes, easements or utilities that are currently utilized; adjustments that would create additional lots; adjustments that would affect more than five (5) lots; or significant changes in plat language that might affect a property owner's use of their land, or of commonly held land or easements. (Ord. 16-007, 6-20-2016)

(1) Application For Approval Of Minor Replat Or Amendment:

A. A completed application must be submitted to the director with the following documents:

1. Completed application form signed by the property owners whose land is included in the amended plat or replat, or a notarized letter of authorization by the property owners and a sufficient number of copies, as determined by the director, for each agency/organization reviewing the application, shall be submitted by the applicant.
2. Fees.
3. Preliminary title report for all lots to be replatted or amended.

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4. A plat meeting the final plat requirements of section 07-17-13: of this article and Idaho Code, title 50, chapter 13. The title of the plat shall state that it is a replat or an amendment of the subdivision or of the particular lots within the subdivision.

5. Narrative explaining the proposed changes to the plat.

(2) Approval Process And Requirements: When an application for approval of a minor replat or amendment of a recorded plat is filed the following procedure applies:

A. The director shall provide a copy of the completed application packet to the affected agencies.

B. Within thirty five (35) calendar days of the acceptance of application, the director shall review the relevant evidence in the record and issue findings and an order of decision. The findings shall cite the applicable legal standards; state the evidence and conclusions on which the decision was based; explain any relevant contested facts and the evaluation of these facts; and if the decision is denied, any action the applicant could take to gain approval.

C. To approve a minor replat or amendment, the director must make a finding that the proposed changes and the plat are in compliance with Idaho Code, title 50, chapter 13 and with the requirements of the county and other agencies; that the proposed changes are not substantial in nature; and that there will be no negative effects on public agencies and private corporations that provide services and facilities for the subdivision.

D. Within one hundred twenty (120) calendar days of approval, the mylar plat must be submitted in a form ready to record. The applicant shall obtain all required signatures on the plat. If the plat is not submitted for recordation within one hundred twenty (120) days and an extension is not granted by the director, approval is null and void and a new application must be submitted. The director may grant an extension for good cause.

(3) Appeal: Any affected person who is aggrieved by the director's decision may file a written notice of appeal in accordance with section 07-05-07, "Appeal Of Director Administrative Decision", of this chapter. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-23: CHANGES INVOLVING RIGHTS OF WAY IN A RECORDED PLAT:

Changes to any recorded plat involving a public right of way for public use must be applied for with the highway district having and accepting jurisdiction. Other such applications must be made to the board pursuant to Idaho Code, title 50, chapter 13. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-25: LOT REQUIREMENTS:

Exhibit G – Proposed Clean-Up for Lot, Parcel, and Property References in Chapters 7 and 8

(1) Lot Design: Side lot lines shall be substantially at right angles or radial to street lines, except where another design may be justified. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-27: EXISTING NATURAL FEATURES:

Existing natural features which add value to residential development and enhance the attractiveness of the community such as streets, watercourses, historic spots and similar irreplaceable assets shall be given consideration in the design of the subdivision. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-29: ROAD AND UTILITY IMPROVEMENT REQUIREMENTS:

(1) Responsibility Of Developer: Construction of improvements such as private roads and other facilities which are required as a condition to plat approval shall be the responsibility of the developer and shall meet county specifications and standards of construction.

(2) Irrigation Supply And Distribution Systems: The developer shall disclose, pursuant to Idaho Code section 31-3805, and file as part of the preliminary plat with DSD, evidence that an adequate irrigation supply and distribution system to serve the land within the plat to be recorded will be provided and must include consideration of using existing water rights that go with the land being platted. Such evidence shall include, but not be limited to, the following:

A. Copies of the plans of the proposed distribution system for the lots and areas to be served in the proposed development; and

B. Copies of the community association's or similar organization's documents which may be required precedent to the establishment of an irrigation distribution system within the proposed development.

(3) Construction Drawings: The applicant shall submit to DSD with the application for final plat, construction drawings for all required improvements.

(4) Bonding: Prior to the board signing the final plat, all required improvements shall be constructed and a certificate of completion shall be secured from the county unless a surety bond or other acceptable guarantee of performance to ensure the actual construction of such improvements as submitted and approved is filed with the county clerk. Such surety bond or other guarantee shall be in the amount of one hundred twenty percent (120%) of the estimated cost of the improvements as determined by the county. The improvements when covered by a surety bond shall be constructed within two (2) years from the date of recording of the final plat; provided, however, the board may extend the period one year upon showing of just cause by the developer.

(5) Record Plans And Specifications:

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A. Prior to acceptance by the County of any improvements installed by the developer, two (2) sets of prints of the approved "record" plans and specifications shall be certified by the developer's engineer and filed with DSD.

B. Within ten (10) calendar days after completion of improvements and submission of "record" plans in accordance with County specifications, the applicant's engineer shall certify the completion and acceptance of the construction and shall transmit a copy of the said certification to the developer. If a surety bond or guarantee agreement has been executed by the developer, the same shall be forwarded to the County Clerk. The County Clerk shall thereafter release said surety bond or guarantee upon application by the developer upon proof that the improvements have been completed. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-31: REQUIRED IMPROVEMENTS:

(1) Road Improvements:

A. Private Roads:

1. Private roads must be a numbered lot and constructed in accordance with section 07-10-03: of this chapter.

2. A minimum private road lot width of sixty feet (60') is required. This requirement may be reduced to a width not less than fifty feet (50'), in accordance with subsection 07-10-03(1)D of this chapter.

3. Curbs and gutters, if required by the Board, may be either rolled or vertical style and must be a minimum width of two feet (2'). Sidewalks must be a minimum width of four feet (4'). Both curb and gutter shall be constructed using three-fourths inch (3/4") aggregate in the concrete mix.

B. Public Streets: Public streets, including curbs, gutters and sidewalks, shall be constructed in accordance with the requirements of the applicable highway district or, if within an Area of City Impact, the requirements adopted by Canyon County in chapter 9 of this Code.

(2) Subdivision Improvements: The commission or hearing examiner may recommend and the Board may require improvements in the subdivision, for example curbs, gutters, sidewalks, streetlights, ribbon curbing, swales, and stormwater retention and disposal.

(3) Road Names: Road name signs and traffic control signs shall be installed by the developer in appropriate locations such as where roads and streets intersect and are approved by the local highway district having jurisdiction.

(4) Other Improvements: All other improvements required as conditions of approval shall be completed. (Ord. 16-007, 6-20-2016)

07-17-33: SPECIAL DEVELOPMENTS:

The purpose of this section is to identify various types of special developments that normally pose special concerns to the commission and the Board when reviewing and acting upon subdivision requests. The provisions of this section are in addition to other applicable requirements of these subdivision regulations. Required information shall be submitted to the DSD with the preliminary plat.

(1) Hillside Development:

A. Hillside Development Evaluation:

1. All hillside development proposals shall give consideration to desirable land use planning, soil mechanics, engineering geology, hydrology, and civil engineering. The evaluation includes, but is not limited to:

(A) Planning of development to fit the topography, soils, geology, hydrology and other conditions existing on the proposed site;

(B) Orienting development to the site so that grading and other site preparation is kept to a minimum; i.e., use of building or road envelopes, and no build areas;

(C) Shaping of essential grading to complement the natural landforms and to minimize padding and terracing of building sites;

(D) Division of land tracts into smaller workable units on which construction can be completed within one construction season so that large areas are not left bare and exposed during the winter- spring runoff period; and

(E) Completion of paving as rapidly as possible after grading.

2. Areas having soil, geology or hydrology hazards shall not be developed unless it is shown that their limitations can be overcome; that hazard to life or property will not exist; and that the safety, use or stability of a public way or drainage channel is not jeopardized.

B. Required Data: The developer shall retain professional expertise to obtain the following information which is required by the commission:

1. Soil Reports: For any proposed hillside development, a soils report shall be submitted with the preliminary plat. This report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and opinions and recommendations covering the adequacy of sites to be developed.

2. Geology Reports: For any proposed hillside development, a geology report shall be submitted with the preliminary plat. This report shall include an adequate description of site geology and an evaluation of the relationship between the proposed development and the underlying geology and recommendations for remedial actions.

3. Hydrology Report:

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(A) For any proposed hillside development, a hydrology report shall be submitted with the preliminary plat. This report shall include an adequate description of the hydrology, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development and opinions and recommendations covering the adequacy of sites to be developed.

(B) Flood frequency information shall be provided for the area proposed for the development, if applicable.

C. Grading And Drainage Plan:

1. A preliminary grading and drainage plan shall be submitted with each hillside preliminary plat proposal and shall include the following information:

(A) Approximate limiting dimensions, elevations or finish contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels and related construction;

(B) Preliminary plans and approximate locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed; and

(C) A description of methods to be employed in disposing of soil and other material that is removed from the grading site, including the location of the disposal site.

2. A final grading plan shall be submitted with each final plat and include the following information:

(A) Limiting dimensions, elevations or finish contours to be achieved by the grading, including all proposed cut and fill slopes and proposed drainage channels and related construction;

(B) Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed; and

(C) A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage together with estimated starting and completion dates. In no event shall the existing "natural" vegetative ground cover be destroyed, removed or disturbed more than fifteen (15) calendar days prior to the grading.

D. Development Standards:

1. Soils:

(A) Fill areas shall be prepared by removing organic material, such as vegetation and rubbish and any other material which is determined by the soils engineer to be detrimental to proper compaction or otherwise not conducive to stability.

(B) Cuts and fills shall be designed to provide safety, stability and adequate setback from property lines in accordance with County standards, drawings and specifications.

2. Roadways:

(A) Road alignments shall reasonably follow natural terrain and no unnecessary cuts or fills shall be allowed.

(B) One-way streets, in interior subdivision roads only, shall be permitted and encouraged where appropriate for the terrain and when public safety would not be jeopardized. When approved by the County the one-way street may have a thirty foot (30') right-of-way instead of a sixty foot (60') right-of-way.

(C) The width of the graded section shall extend three feet (3') beyond the curb back or edge of pavement on both the cut and fill sides of the roadway. If sidewalks are to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus one foot (1') beyond the curb back.

(D) Ribbon curbing and swales or concrete curb and gutter shall be installed along both sides of paved roadways, when required by the Board.

(E) A pedestrian walkway plan may be required.

3. Driveways And Parking Areas: Combinations of collective private driveways, cluster parking areas and on street, parallel parking ways may be used to attempt to optimize the objectives of minimum soil disturbance, minimize impervious cover, and enhance the excellence of design and aesthetic sensitivity.

E. Vegetation And Revegetation:

1. The developer shall submit a slope stabilization and revegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and the method of disposal, the vegetation to be planted, and slope stabilization measures to be installed. The plan shall include an analysis of the environmental effects of such operations, including the effects it may have on slope stability, soil erosion, water quality and fish and wildlife.

2. Vegetation sufficient to stabilize the soils shall be established on all disturbed areas as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with perennial vegetal cover after all construction is completed. Efforts shall be made to plant those species that tend to recover from fire damage and do not contribute to a rapid rate of fire spread.

3. The developer shall be fully responsible for any destruction of native vegetation proposed and approved for retention. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of construction until the notice of completion is filed. The developer shall be responsible for replacing such destroyed vegetation in kind or its equivalent.

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F. Maintenance: The owner of any private property on which grading or other work has been performed, pursuant to a grading plan approved or a building permit granted under the provisions of this chapter, shall continuously maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures or means, and other protective devices, plantings and ground cover installed or completed.

(2) Condominium And Planned Unit Developments:

A. Site Development Plan: The applicant shall provide the commission with a site plan, elevations, perspective drawings and such other illustrated information at a scale to be determined by DSD to show the proposed development that will include at least the following:

1. Site plan;
2. Plat showing lots, including common lots and roads;
3. Architectural styles and building design concepts;
4. Architectural materials and colors;
5. Type of landscaping;
6. Screening, if proposed;
7. Type of solid waste facilities;
8. Parking concept; and
9. Open space areas.

B. Storage Areas: Storage areas shall be provided for the anticipated needs of boats, campers and trailers. For typical residential development, one adequate space shall be provided for every three (3) living units. This may be reduced by the commission if there is a showing that the needs of a particular development are less.

C. Parking Space: One additional parking space beyond that which is required by the zoning regulations may be required for every three (3) dwelling units to accommodate visitor parking.

D. Control During Development: Single ownership or control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned.

(3) Subdivision For A Cemetery:

A. Function: The developer shall provide the County with written documentation that will sufficiently explain if the proposed cemetery will be used for either human or animal remains and the functions that are anticipated on the property.

B. Compliance With Idaho Code Required: The developer shall submit a written statement that has been prepared by an attorney that adequately assures the

compliance of the proposed cemetery with the procedural platting requirements and management requirements that are outlined in Idaho Code, title 27.

(4) Areas Of Critical Concern:

A. General: The development of any hazardous or unique areas that have previously been designated as areas of critical concern by the Board, as provided by Idaho Code, may need special consideration by the applicant, as determined by the Board, to assure that the development is necessary and desirable in the public interest in view of the existing unique conditions. Areas that may be designated by the Board, through due process, as hazardous or unique may be as follows:

1. Unstable soils;
2. Scenic areas;
3. Historical significance areas;
4. Floodplains; and
5. Other areas of critical concern.

B. Plan Submission: The applicant, if required, shall prepare and submit an environmental assessment statement for those areas as above noted and designated by the Board along with the preliminary plat application.

C. Content Of Environmental Assessment Statement: The content of the environmental assessment statement, if required, shall usually be prepared by professional(s) that will provide answers to the following questions:

1. What detrimental environmental effect may occur as a result of the proposed development?
 2. What corrective action or alternative plans could be developed so as not to significantly cause detrimental environmental effects?
 3. What adverse effects of the proposed development cannot be mitigated?
- (Ord. 19-038, 8-30-2019)

07-17-35: SUBDIVISION/EASEMENT VACATIONS:

(1) Any property owner desiring to have an existing subdivision vacated, in whole or part, including easements, shall complete and file an application along with any fees with DSD and also file such other applications as are otherwise required by law.

(2) Upon receipt of the completed application and other information as may be required, DSD shall affix the date of application acceptance thereon. The application shall be considered by the commission at a public hearing noticed as provided for in article 5 of this chapter. Vacations shall be processed in accord with the regulations set

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forth in Idaho Code section 50-1306A and recorded in accord with the regulations set forth in Idaho Code section 50-1324.

(3) The commission shall review the request and any agency response and make a recommendation to the Board for approval, conditional approval or denial. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

07-17-37: MINERAL EXTRACTION:

Short term mineral extraction is allowed during the process of subdivision construction following the provisions of this chapter. The six (6) month time limit shall apply to extraction during each phase as shown on the approved preliminary plat. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)

ARTICLE 18
ADMINISTRATIVE LAND DIVISIONS

SECTION:

07-18-01: Purpose

07-18-03: Applicability

07-18-05: Application

07-18-07: Administrative Division in Agricultural Zones

07-18-09: Administrative Division Of Nonviable Parcels In An Agricultural Zone

07-18-11: Administrative Division And Relocation Of Building Permits Between Contiguous Parcels In An Agricultural Zone

07-18-13: Administrative Land Division In All Other Zones

07-18-01: PURPOSE:

The regulations of this article allow for the division of parcels without being subject to the subdivision regulation as set forth in article 17 of this chapter.

(Ord. 22-071, 9-14-2022)

07-18-03: APPLICABILITY:

(1) These regulations apply to:

A. Parcels of land created prior to September 6, 1979.

(Ord. 22-071, 9-14-2022)

07-18-05: APPLICATION AND PROCESS:

(1) The following shall be provided with all applications for land divisions pursuant to this Article:

A. Application;

B. Fees;

C. Site plan showing all lots and access locations;

D. An irrigation plan (if applicable);

E. Proof that any required conditions of county approvals are met (if applicable)

(2) Parcels divided pursuant to this Chapter with slopes greater than fifteen percent (15%) shall not be disturbed without an engineered grading and drainage plan consistent with section 07-17-33(1)C.

(3) The subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and this chapter before the director can approve the application.

(4) Notification of the application shall be provided to the applicable fire and highway districts and shall provide such districts a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.

(5) Pre-approval Decision: the following shall be provided after receiving pre-approval of the site plan from director.

A. Record of Survey with metes and bounds descriptions of all lots that shows access from each parcel complies with the requirements of section 07-10-03: of this chapter, and that includes all existing and necessary easements;

(6) Decision:

A. If the application meets the requirements of this section, the director may approve the division. The director may attach conditions to the approval if applicable.

B. If the request is approved, the director shall issue a letter of approval setting forth the details and requirements of the division.

(7) Appeal by Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section 07-05-07 of this chapter.

(8) Required Language on Approvals: Language from the Idaho Right To Farm Act shall appear on administrative land division approvals.

(Ord. 22-071, 9-14-2022)

07-18-07: ADMINISTRATIVE DIVISION IN AGRICULTURAL ZONES:

(1) Purpose: The regulations of this section allow for a division of a parcel in an agricultural zone without being subject to the subdivision regulations as set forth in article 17 of this chapter.

(2) Standards: The proposed division of original parcels created prior to September 6, 1979, shall be allowed in accordance with the following:

Less than 80 acres	1 division (2 residential parcels)
80 to 119 acres	2 divisions (3 residential parcels)
More than 120 acres	3 divisions (4 residential parcels)

A. The proposed parcels created and its remnant shall be at least one (1) acre in size.

B. An additional parcel designated as agricultural only and at least five (5) acres in size may be created in accordance with this article and subject regulations in accordance with article 10 of this chapter.

(3) Once an administrative land division has been approved in the agricultural zoning district, there shall be no other administrative land divisions from that land regardless of ownership of any of the land involved except as permitted by this Article. Previously approved divisions in the agricultural zoning district may be amended to provide for divisions of the original parcel that were entitled pursuant to Chapter 7 Article 18 but not taken when the first division was approved.

(Ord. 22-071, 9-14-2022)

07-18-09: ADMINISTRATIVE DIVISION OF NONVIALE PARCELS IN AN AGRICULTURAL ZONE:

(1) Purpose: The director shall have the authority regarding the division of nonviable land within an "A" (Agricultural) zone, in whole or in part, where the result of the division limits negative impacts to adjacent agricultural uses.

(2) Minimum Parcel: The proposed parcel created and its remnant shall be at least one (1) acre in size.

(3) Application: The applicant shall submit to DSD an application for a director's administrative decision along with the appropriate fee, including requirements of Section 07-18-05 of this chapter. Submittal shall also include the following:

A. Evidence demonstrating the land, in whole or in part, is nonviable for agricultural use; and

B. Evidence demonstrating the result of the request will minimize potential negative impacts to adjacent agricultural uses.

(4) Notifications: Upon acceptance of an application, DSD shall, by mail, provide notification of the proposed division to the owners of parcels which are contiguous to the subject parcel(s) and to the owners of parcels which are within six hundred feet (600') of the external boundaries of the subject parcel(s) and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed division. Notification of the application shall also be provided to the applicable fire and highway districts and shall provide such districts a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.

(5) Evaluation and Determination of Application: The director shall evaluate each application on an individual basis and shall exercise discretion in determining whether or not to approve such an application with consideration given to each of the following requirements:

A. The parcel(s) must be eligible for division; and

B. The subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code) and the building code (chapter 6 of this code) before the director can approve the application; and

C. The parcel, in whole or in part, shall consist of land with site constraints and/or resource issues, such as lack of water, suitable soils, topography, land compatibility, lot size or configuration, that makes productive agricultural use extremely difficult; and

D. The division shall not create a negative impact to surrounding agricultural uses. The director may include conditions of approval to mitigate potential negative impacts.

(6) The applicant has the burden of proving that the application meets these requirements.

A. Deliberate action to withhold agricultural land from productive use strictly to qualify for a land division pursuant to this section shall disqualify such land from treatment under this section.

(7) Decision, Division of Nonviable Parcel:

A. If the application meets the requirements of this section, the director may approve the division into fewer than five (5) parcels from the original parcel. The director may attach conditions to the approval which limits the division or use.

B. If the request is approved, the director shall issue a letter of approval setting forth the details and requirements of the division.

C. The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.

(8) Appeal by Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section 07-05-07 of this chapter.

(9) Onetime Only Division: Once a nonviable parcel in an agricultural zone has been approved, there shall be no other administrative land division from that land regardless of ownership of any of the land involved.

(10) Required Language on Approvals: Language from the Idaho Right To Farm Act shall appear on administrative land division approvals.

(Ord. 22-071, 9-14-2022)

07-18-11: ADMINISTRATIVE DIVISION AND RELOCATION OF BUILDING PERMITS BETWEEN CONTIGUOUS PARCELS IN AN AGRICULTURAL ZONE:

(1) Purpose: The director shall have the authority to relocate available residential permits between said contiguous parcels for the purpose of clustering said residential building permits on a destination parcel.

(2) Minimum Parcel Or Lot Area: The minimum parcel or lot area of this section shall be one acre.

(3) Notifications: Upon acceptance of an application, DSD shall, by mail, provide notification of the proposed relocation to the owners of parcels which are contiguous to the destination parcel and to the owners of parcels which are within six hundred feet (600') of the external boundaries of the destination parcel and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed relocation.

(4) Evaluation And Determination Of Application: The director shall consider all comments that are received within the fifteen (15) day comment period prior to making a final decision concerning the relocation request. In considering comments, the director shall evaluate whether such comments articulate and demonstrate that the parcel is eligible for the relocation of building permits. The director shall evaluate each application on an individual basis and shall exercise discretion in determining whether or not to approve such an application with consideration given to each of the following requirements:

A. The originating and destination parcels must be contiguous. "Contiguous" means touching at a point or along a boundary, including parcels divided by railroad, public right of way, canal, ditch, river, or stream; and

B. The originating parcels must be eligible for an administrative land division under this article or have a building permit available; and

C. The relocation uses the originating parcel's administrative land division/building permit and no other administrative land division is available for the parcel; and

D. The relocation must demonstrate at least one of the following:

1. Promotion of effective or efficient farming. If the applicant demonstrates that the relocation would create a more cost effective or efficient method of farming the originating parcels or make them more viable for the production of crops; or

2. Clustering of structures;

E. Deliberate action to withhold productive farm ground from production strictly in order to qualify for administrative relocation of building permits pursuant to this subsection shall disqualify such farm ground from treatment under this subsection.

(5) Approval, Division Of Destination Parcel:

A. The size, shape, and location of the destination parcel, as well as the parcels to which it will be divided into, shall be subject to the approval of the director.

B. If the application meets the requirements of this subsection, the director may approve the division of the destination parcel into no more than four (4) parcels. The director may attach limiting conditions to the approval.

C. If the request is approved, the director shall issue a letter of approval setting forth the details and requirements of the division including the size, shape, and location of the destination parcel.

D. The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.

(6) Appeal By Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section 07-05-07 of this chapter.

(7) Onetime Only Division: Once an administrative land division has been approved, there shall be no other administrative land division from that land regardless of ownership of any of the land involved.

(8) Required Language On Approvals: Language from the Idaho right to farm act1 shall appear on administrative land division approvals.

(9) Exceptions: If the land division does not qualify as an exception under the subdivision standards of subsection 07-17-03(3) of this chapter, then all regulations of article 17 of this chapter shall apply.

(Ord. 22-071, 9-14-2022)

07-18-13: ADMINISTRATIVE DIVISION IN ALL OTHER ZONES:

(1) Purpose: The regulations of this section allow for a division of a parcel in a commercial, industrial, and residential zone without being subject to the subdivision regulations as set forth in article 17 of this chapter.

(2) An administrative land division of an original parcel in a commercial, industrial, and residential zone is allowed in accordance with the following:

A. Land may be divided into no more than four (4) parcels through the administrative land division process unless further restricted by provisions in Chapter 9 - Areas Of City Impact.

B. The minimum parcel or lot area shall be subject to the minimum lot size provisions of subsection 07-10-21(2) of this chapter.

(Ord. 22-071, 9-14-2022)

ARTICLE 19 ENFORCEMENT

SECTION:

07-19-01: Civil Enforcement Procedure

07-19-03: Criminal Enforcement Procedure

07-19-01: CIVIL ENFORCEMENT PROCEDURE:

(1) Request For Voluntary Compliance: If it is determined by the Development Services Department that a violation of this chapter exists on any property, the Development Services Department shall cause a written request for voluntary compliance to be issued to the owner, occupier, and/or person in control of such property. Such request for voluntary compliance shall contain the street address and parcel number of the property, describe the existing violation of this chapter, request voluntary action to remedy the violation, and establish the time period for voluntary remedy of the violation, which shall be ten (10) days from the date of the request for voluntary compliance.

(2) Order Of Abatement: If, following the issuance of a request for voluntary compliance pursuant to subsection (1) of this section, Development Services Department finds that a violation of this chapter still exists on any property, the Development Services Department shall cause an order of abatement to be issued to the owner, occupier, and/or person in control of such property. Such order of abatement shall contain the street address and parcel number of the property, describe the existing violation of this chapter, order the abatement of the violation, establish the time period for abatement, specify the penalty for noncompliance, and describe the opportunity and time for appeal. The Development Services Department shall issue such order of abatement to the owner, occupier, or person in control of the property on which the violation exists in one or more of the following ways:

A. By hand delivery upon such owner, occupier, or person in control of the property; or

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B. By certified mail to such owner, occupier, or person in control of the property, at the address shown on the last available assessment roll, or as otherwise known; or

C. By posting such notice and order at a conspicuous place on the property.

(3) Time Period For Abatement: It shall be the duty of the owner, occupier, or person in charge or control of any property where any violation exists, to abate such violation within ten (10) calendar days from notice pursuant to this section, however, the Development Services Department may require summary abatement of a nuisance condition where such condition presents an imminent threat to human health or safety.

(4) Summary Abatement: Nothing contained herein shall prevent the Development Services Department from requiring, undertaking, or causing summary abatement of a violation where such condition presents an imminent threat to human health or safety.

(5) Appeal: Within seven (7) calendar days from the date of service, mailing, or posting of the order of abatement, the owner, occupier, and/or person in charge or control of the subject property may appeal to the Board by filing a written appeal with the Development Services Department, which appeal shall enumerate the grounds for appeal. The Board shall consider written and oral testimony from the appellant and shall affirm, withdraw, or modify the order of abatement. The decision of the Board shall be final. If the Board affirms the order, the appellant shall have five (5) calendar days from the date of such affirmation to abate the violation as ordered.

(6) Abatement Procedures: The Board, upon recommendation by the Development Services Department and after providing notice as provided herein, may abate or cause the abatement of any violation where the owner, occupant, agent or person in control of property does not comply with abatement notice. If the Board directs the abatement of the violation a service fee shall be imposed against the owner of the subject property for services provided. The fees imposed pursuant to this section shall be reasonably related to, but shall not exceed, the actual cost of the service being rendered. The Board shall cause the fee to be collected in the following manner:

A. Recovery Of Abatement Service Fee: DSD shall send to the owner, occupier, and/or person in control of the subject property, by regular mail, a billing statement requiring payment to cover the costs of abating the nuisance and the administrative services as established by fee schedule. Unless paid as voluntarily, as provided below, such charge shall be collected in the same manner provided by law for the collection of real and personal Property Taxes.

B. Automatic Lien Of Abatement Service Fee: Upon abatement, an automatic lien in the amount of the abatement service fee shall attach to the subject property, and a notice of lien shall be recorded within seventy two (72) hours. Upon payment of the charges in full the lien shall be released.

C. Certification Of Abatement Costs: If full payment is not made within thirty (30) days of the mailing of the billing statement requiring payment of abatement service fee, the Board shall certify such charge to be placed on the Property Tax roll.

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(7) Certificate Of Noncompliance: In lieu of abatement, the Board may record a Certificate of Noncompliance detailing the violations existing on the property. Such certificate shall be removed upon remedy of the enumerated violation.

(8) Injunction And Other Remedy At Law: The County may also take civil action to obtain an order enjoining the ongoing maintenance of such property free from violations of this chapter, and/or to recover any and all costs enforcement and/or litigation including, but not limited to attorney fees and court costs. (Ord. 19-038, 8-30-2019)

07-19-03: CRIMINAL ENFORCEMENT PROCEDURE:

It shall be unlawful for any person to fail to comply with the preceding sections, or any part or provision, of this chapter. Upon conviction violations shall be punishable according to section 01-01-07 of the County's Ordinance, General Penalty. Criminal enforcement shall not foreclose use of other remedies in this chapter. The Canyon County Sheriff and/or designated Code Enforcement Officer(s) shall have the authority to issue citations to violators of this chapter. (Ord. 19-038, 8-30-2019; amd. Ord. 21-030, 10-14-2021)

CHAPTER 8
CAFO REGULATIONS

ARTICLE 01
CONFINED ANIMAL FEEDING OPERATIONS

SECTION:

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08-01-01: TITLE:

This article shall be known as the CONFINED ANIMAL FEEDING OPERATION (CAFO) ORDINANCE. (Ord. 07-002, 1-18-2007)

08-01-02: AUTHORITY:

This article is authorized by article 12, section 2 of the Idaho constitution and Idaho Code sections 31-801, 31-828 and 67-6529. (Ord. 07-002, 1-18-2007)

08-01-03: PURPOSE:

The purpose of this article is to provide for the orderly placement and regulation of CAFOs in Canyon County, and to require all CAFOs operating in Canyon County to obtain all required permits and be in compliance with all applicable federal and state environmental standards, and to be sited, where appropriate, within the A (agricultural), IP (industrial park), M-1 (light industrial), or M-2 (heavy industrial) zones, and meet certain development standards. (Ord. 07-002, 1-18-2007)

08-01-04: REPEALER:

All ordinances or parts of ordinances in conflict with this article or inconsistent with the provisions of this article are hereby repealed to the extent necessary to give this article full force and effect. However, those portions of Canyon County zoning ordinance 05-002, as amended, which regulate livestock confinement operations shall remain in full force and effect for any livestock confinement operation that is not regulated by this article. (Ord. 07-002, 1-18-2007)

08-01-05: GENERAL:

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(1) Nothing in this article, or any action by the county pursuant to this article shall release the applicant from compliance with or other provisions of applicable local, state, and/or federal laws, permit requirements, rules, and/or regulations.

(2) The provisions of this article are minimum standards, and any more restrictive standards required by county or other applicable local, state, and/or federal laws, rules, and/or regulations must be followed. (Ord. 07-002, 1-18-2007)

08-01-06: DEFINITIONS:

For the purpose of this article, certain terms are defined as set forth below. All words in the present tense include the future tense, the plural includes the singular, and words in the singular include the plural, unless the nature of construction of the sentence indicates otherwise. The word "shall" is mandatory. For purposes of this article, the following words shall have the following meanings:

ADJOINING: To be in, or nearly in, contact.

ANIMAL: All vertebrates, except humans.

ANIMAL NUMBERS: The minimum number of animals at the facility for the facility to be defined as a CAFO:

- (1) Seven hundred (700) mature dairy cows, whether milked or dry;
- (2) One thousand (1,000) veal calves;
- (3) One thousand (1,000) cattle or other mature dairy cows or veal calves. Cattle includes, but is not limited to, heifers, steers, bulls and cow/calf pairs;
- (4) Two thousand five hundred (2,500) swine, each weighing fifty five (55) pounds or more;
- (5) Ten thousand (10,000) swine, each weighing less than fifty five (55) pounds;
- (6) Five hundred (500) horses;
- (7) Ten thousand (10,000) sheep or lambs;
- (8) Fifty five thousand (55,000) turkeys;
- (9) Thirty thousand (30,000) laying hens or broilers, if the CAFO uses a liquid manure handling system;
- (10) One hundred twenty five thousand (125,000) chickens (other than laying hens), if the CAFO uses a liquid manure handling system;
- (11) Eighty two thousand (82,000) laying hens, if the CAFO uses a system other than a liquid manure handling system;

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(12) Thirty thousand (30,000) ducks, if the CAFO uses a system other than a liquid manure handling system;

(13) Five thousand (5,000) ducks, if the CAFO uses a liquid manure handling system.

ANIMAL WASTE: Animal excrement, feed wastes, process wastewater, or any other waste associated with the confinement of animals.

ANIMAL WASTE SYSTEM: Any structure or system that provides for the collection, treatment, or storage of animal waste, including composting.

APPLICANT: Any person initiating any application for any action or provision authorized under this article.

APPLICATION: The document and accompanying information required of a person seeking a CAFO siting permit.

BOARD: The board of Canyon County, Idaho, commissioners.

BURDEN OF PERSUASION: The requirement that the party seeking relief from the board or commission must provide evidence showing the party has met this article's requirements.

CAFO:

(1) Confined animal feeding operation, also referred to as "concentrated animal feeding operation", means a facility where all the following conditions are met:

A. Animals have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days, or more in any twelve (12) month period; and

B. Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the facility; and

C. The facility is designed to confine or actually does confine the minimum of animal numbers as listed in the "animal numbers" definition provided herein.

(2) Two (2) or more concentrated animal feeding operations under common ownership are considered, for the purposes of this definition, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

CAFO FACILITY AREA: A contiguous area or ~~parcel of land~~ property or the use of a contiguous area or ~~parcel of land~~ property upon which are confined or fed animals in enclosures or ponds, and which does not sustain crops, vegetation, forage growth in the normal growing season or postharvest residues, and which consists of:

(1) Any combination of "animal numbers" or more, as defined herein, that have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days or more in a twelve (12) month period.

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(2) A CAFO facility area does not include land application sites. Areas or ~~parcels of land~~ properties are deemed contiguous when separated by public or private roads as defined by the CCZO. Areas or ~~parcels of land~~ properties also are deemed contiguous if they are not adjacent, but are owned or operated by a CAFO operator and a pipeline exists which is capable of conveying process wastewater to the nonadjacent land. A CAFO facility area only pertains to the area containing CAFO improvements.

CAFO IMPROVEMENTS: Enhancements to the CAFO real property that would accommodate expanding the number of animals allowed in the siting permit or upgrades to the animal waste system. CAFO improvements do not include land application sites or the piping or method of conveyance used to convey process wastewater to the land application area.

CAFO SITE ADVISORY TEAM: Team authorized by Idaho Code sections 67-6529C and 67-6529G consisting of representatives of Idaho state agencies that review a site and information regarding a proposed CAFO and issue an opinion regarding that site's suitability for a CAFO.

CAFO SITING PERMIT: The conditional use permit required for a person to operate a new or expanding facility.

CCZO: Canyon County zoning ordinance 05-002, as amended.

COMMENCE OR START OF CONSTRUCTION: Date zoning compliance or building permit is issued or notice of agriculture construction is submitted to Canyon County. Where no building permit or notice is required, then the date when work actually began.

COMMISSION: Planning and zoning commission of Canyon County appointed by the board.

COUNTY: Canyon County, Idaho.

DSD: Canyon County development services department.

DEAD ANIMAL: Carcasses, parts of carcasses, or tissues from deceased animals.

DEPARTMENT: Canyon County development services department.

DIRECT GLARE: Intense light resulting from a high luminance or insufficiently shielded light source in the field of view. This type of light often causes annoyance, discomfort, or loss in visual performance and visibility.

DIRECTOR: Director of Canyon County development services department.

ENSILAGE: Fermentation process for animal feeds that include harvested forage products and other feed commodities.

EXISTING CAFO: A CAFO built and in operation and properly registered within six (6) months of the effective date hereof.

EXPANDING OR NONCONFORMING CAFO: An existing CAFO that: 1) cumulatively increases its onetime animal capacity by four hundred (400) or more animal numbers;

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or 2) cumulatively increases its onetime animal capacity by twenty percent (20%) or more, whichever increase is less; or 3) an existing CAFO that increases the capacity of its animal waste system.

IDAPA: Idaho administrative procedures act.

ISDA: Idaho state department of agriculture.

LAND APPLICATION: The spreading on or incorporation of liquid or solid waste into the soil mantle primarily for beneficial purposes.

MATERIAL CHANGE: An alteration in the CAFO that meets at least one of the following criteria:

- (1) Change in the size and/or location of the animal waste system.
- (2) Relocation of CAFO improvements outside of the CAFO facility area for which they were approved.
- (3) Relocation of any CAFO improvement so it no longer meets a setback required by this article.
- (4) Change in type of animal housed.
- (5) Cumulative increase of the permitted onetime animal capacity of twenty percent (20%) or four hundred (400) animals, whichever is less.
- (6) Change in location of existing dead animal storage area that could affect neighboring property owners.

NEW CAFO: A CAFO commenced after the effective date hereof, which contains upon it a CAFO facility area.

NONCONFORMING CAFO: A CAFO which lawfully existed prior to the enactment hereof and which is not registered and is operated after the effective date hereof. Nonconforming CAFOs may not be expanded or materially improved except as provided for in this article.

NUTRIENT MANAGEMENT PLAN: A plan approved by the appropriate authorizing agency or his/her designee for managing the amount, source, placement, form and timing of the land application of nutrients and soil amendments for plant production and to minimize potential for environment degradation, particularly impairment of water quality.

ODOR MANAGEMENT PLAN: A site specific plan approved by the responsible government agency with regulatory authority to manage odor generated by a CAFO.

ONETIME ANIMAL CAPACITY: The maximum number of animals that a CAFO facility area is permitted to house at any given point in time.

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PERSON: Includes, but is not limited to, an individual, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, limited liability company, agency, department, or division, and all other or any other similar entities.

PROCESS WASTEWATER: Any water on the CAFO facility area that comes into contact with any manure, litter, bedding, raw, intermediate, or final material or product used in or resulting from the production of animals and any products directly or indirectly used in the operation of a CAFO facility area, such as spillage from animal watering systems; washing, cleaning or flushing pens, barns, manure pits, or spray cooling of animals; and dust control and any precipitation which comes into contact with animal waste.

PUBLIC RIGHTS OF WAY: All public rights of way intended for road purposes under the jurisdiction of local, state, and/or federal agencies.

REGISTRANT: Owner or operator of an existing CAFO who files a registration notice with the DSD office and provides the information required under this article.

REGISTRATION NOTICE: The document and accompanying information that an existing or nonconforming CAFO shall file with the director in order to register the CAFO.

RESIDENCE: Buildings or structures used for human occupancy such as residences, dwellings, churches, schools, subdivisions and planned unit developments.

SETBACK: The mandatory and/or minimum separation distance between the specified uses herein and/or structures.

SITE PLAN: A scaled drawing which includes the elements as set forth in section 08-01-07: or 08-01-09 of this article.

STRUCTURE: Any building used or intended for supporting or sheltering any use or occupancy as defined in the Canyon County building code, as amended.

USDA: United States department of agriculture.

USGS: United States geological survey.

VARIANCE: A modification of the requirements of this article which uses the notification procedures set forth in section 07-08-01: of this code. (Ord. 07-002, 1-18-2007)

08-01-07: REGISTRATION PROCESS FOR EXISTING CAFOs:

(1) Within six (6) months from the effective date hereof, any person or entity ("registrant") operating an existing or nonconforming CAFO shall file a registration notice with the director. An existing or nonconforming CAFO that fails to file a registration notice within six (6) months of the effective date hereof shall pay a fee as set by the board by resolution, which fee shall be submitted with the registration notice. CAFOs that have previously received a conditional use permit, or have registered as an

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existing facility, need not register or reregister under this section. The registration notice shall be submitted on a form provided by the department and shall include, but not be limited to, the following applicable information:

- A. Name, address and telephone number of registrant.
- B. Type of animals.
- C. Onetime total animal capacity.
- D. A site plan, drawn to scale, or a scalable aerial photograph taken within the last six (6) months, showing and labeling the following:
 1. Size including CAFO facility area dimensions and location of existing improvements within the CAFO, so that the CAFO facility area may be determined.
 2. Property lines and acreage.
 3. Feed storage area.
 4. Confinement areas.
 5. Animal waste management system.
 6. Wells.
 7. Dead animal storage.

(2) The department shall provide the applicant written notification of receipt within twenty (20) days of receipt of the registration notice and may request additional information for clarification. Upon receipt of the registration notice if no clarification information is requested by the department, and if the clarification information has been received by the department and is complete to the department's satisfaction, the department shall issue a certificate of registration to the applicant.

(3) Registration notices which have been filed with the department shall allow the continued operation of an existing or nonconforming CAFO, as described in the registration notice, and shall be transferable in the same manner as a CAFO siting permit for so long as the CAFO remains in operation without a material change. (Ord. 07-002, 1-18-2007)

08-01-08: CAFO SITING PERMIT REQUIRED:

(1) The following require a CAFO siting permit prior to the operation or commencement of a CAFO:

- A. Expanding an existing CAFO; or
- B. Material change to an existing CAFO; or
- C. A new CAFO.

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(2) The CAFO siting permit may be transferred. The department shall be given twenty (20) working days' notice by the CAFO transferring party prior to the transfer of a CAFO siting permit, setting forth the date of the transfer and the name, mailing address and telephone number of the party to whom the permit is being transferred. CAFO siting permits are appurtenant to the location for which they are granted, shall not be transferred to any other location, and are binding on transferees.

(3) An existing or nonconforming CAFO that has registered with the department or has obtained a CAFO siting permit may make changes without applying for another siting permit, if such changes do not meet this article's definitions of "material change" or expanding CAFO. (Ord. 07-002, 1-18-2007)

08-01-09: CONTENTS OF APPLICATION FOR CAFO SITING PERMIT:

(1) The application shall contain all information reasonably required by the department, including, but not limited to:

A. Information required by the CAFO siting advisory team as set forth in Idaho administrative code section 02.04.18.300, as amended, a copy of which is available on request from the department.

B. A complete legible site plan shall be as required for clarity. The site plan size shall be at least eighteen inches by twenty four inches (18" x 24"). The site plan shall include, but is not limited to, the following information:

1. Building locations.
2. Animal waste system.
3. Dead animal storage.
4. Feed storage area.
5. Animal confinement areas.
6. Perimeter dimensions of the CAFO facility area and distances to determine compliance with setback requirements.
7. A map, or maps, including surface contours, soil depths and types, size and location of natural drainage points of the CAFO site, obtained from the natural resource conservation service of the United States department of agriculture or other source. Proposed changes to the existing contours shall be shown on a separate contour map prepared by an engineer or surveyor licensed in the state of Idaho.

C. The site plan shall clearly delineate a line enclosing all CAFO improvements. Proposed expanding or new facility information shall be included in the maps. The above information may be provided on more than one map, where distances and scale make using one map impractical.

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D. An animal waste system design plan for animal waste that meets all state and federal requirements and is approved by the responsible regulatory agency. If a waste system is not required, the applicant shall provide satisfactory proof to the department of the lack of need for such a system.

E. Written certification from the applicable regulatory agency that a nutrient management plan, if such a plan is required by any regulatory agency with authority over the proposed CAFO, has been approved.

F. Written certification from the applicable regulatory agency that an odor management plan, if such a plan is required by any regulatory agency with authority over the proposed CAFO, has been approved.

G. Written comment on and approval of the filed site plan from the applicable highway district showing that the site is served by roads of capacity sufficient to carry the traffic generated by the CAFO.

H. All land, whether owned or leased by a CAFO operator, or on which a CAFO is operated, and on which animal waste will be applied shall have a nutrient management plan.

I. Composting under the supervision of the ISDA shall be an acceptable alternative to land application.

(2) The applicant shall submit one additional copy of the above information for the CAFO site advisory team, or any other similar entity approved and required by the department. The department shall take any steps necessary to transmit the information. The CAFO advisory team report will be part of the application, if such a report is requested, and may be used in determining the suitability of the proposed site.

(3) A fee shall be submitted with the application in an amount set by the board by resolution. (Ord. 07-002, 1-18-2007)

08-01-10: PROCESS OF NOTICE AND APPLICATION FOR HEARING FOR CAFO SITING PERMIT APPROVAL:

The department shall review the CAFO permit application for completeness. Upon determining that the same is complete, the commission shall conduct a minimum of one public hearing. Hearings shall be advertised and conducted according to the requirements of conditional use permits contained in the CCZO and Idaho Code section 67-6509, as amended. (Ord. 07-002, 1-18-2007)

08-01-11: CRITERIA FOR APPROVAL AND DEVELOPMENT STANDARDS FOR NEW FACILITIES:

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(1) Prior to approval of a CAFO siting permit for a new CAFO, and after public hearing, the commission shall find that the proposed new CAFO meets the following requirements:

A. General Requirements:

1. The new CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate.
2. The new CAFO shall comply with and not be in violation of any federal, state or local laws or regulatory requirements.
3. An applicant shall not begin construction of a new CAFO prior to approval of the CAFO siting permit.
4. A new CAFO shall comply with IDAPA rules governing dead animal disposal.

B. Animal Waste:

1. The new CAFO shall comply with the terms of its nutrient management plan for land application.
2. The new CAFO shall be in compliance with all applicable environmental regulations and requirements.
3. All new lagoons shall be constructed in accordance with state and federal regulations.

C. Site Setbacks: An expansion of an existing CAFO, other than a simple expansion of the number of animals, shall comply with the following site setbacks. If the expansion requires a change in only one or more of the following, the particular item shall comply with the particular setback listed below. The site shall not be required to meet new setback requirements unless the requested expansion requires a change in that particular item. For example, if there is no change in the size or location of the ensilage process, an operator need not bring that particular use into conformance with the requirements of subsection C2 of this section regarding setback from an existing residence.

1. The locating of animal waste systems, corrals, wells and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.
2. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.
3. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.

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4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the new CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area.

5. No new CAFO shall be approved unless the following questions are answered to the satisfaction of the commission or board:

(A) Whether the proposed facility will be injurious to or negatively change the essential character of the vicinity.

(B) Whether the proposed facility would cause adverse damage, hazard and nuisance to persons or property within the vicinity.

(C) Whether studies should be ordered at the CAFO applicant's expense to aid the commission/board in determining what additional conditions should be imposed as a condition of approval to mitigate adverse damage, hazard and nuisance effects.

6. The animal waste system shall not be located or operated closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.

7. No animal waste system shall be located and/or operated closer than one hundred feet (100') from a domestic or irrigation well.

8. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.

9. The setbacks contained herein shall not apply to land application.

D. Exemption To Subsection (1)C Site Setbacks: Certain land parcels properties may not be conducive to setback requirements due to unique locations, demographics and technology. Where appropriate, the commission may grant an applicant a variance to setback requirements pursuant to section 07-08-01 (variance) of this code. If this setback includes animal waste systems, the systems shall meet all state and federal regulations and be approved by the regulatory agency exercising authority. (Ord. 07-002, 1-18-2007)

08-01-12: CRITERIA FOR APPROVAL OF EXPANDING CAFOs:

(1) Prior to approval of a CAFO siting permit for an expanding CAFO, the commission shall find that the expanding CAFO meets the following requirements:

A. General Requirements:

1. The expanding CAFO shall be within an area zoned A (agricultural), M-1 (light industrial), M-2 (heavy industrial) or IP (industrial park), where appropriate.

2. The expanding CAFO shall comply with and not be in violation of any federal, state or local law or regulatory requirements.

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3. An applicant shall not begin construction of an expanding CAFO prior to approval of the CAFO siting permit.

4. An expanding CAFO shall comply with IDAPA rules governing dead animal disposal.

B. Animal Waste:

1. The expanding CAFO shall comply with the terms of its nutrient management plan for land application.

2. The expanding CAFO shall be in compliance with all applicable environmental regulations and requirements.

3. All new lagoons shall be constructed in accordance with state and federal regulations.

C. Site Setbacks:

1. The locating of animal waste systems, corrals, wells, and septic systems shall conform to all applicable rules, regulations and specifications as required by those regulatory agencies with CAFO oversight.

2. Any feed product resulting from the ensilage process shall be located at least three hundred fifty feet (350') from any existing residence not belonging to the owner or operator of the CAFO, unless the other owner gives written consent to a shorter distance.

3. All agricultural buildings, feed bunks, feed racks, corrals, feed storage areas, or other improvements shall be set back a minimum of fifty feet (50') from the public rights of way.

4. Lights shall be placed and shielded to direct the light source down and inside the property lines of the expanding CAFO. All direct glare from the CAFO lights shall be contained within the CAFO facility area.

5. The animal waste system shall not be located closer than five hundred feet (500') from an existing residence belonging to someone other than the applicant, or be located and/or operated closer than one hundred feet (100') from the property lines, unless the other owner gives written consent to a shorter distance.

6. No animal waste system shall be located closer than one hundred feet (100') from a domestic or irrigation well.

7. No animal waste system shall be located closer than one hundred feet (100') from a public right of way.

8. The setbacks contained herein shall not apply to land application.

D. Exemption To Subsection (1)C Site Setbacks: Existing agricultural buildings, feed bunks, feed racks, corrals and feed storage areas, including feed products resulting from the ensilage process, are exempt from the setback requirements provided

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they are not being expanded. Certain ~~land parcels~~ properties may not be conducive to setback requirements due to unique locations and circumstances. Where appropriate, the commission may grant applicants a reduction in setback requirements. If this setback includes an animal waste system, the system shall meet all state and federal regulations and be approved by the regulatory agency with authority over the animal waste system. (Ord. 07-002, 1-18-2007)

08-01-13: VARIANCE PROCESS:

(1) A variance may be sought relating to the requirements contained in this article by making a written request for a variance at the time of filing the CAFO siting permit application. The commission may authorize a variance from the requirements contained in this article not in conflict with the public interest where, owing to special conditions, a literal enforcement of the provisions of this article would result in undue hardship to the applicant. The applicant for a variance bears the burden of persuasion.

(2) Variance procedures are governed by CCZO. The applicant shall pay the required variance fee as set by the board by resolution at the time of submitting his or her application. (Ord. 07-002, 1-18-2007)

08-01-14: GRANT OR DENIAL OF CAFO SITING PERMIT:

(1) If the commission finds that the applicant has carried the burden of persuasion that the proposed expanding or new CAFO complies with the criteria set forth in this article, the commission shall grant the CAFO siting permit requested. The CAFO siting permit shall be in the form of findings of fact, conclusions of law and order. If the commission does not find that the applicant has shown that the proposed expanding or new CAFO meets the criteria set forth herein, the commission shall deny the CAFO siting permit in writing setting forth reasons for the denial and the relevant law relied upon and action that may be taken by the applicant to attempt to obtain a conditional use permit. In making such decision, the commission may use information and consider recommendations received from the state of Idaho CAFO advisory team or any other similar group.

(2) Construction of the new or expanding CAFO must commence within three (3) years of the issuance of the CAFO siting permit and be completed within five (5) years of the same date. If construction has not commenced within three (3) years and/or completed within five (5) years from the date the CAFO siting permit was approved, the permit holder may request an extension. Application for extension must be filed at least sixty (60) days prior to the expiration of the three (3) year or five (5) year period. A renewal extension, if granted, may be limited to three hundred sixty five (365) calendar days, which shall commence at the expiration of either period. The applicant bears the burden of persuasion on an extension request. (Ord. 07-002, 1-18-2007)

08-01-15: PROCESS FOR CAFO SITING PERMIT:

(1) If the CAFO siting permit holder desires to make changes to the conditions of the CAFO siting permit that result in material changes to the project, an amended conditional use permit is required. The commission, after notice and hearing as required for an original application, and if necessary after submission of additional information, shall apply the same criteria as for granting an original application. If the change request is granted by the commission, an amended CAFO siting permit shall be issued within ten (10) days of commission approval.

(2) If the change request is denied by the commission, the CAFO siting permit holder may appeal the denial to the board. The appeals shall be governed and processed in accordance with the provisions of the CCZO 05-002, as amended.

(3) Inspection of the construction progress of the CAFO facility authorized by the CAFO siting permit shall occur as governed by the current international building code adopted by the board. For those sections for which a building code inspection is not required, inspections, if requested by the department, shall be performed by the appropriate agency having jurisdiction and reported to the director.

(4) The director shall have the authority to issue a "stop work" order for that portion of the new or expanding facility in violation of the CAFO siting permit if an inspection reveals a material violation of the terms of the CAFO siting permit or construction that does not comply with the CAFO plans as presented. All work specified in the order shall stop after posting the order. The CAFO siting permit holder owner may appeal such an order to the commission by filing an application approved by the department and paying the filing fee approved by the board by resolution.

(5) A CAFO operator may initiate operation of a new or expanded facility prior to completion of the project, provided that they have the necessary operation and nutrient management plan in place and provided that their waste management facility has passed final inspection by ISDA, or the appropriate state/federal agency having jurisdiction.

(6) After completion of the construction of the new or expanding CAFO authorized by the CAFO siting permit and completion of any approved change requests or department required compliance corrections, the applicant shall provide written proof to the director that all required permits have been obtained and the nutrient management plan approved where a responsible regulatory agency requires approval of that plan. The applicant shall provide copies of all permits and the nutrient management plan for the CAFO to the director. The director shall certify that the new or expanding CAFO has been inspected and conforms to the terms of the CAFO siting permit, with approved changes, and the CAFO siting permit holder is fully authorized to operate the new or expanded CAFO.

(7) The board may also, at any time, take immediate action to protect the public from immediate danger in accordance with the process set forth in CCZO and the local land use planning act, as amended. (Ord. 07-002, 1-18-2007)

08-01-16: GENERAL APPEAL PROCEDURES:

(1) Commission decisions shall be reduced to writing. Those decisions may be appealed to the board by filing a written notice of appeal with DSD within fifteen (15) calendar days of the date the commission chair signed the findings, conclusions and order or recommendation. The notice of appeal should include a statement of the reasons for the appeal and must be accompanied by a filing fee as provided by section 08-01-09: of this article.

(2) The board chairperson shall preside over all appeal hearings, and shall serve as presiding officer in applying the procedures set forth in chapter 1, article 17 of this code and section 08-01-10: of this article.

(3) The board considers the appeal as a brand new hearing on the issues as if it were a hearing originating before the board. (Ord. 07-002, 1-18-2007)

08-01-17: PENALTIES, ENFORCEMENT AND PERMIT REVOCATION:

(1) Penalties: Each violation of this article is a misdemeanor. Each day that work or land use continues after notification of violation shall constitute a separate offense, and each violation shall be punishable as provided in Idaho Code section 18-113, as amended.

(2) Enforcement Procedures:

A. Whenever DSD shall determine that a probable violation of this article has occurred or is about to occur, it shall notify the board of such probable violation and recommend action that should be taken. Upon knowledge of probable violation, whether or not a recommendation has been received from the director or the commission, the board may request that the Canyon County prosecuting attorney investigate, and if appropriate, commence action, criminal or civil, to correct the violation and to punish the same.

B. In the event any use of land or any construction commences in violation of the provisions of this article, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful use of land or construction, to restrain, correct or abate such violation or to prevent any illegal act, conduct, construction, business or use of land in or about such premises.

(3) CAFO Permit Revocation Procedures: Violation of this article, or any conditions of an approved CAFO siting permit, will cause the owner/operator to be in violation of this article and will cause the CAFO siting permit to be revoked. The violation may cause the revocation of the CAFO siting permit by the county in accordance with the following notice and hearing procedures:

A. If any person, including staff or a member of the commission, files a written notice presenting sufficient evidence, as determined by the director, alleging that the

Exhibit G – Proposed Clean-Up for Lot, Parcel, and Property References in Chapters 7 and 8

conditions of the conditional use permit have been violated, the final presiding party, the board or the commission, whichever made the final decision, shall set the matter for a public hearing noticed in accordance with subsection (3)B of this section.

B. The commission or the board shall conduct at least one public hearing on the proposed revocation of an approved CAFO siting permit for a new CAFO or a CAFO siting permit for an expanding CAFO in which interested persons shall have an opportunity to be heard. At least fifteen (15) calendar days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or newspaper of general circulation within the county. Notice may also be made available to other newspapers, radio and television stations serving the county for use as a public service announcement. Notice shall also be posted on the premises not less than one week prior to the hearing. At least fifteen (15) calendar days prior to the public hearing, notice shall also be provided to property owners or purchasers of record, within the land being considered, three hundred feet (300') of the external boundaries of the land being considered, and any additional area determined by the commission or board. (Ord. 07-002, 1-18-2007)

08-01-18: LAWFULLY CONDUCTED OPERATIONS:

It is the policy of Canyon County that no person shall be allowed to challenge lawfully conducted agricultural operations whether such operations result in inconvenience to other nonagricultural residences or users in an agricultural zone. Therefore, no person shall challenge such lawfully conducted agricultural operations, including, but not limited to, the operation of dairies, feedlots, CAFOs, aerial spraying, nighttime activities associated with planting, harvest, or cultivation, and whether such activities result in noise, dust, insects, slow traffic, or otherwise cause inconvenience to surrounding property owners where such agricultural activities are being conducted or approved when such person takes occupancy of such other nonagricultural use, including residence. (Ord. 07-002, 1-18-2007)