

THE ZONING ORDINANCE OF GOODING COUNTY, IDAHO

ORDINANCE NO. 104

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR UNINCORPORATED GOODING COUNTY AND REPEALING GOODING COUNTY ORDINANCE NO. 78; PROVIDING FOR GENERAL ORDINANCE PROVISIONS, INCLUDING APPLICABILITY AND PRINCIPLES OF INTERPRETATION; PROVIDING FOR THE ADMINISTRATION OF THE ZONING ORDINANCE; PROVIDING FOR PUBLIC HEARING PROCEDURES; PROVIDING DEFINITIONS OF ZONING ADMINISTRATION; ESTABLISHING ZONING DISTRICTS, A MAP SHOWING AND LEGALLY DESCRIBING ZONING DISTRICTS, A SCHEDULE OF LAND USES AND REQUIREMENTS IN EACH ZONING DISTRICT AND HEIGHT AND AREA RESTRICTIONS; PROVIDING STANDARDS INCLUDING PERFORMANCE, LAND CONVERSION AND SITE DEVELOPMENT STANDARDS; DEFINING TYPES OF USES REQUIRING A PERMIT; PROVIDING PROCEDURES FOR APPEAL OF INTERPRETATION AND FOR AMENDMENT; DEFINING NON-CONFORMING USES; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; AND ESTABLISHING PROVISIONS FOR MEDIATION, SIGNAGE REQUIREMENTS AND PARKING STANDARDS; AND PROVIDING FOR EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GOODING COUNTY, IDAHO, AS FOLLOWS:

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CHAPTER 1: GENERAL PROVISIONS

SECTION 1. TITLE

This ordinance shall be known and may be cited as the Zoning Ordinance of Gooding County, Idaho.

SECTION 2. PURPOSE

- A. It is the intent of Gooding County that this ordinance shall be consistent with the Gooding County Comprehensive Plan and with any supplemental land use policies, which may be adopted by the Board. All ordinances or parts of ordinances in conflict with this ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.
- B. This ordinance shall become effective from and after the date of its approval and adoption, as provided by law. In the event this ordinance becomes inconsistent with the Comprehensive Plan or with any supplemental land use policies, by reason of the adoption of a new plan or by amendment of the existing plan or any supplemental policies, it is the intent of the Board that this zoning ordinance be amended within a reasonable time so as to become or remain consistent with the revised or amended Comprehensive Plan or supplemental policies.

SECTION 3. LEGAL AUTHORITY AND SEVERABILITY

- A. This zoning ordinance is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code and Article XII, Section 2 of the Idaho Constitution, as amended or subsequently codified.
- B. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4. APPLICABILITY

This ordinance shall apply, to the extent permitted by law, to all land the use thereof, within the jurisdictional boundaries of the unincorporated areas of Gooding County, Idaho. Lands owned by the government of the United States of America shall be governed hereby only to the extent provided by federal law. Lands owned by the State of Idaho shall be governed hereby to the extent allowed by state law.

SECTION 5. MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the following purposes:

- A. To promote and protect the health, safety and the general welfare of the public.
- B. To support and implement the stated goals of the County as expressed in the Comprehensive Plan.
- C. To provide for and protect agricultural lands and sensitive natural resource areas.
- D. To mitigate the effects of incompatible land uses upon adjacent uses.
- E. To protect and improve the quality of life within Gooding County so that the County will be increasingly valued by residents and non-residents as a desirable place for living, working, and recreation.

Whenever the requirements of this ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standard shall govern.

SECTION 6. COMPLIANCE REQUIRED

- A. It shall be unlawful for any building or structure to be moved, erected, remodeled, altered, enlarged, or rebuilt within the unincorporated areas of Gooding County contrary to the provisions of this ordinance.
- B. It shall be unlawful for any yard, open space, building, structure or land to be used for any purpose not permitted by this ordinance, unless such use has been lawfully established prior to enactment of this ordinance.
- C. **SCHEDULE OF FEES, CHARGES, AND EXPENSES.** The Board shall establish a schedule of fees, charges and expenses and a collection procedure for permits, amendments, appeals, variances, special use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted or amended only by the Board. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 7. BUILDINGS PREVIOUSLY PERMITTED OR UNDER CONSTRUCTION AT TIME OF ORDINANCE ADOPTION

Any building or structure for which a building permit has been lawfully issued or for which a completed application has been accepted prior to the effective date of this ordinance may be completed and used in accordance with the plans, specifications, and permits on which said building permit was granted, if construction is commenced and inspections are requested within one hundred-eighty (180) days after the issuance of said permit, and if construction is diligently pursued to completion.

SECTION 8. PRINCIPLES OF INTERPRETATION

- A. **LANGUAGE.** Provided that the context does not give rise to misinterpretation, language within this ordinance shall be applied as follows:
 - 1. The term “Gooding County” refers to the unincorporated area of Gooding County, Idaho.
 - 2. The term “the Board” refers to the Gooding County Board of Commissioners.
 - 3. The term “the Commission” refers to the Gooding County Planning & Zoning Commission.
 - 4. The word “person” includes a firm, association, organization, partnership(s), trust, company or corporation, as well as an individual.
 - 5. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 - 6. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred standard.
 - 7. The word “used” or “occupied” includes the words “intended”, “designed”, or “arranged” to be used or occupied.
 - 8. The word “lot” includes the words “plot”, “parcel”, and “tract”.
- B. **ZONING DISTRICT BOUNDARIES.** See [Chapter 5. Section 3.](#)

CHAPTER 2: ADMINISTRATION OF ZONING ORDINANCE

SECTION 1. ADMINISTRATOR – DESIGNATION

This ordinance shall be administered by the Administrator, appointed by the Gooding County Board of Commissioners. The Administrator may be provided with the assistance of such other persons as the Board may direct.

SECTION 2. ADMINISTRATOR – DUTIES OF

For the purpose of this Ordinance, the Administrator may have the following duties:

1. Advise interested persons of the zoning ordinance provisions.
2. Notify the news media regarding matters of public interest.
3. Aid applicants in preparing and expediting required applications.
4. Issue permits, certificates of occupancy, notifications and other administrative duties.
5. Investigate all violations of this ordinance and notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation.
6. Assist the Commission and Board in carrying out the provisions of the ordinance.

SECTION 3. COORDINATION WITH OTHER DEPARTMENTS AND AGENCIES

The Administrator is directed to coordinate with pertinent departments and agencies concerning all permits, which may be required in this ordinance and in previously or subsequently adopted laws.

CHAPTER 3: PUBLIC HEARINGS

SECTION 1. PUBLIC HEARINGS - PURPOSE

Public hearings are distinguished from ordinary public meetings by expressly allowing active public participation in the planning and zoning process. The purpose of the public hearing process is to gather information from the public concerning issues relevant to making a decision concerning particular issues and requests. Public hearing opportunities are governed by procedures adopted by resolution of the Board and are subject to management by the hearing officer and/or Chairman of the meeting at which the public hearing occurs. Public hearing procedures provide general guidelines and may be varied in order to allow orderly decision-making that respects the interests of all parties concerned with a proposal or request. Legislative hearings are conducted to obtain general public comment about proposals to change planning and zoning law. Quasi-judicial hearings address specific applications for permits or approvals and must maintain due process protections for all with qualified interests.

SECTION 2. LAND USE ACTIONS REQUIRING A PUBLIC HEARING

The purpose of a public hearing is to give potentially affected persons an opportunity to offer oral testimony in support of or in opposition to an application or proposal. The resultant opinions and evidence submitted create part of the record upon which the decision makers must base their decisions. Any of the following planning and zoning activities will be required to hold a public hearing or hearings in accordance with the applicable requirements of state law. If any provision of this ordinance conflicts with state law, provisions of state law shall prevail.

- A. Amendments to Zoning Ordinance Text, Map and/or Zoning District Overlay
- B. Confined Animal Feeding Operation (CAFO) Permit - *see Gooding County CAFO Ordinance*

- C. Variances
- D. Special Use Permit
- E. Zoning Designation Upon Annexation

The Administrator may determine if a public hearing is required to process applications and requests for permits and/or approvals not specifically listed.

SECTION 3. PUBLIC HEARING NOTICE

- A. **At least fifteen (15) days** prior to the public hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction.
- B. Notice shall be provided to property owners three hundred (300) feet beyond the external boundaries of the land owned by applicant, and any additional area that may be substantially impacted by the proposed special use permit, as determined by the Administrator.
- C. **At least seven (7) days** prior to the hearing, notice of the time and place and a summary of the proposal shall be posted on the premises.

SECTION 4. ALTERNATIVE PUBLIC HEARING NOTIFICATION

When notice is required to two hundred (200) or more property owners or residents, in lieu of posted or mailed notification, three (3) notices in the official newspaper or paper of general circulation is sufficient, provided that the third notice appear ten (10) days prior to the public hearing.

SECTION 5. PUBLIC HEARING PROCEDURES

Public hearings held to consider applications for zoning compliance permits shall follow the order of events set forth below. These procedures may be modified for other types of hearings such as those held to consider planning matters, ordinances or amendments to ordinances. The members of the Planning and Zoning Commission or Board may ask questions of all who give testimony.

- A. Hearing Officer presents explanation of the subject to be heard.
- B. Applicant presents narrative. (30-minute time limit)
- C. Hearing Officer offers to have Staff Report either read aloud or incorporated as written.
- D. Written testimony read.
- E. Testimony from supporters of the application (5-minute time limit, or a group designated spokesman has a 15-minute time limit)
- F. Testimony from the uncommitted (5 minute limit)
- G. Testimony from the opponents of the application (5-minute time limit, or a group designated spokesman has a 15-minute time limit)
- H. Rebuttal by the applicant (10-minute time limit)

- I. The Commission or Board discusses the hearing subject; they may direct questions to the Administrator, Building Inspector, applicant and audience during this stage of the hearing process.
- J. Hearing is closed. NO FURTHER TESTIMONY ACCEPTED.

SECTION 6. TIME LIMITATIONS ON HEARING TESTIMONY

The presiding officer may limit the time allotted to presentation of oral testimony in a public hearing. The allocation of time shall provide for a reasonable opportunity for proponents and opponents of an issue to be heard. It must comply with the five (5) minute time restriction established by the Commission.

SECTION 7. STANDARDS FOR ORAL TESTIMONY

Oral testimony made at a public hearing shall comply with the following standards:

- A. It must directly address the subject at hand.
- B. It must not be repetitious with other entries into the record.
- C. It must not be personally malicious.
- D. It must comply with the five (5) minute time restriction established by the Commission.

If oral testimony fails to comply with the aforementioned standards, the presiding officer shall declare such testimony out of order and require it to cease.

SECTION 8. STANDARDS FOR WRITTEN TESTIMONY

Written testimony to be admitted at a public hearing shall comply with the following standards:

- A. It must include the signature and address of the submitter.
- B. It must address the issue at hand.
- C. It must not be personally malicious.
- D. It may be submitted at the public hearing; the presiding officer may require an oral reading of such written testimony if deemed beneficial or if requested by a party interested in the proceedings. It must comply with the five (5) minute time restriction established by the Commission.
- E. If more than one typed page, it must be submitted to the Planning and Zoning Office one week prior to the hearing.

If written testimony fails to comply with the aforementioned standards, the presiding officer shall declare such testimony inadmissible.

SECTION 9. COPIES OF OFFICIAL RECORD

Copies of material submitted for inclusion in the official record of a public hearing shall be available to interested parties, if requested, for the usual charges for research and duplication made by the County.

SECTION 10. OVERRULE OF RULINGS BY MAJORITY VOTE

All rulings made by the presiding officer of any Board or Commission conducting a public hearing may be overruled upon a majority vote of the Board or Commission Members present.

CHAPTER 4: DEFINITIONS

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure thereon. An accessory to a residential use not exceeding two-hundred (200) square feet is exempt from building permit requirements. An accessory to a non-residential use not exceeding one-hundred and twenty (120) square feet is exempt from building permit requirements. The above exemptions are subject to more restrictive requirements of International Residential and Building Codes, 2009 ed. or subsequent amendments. See also: DWELLING, SINGLE-FAMILY.

ADMINISTRATOR: An official having knowledge in the principles and practices of zoning who is appointed by the Board to administer this ordinance.

AGRICULTURAL LAND: Any land on which agricultural land uses are being lawfully conducted.

AGRICULTURE: The use of land for farming, dairying, irrigated pasture, cropping, horticulture, floriculture, viticulture, agriculture, aquaculture, animal and poultry husbandry, and the necessary accessory uses, excluding CONFINED ANIMAL FEEDING OPERATIONS. Accessory uses shall be limited to processing and/or storage for market of the products produced on the premises. (See CONFINED ANIMAL FEEDING OPERATIONS (CAFO) ORDINANCE.)

AIRPORT: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings. [See Chapter 5. Section 1.](#)

ANIMAL UNITS: A measure of animal density calculated by multiplying the number of animals by the animal equivalency factor from the table in APPENDIX A.

APARTMENT: see DWELLING, MULTI-FAMILY.

AREA OF CITY IMPACT: Impact areas are defined and regulated by Gooding County Impact Area Ordinances.

AUTOMOTIVE, MANUFACTURED HOME, TRAVEL TRAILER, AND FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, manufactured homes, travel trailers or farm implements to be displayed and sold on the premises but not including repair work, except incidental warranty repair of same.

AUTOMOTIVE REPAIR GARAGE OR BODY SHOP: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service painting.

AUTOMOTIVE WRECKING YARD: The dismantling or wrecking of four (4) or more used motor vehicles, manufactured homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. [See Chapter 6. Section 2.](#)

BED & BREAKFAST: (See HOTEL, MOTEL)

BOARD: The Board of County Commissioners.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, ACCESSORY: (See ACCESSORY USE OR STRUCTURE)

BUILDING CODE: Latest approved edition of the International Building Code.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the top of building walls for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL: A building in which the main or principal use of the lot is conducted.

CANYON RIM: A Canyon Rim is that which consists of slope exceeding 60% (six (6) foot vertical fall per ten (10) foot horizontal) for a distance of fifty (50) feet or more. The location of the rim shall be determined before any excavation or grading preparatory to development occurs. In some areas there is more than one rim. **Development within three hundred (300) feet of the rim shall require a special use permit. No structures shall be built within fifty (50) feet of the rim(s).**

CEMETERY: Land used or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

CHILD CARE: (See DAY CARE.)

CITY IMPACT AREA: (See AREA OF CITY IMPACT.)

CLINIC, OUTPATIENT: A health care facility that is primarily devoted to the care of outpatients.

CLUB: A building or portion thereof or premises owned or operated by an organized association of persons for social, literary, political, educational, or recreational purpose, primarily for the exclusive use of members and their guests, but still not including any organization, group or association whose principal activity is to render a service usually and ordinarily carried on as a business.

COMMERCIAL ENTERPRISE OR ACTIVITY: Any sales, service, or entertainment operation, including but not limited to personal and professional services.

COMMISSION: The Zoning, Planning and Zoning, Joint Zoning, or Joint Planning and Zoning Commission appointed by the Board.

COMPOST: A mixture that consists largely of decayed organic matter and is used for fertilizing and conditioning land.

COMPOSTING: Biological decomposition of organic matter. It is accomplished by mixing and piling in such a way to promote aerobic and/or anaerobic degradation. The process inhibits pathogens, viable weed seeds and odors. [See Chapter 6, Section 2](#), “Manure Storage and/or Composting (Commercial)”

COMPREHENSIVE PLAN: A plan, or any portion thereof, adopted by the Board pursuant to [Idaho Code § 67-6508](#), which considers previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives for the county. Includes such things as the general location and extent of present and proposed physical facilities including residential, industrial and commercial uses, major transportation, parks, schools, and other community facilities.

CONDITIONAL USE: (See SPECIAL USE/CONDITIONAL USE.)

CONFINED ANIMAL FEEDING OPERATIONS: An area of land or the use of an area or parcel of land, with said land being under one ownership, upon which there are confined livestock, fish or birds where the following conditions exist:

- a) Animals have been, are, or will be stabled, confined, fed or maintained for six (6) months of any calendar year; and,
- b) Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over at least a 25% portion of any of the corral or other confinement area, and,
- c) Any combination of animal units, which totaling 70 animal units or more; or
- d) Any operation with a milk shipping permit; or
- e) Any operation with a liquid waste management system.

See Gooding County Confined Animal Feeding Operation Ordinance.

CONTRACTOR'S YARD: the space on a parcel used for open storage of goods, materials, and equipment utilized in construction and/or excavation.

DAY CARE: A place, home, or facility providing care for more than five (5) persons for periods of less than twenty four (24) hours.

DENSITY: A unit of measurement; the number of dwelling units per acre of land. Up to one accessory building with a dwelling unit not to exceed 1,000 square feet is allowed on each parcel in addition to the primary residence. This accessory building may not later be sold apart from the residence, unless allowed through the Subdivision Ordinance.

1. **GROSS DENSITY:** The number of dwelling units per acre of total land to be developed, including public right-of-way.
2. **NET DENSITY:** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right-of-way.

DWELLING, MULTI-FAMILY: A building consisting of three (3) or more dwelling units including apartments, town houses and condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

DWELLING, SINGLE FAMILY: A building consisting of a single dwelling unit only, separated from other dwelling units by open space. A group residence, as defined by [Idaho Code § 67-6531](#), is classified as a single family dwelling. Up to one accessory building with a dwelling unit not to exceed 1,000 square feet is allowed on each parcel in addition to the primary residence. This accessory building may not later be sold apart from the residence, unless allowed through the Subdivision Ordinance.

DWELLING, TWO FAMILY, DUPLEX: A building consisting of two (2) dwelling units.

DWELLING UNIT: A single building or part thereof providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating and sanitation.

EASEMENT: A limited right to make use of a property owned by another, e.g. a right-of-way across the property for accessing another parcel.

ENVIRONMENTAL AUTHORITY: The federal, state or local agencies governing standards in air, land and water quality.

ESCROW BOND (Performance Bond, Surety Bond): A financial guarantee by a subdivider or developer with the County in the amount of the estimated construction or demolition cost, guaranteeing the completion or removal of physical improvements according to plans and specifications within the time prescribed by the agreement.

FENCE: A barrier intended to prevent escape or intrusion, or to mark a boundary. A building permit will be required for a fence exceeding the height established by the currently-adopted International Building Code.

FLOOD PLAIN: The Flood Plain includes the channel, floodway, and floodway fringe as established per the engineering practices as specified by the U.S. Army Corps of Engineers and described in and regulated by The Flood Plain Ordinance of Gooding County.

GRANDFATHER RIGHT: (See NON-CONFORMING USE.)

GRAVEL PITS, ROCK QUARRIES, CLAY PITS, AND OTHER NATURAL RESOURCES OF COMMERCIAL VALUE: (See MANUFACTURING, EXTRACTIVE.)

GROUP RESIDENCE: Dwelling in which eight (8) or fewer unrelated persons with disabilities or elderly persons reside and who are supervised at the group residence in connection with their disabilities or age related infirmity. See DWELLING, SINGLE FAMILY.

HANDICAP ACCESSIBILITY: Public facilities shall meet minimum Federal, State and Local Accessibility Standards. (See NURSING HOME.)

HEALTH AUTHORITY: The local District Health Department or the State Department of Health and Welfare that has jurisdictional authority.

HIGH WATER MARK: from [Idaho Code § 58-104\(9\)](#) “[T]he line which the water impresses on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes.

HOME OCCUPATION: A business conducted entirely within a dwelling unit. [See Chapter 7. Section 5.](#)

HOME, TEMPORARY: A trailer, tent, tent trailer, camper, recreational vehicle or mobile home which may or may not contain cooking and bathroom facilities, which is neither designed nor intended for long term occupancy, which has not met installation standards required by [Title 44, Chapter 22 of Idaho Code](#) and may or may not be connected to utilities. All temporary homes require a Special Use Permit after 45 days of residence.

HOSPITAL: A building housing any facility, however named, whether operated for profit or not, devoted primarily to the medical or surgical care of patients for twenty-four (24) or more hours.

HOTEL, MOTEL, APARTMENT HOTEL OR BED AND BREAKFAST: A building in which lodging and/or boarding are provided and offered to the public on a daily or weekly basis.

IMPACT AREAS: (See AREA OF CITY IMPACT.)

INSTITUTION: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative, counseling, or other correctional services.

JUNK: Worn out and discarded material in general that may be turned to some use; especially old rope, chain, iron, copper, parts of machinery and bottles gathered or bought; hence rubbish of any kind; odds and ends.

JUNK SHOP: A shop where old cordage and ships’ tackle, old iron, rags, bottles, paper, etc., are kept and sold; a place or shop where odds and ends are purchased and sold.

JUNK YARDS, JUNK BUILDINGS, JUNK SHOPS: Any land, property, structure, building, or combination of the same, on which miscellaneous items are stored or processed. [See Chapter 6. Section 2.](#)

KENNEL: Any lot or premises on which four (4) or more domestic animals of more than four (4) months of age are housed, groomed, bred, boarded, trained or sold.

LABOR CAMP: Dwellings with or without additional facilities for seasonal or migratory workers.

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

LOADING SPACE - OFF STREET: Space logically and conveniently located for bulk pick-ups and deliveries, scaled to delivery vehicles, expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space. All off-street loading spaces shall be located totally outside any street or alley right-of-way.

LOT: A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or an approved private street, and may consist of:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, and/or of portions of lots of record.

LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “YARD” in this section.

LOT, MINIMUM AREA OF: The area of a lot is computed inclusive of any portion of the right-of-way of any public or private street.

LOT OF RECORD: A lot, which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES: Terminology used in this ordinance with reference to corner lots, interior lots and through lots is as follows:

1. **CORNER LOT:** A lot located at the intersection of two or more streets.
2. **INTERIOR LOT:** A lot with only one frontage on a street.
3. **THROUGH LOT:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. **REVERSED FRONTAGE LOT:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

MANUFACTURED HOME/MODULAR HOME: (a) The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet; (b) The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade; (c) The manufactured home shall have a pitched roof, except that no standards shall require a slope of greater than a nominal three (3) feet in height for each twelve feet in width; (d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwelling as determined by the local permit approval authority; (e) The manufactured home shall have a garage or carport constructed of like materials if zoning ordinances would require a newly constructed non-manufactured home to have a garage or carport; (f) in addition to the provisions or paragraphs (a) through (e) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected. ([Idaho Code § 67-6509A](#))

MANUFACTURED HOME COURT OR PARK: Any site or tract of land upon which two (2) or more manufactured homes used for human habitation are parked; including any roadway, building, structure, or enclosure used or intended for use as part of the facilities of such court or park.

MANUFACTURED HOME SUBDIVISION: A subdivision designed and intended for exclusive manufactured home residential use. (See GOODING COUNTY SUBDIVISION ORDINANCE.)

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource. [See Chapter 6. Section 2.](#)

MANUFACTURING, LIGHT: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

MANUFACTURING, MAJOR: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service area, extensive services and facilities, ready access to regional transportation, and

normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the zoning district boundary.

MINING: (See MANUFACTURING, EXTRACTIVE.)

MOBILE HOME: A structure similar to a manufactured home, but built to a mobile home code prior to **June 15, 1976**, the date of enactment of the Federal Manufactured Housing and Safety Standards Act (HUD Code). (FROM IDAPA 07.03.11) A manufactured building or travel trailer is not to be considered as a mobile home.

MOTEL: (See HOTEL.)

NUCLEAR MATERIAL OR FUEL: A fissionable substance, which will sustain a chain reaction. Substances which, according to EPA standards, emit harmful amounts of radioactivity. [See Chapter 6, Section 2.](#)

NURSERY, PLANT MATERIALS: Land, building, structure, or a combination thereof for storage, cultivation, transplanting of live trees, shrubs, or plants offered for sale on the premises, including products used for gardening or landscaping.

NURSING HOME: Any 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 nine (9) or more individuals suffering from illness, disease, injury, deformity or requiring care because of old age. (A facility which cares for eight (8) or fewer unrelated mentally or physically handicapped or elderly persons shall be classified as a single family dwelling, as allowed by [Idaho Code § 67-6530, 67-6531 & 67-6532.](#)

OPEN SPACE, PRIVATE: A land or water area devoid of buildings, streets, parking or other physical structures except fences and irrigation structures.

OPEN SPACE, PUBLIC: A land or water area managed or owned by the public in any section of land left undeveloped for scenic, wildlife, vegetative, recreation, or other related public purposes. (Some examples include wilderness areas, natural areas, buffer zones, scenic corridors, and botanical gardens.) Permitted management activities are limited to fences, signs, parking, irrigation systems, and public access trails. The site design is to protect natural features of the open space while allowing public access.

PERFORMANCE BOND: (See ESCROW BOND.)

PERMIT: A document issued by the Administrator and/or Building Inspector authorizing the uses of land and structures, and the characteristics of the uses; including but not limited to Special Use Permits and Certificates of Occupancy.

PLANNED UNIT DEVELOPMENT (PUD): An area of land developed under single ownership or control in which a variety of open space, residential, commercial, and industrial uses are accommodated in a pre-planned environment with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. (See Gooding County Subdivision Ordinance)

PUBLIC RIGHT-OF-WAY: A strip of land taken or dedicated for use as a public way.

PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad -- whether publicly or privately owned -- or by a municipality or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, streets, roads, other public ways, or transportation facilities, not including public land or building materials and public service facilities.

PUBLIC UTILITY: (See PUBLIC SERVICE FACILITY.)

RECREATIONAL VEHICLE OR TRAVEL TRAILER: A vehicular type unit designed as a temporary dwelling for recreational, camping or travel use which is either self-propelled, self-contained, or mounted on or drawn by another vehicle; including all recreational vehicles, camping trailers, truck campers and motor homes.

RECREATIONAL VEHICLE OR TRAVEL TRAILER PARK: Any site or tract of land upon which two (2) or more recreational vehicles used for human habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. [See Chapter 6. Section 2.](#)

RECYCLING PLANT: Treatment facility which converts, purifies, and/or processes waste or garbage into useful products.

RESEARCH LABORATORY: A structure used for research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering.

RIDING STABLES & SCHOOLS: A facility where horses are boarded, raised or trained for a fee. Also includes facilities that rent horses for riding. [See Chapter 6. Section 2.](#)

RIFLE AND PISTOL RANGE: [See Chapter 6. Section 2.](#)

ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural and agriculture-related products.

RODEO ARENA: A facility with seating used for competitions involving livestock, at which an admission fee is charged.

SANITARY LANDFILL: A method of disposing of refuse on land without creating nuisance or hazard to public health. [See Chapter 6. Section 2.](#)

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

SEAT: For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

SERVICE STATION, GAS STATION, FILLING STATION: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where other services including minor motor vehicle repairs are done. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in working condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations. A service station is not an automotive repair garage or body shop. Service stations shall comply with Environmental and Health Authority standards.

SETBACK LINE: A line established by the zoning ordinance, generally parallel with and measured from the public right-of-way, property line, or high water mark that defines the limits of a yard in which no building or structure may be located above ground, except as may be provided in this ordinance.

SIDEWALK: That portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic.

SIGN: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. See [Chapter 11. Section 2.](#)

1. **SIGN, ON-PREMISES:** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. **SIGN, OFF-PREMISES:** Any sign located at a site other than where a business or profession is conducted, or a commodity or service is sold.

3. **SIGN, ILLUMINATED:** Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.
4. **SIGN, LIGHTING DEVICE:** Any light, string of lights or group of lights located or arranged so as to cast illumination on a sign.
5. **SIGN, PROJECTING:** Any sign which projects from the exterior of a building.

SITE PLAN: A drawing of the area of a proposed project depicting improvement site, roads, dimensions of the existing and proposed building(s), setback measurements, water courses and other distinguishing property features.

SPECIAL USE (CONDITIONAL USE): A land use which differs from the principal, allowed uses within a zoning district. Proposed special uses must be evaluated by the Commission and permitted only when certain conditions established by this ordinance have been met. [See Chapter 7. Section 3.](#)

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STREET: A right-of-way, which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. The term “street” also includes the terms HIGHWAY, THOROUGHFARE, PARKWAY, ROAD, AVENUE, BOULEVARD, LANE, PLACE, AND OTHER SUCH TERMS.

1. **ALLEY:** A minor street providing secondary access at the back or side of a property otherwise abutting a street.
2. **MINOR:** A street, which has the primary purpose of providing access to abutting properties.
3. **COLLECTOR:** A street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.
4. **ARTERIAL:** A street designated for the purpose of carrying fast and/or heavy traffic.
5. **PRIVATE:** A street that is not accepted for public use or maintenance, which provides vehicular and pedestrian access.

STRUCTURE: That which is built or constructed.

SUBDIVISION: Subdivisions are defined and regulated by Gooding County Subdivision Ordinance.

TOW YARD: A site for impounding vehicles for a temporary period, not exceeding ninety (90) days per vehicle. Not including dismantling of autos for parts (see AUTOMOTIVE WRECKING YARD).

TOWN HOUSE: (See DWELLING, MULTI-FAMILY.)

TRAVEL TRAILER: (See RECREATIONAL VEHICLE.)

URBAN AREA: Cities and city impact areas.

USE: The specific purposes, for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

VARIANCE: A variance is a modification of requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provisions affecting the size or shape of a structure or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnoses, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention; may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity. [See Chapter 6. Section 2.](#)

VICINITY MAP: An image showing the location of the proposed development in relation to other developments or landmarks.

WALKWAY: A public way for pedestrian use only. See PUBLIC RIGHT-OF-WAY.

YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction or visibility.

1. **YARD, FRONT:** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
2. **YARD, REAR:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
3. **YARD, INTERIOR SIDE:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.
4. **YARD, SIDE STREET:** A yard extending from the principal buildings to the secondary street that adjoins the lot between the lines establishing the front and rear yards.

CHAPTER 5: ESTABLISHMENT OF ZONING DISTRICTS

SECTION 1. ESTABLISHMENT OF ZONING DISTRICTS AND DESCRIPTION ON OFFICIAL ZONING MAP

In order to classify, regulate, restrict, and segregate the uses of lands and buildings from incompatible uses, to allow uses where public infrastructure is sufficient to support such uses, to regulate and restrict the height, bulk and construction of buildings, to regulate the dimensions and area of yards and other open spaces around buildings and uses, to implement the policies of the Comprehensive Plan, and to regulate the intensity of land use and the density of residences, the zoning districts set forth herein are established and shall be applied as depicted upon the adopted Official Zoning Map of Gooding County.

AGRICULTURAL (A) DISTRICT: The purpose of the A DISTRICT is to protect agricultural land, and to discourage the loss of agricultural land to urban-oriented uses. This zoning district is established for the use of farming, dairying, pasturing, cropping and all other forms of agriculture, and to control the infiltration of urban development which may adversely affect agricultural operators. Siting permits shall be required for confined animal feeding operations (CAFOs). Subdivisions shall be discouraged from locating in A DISTRICTS.

TRANSITIONAL (T-1) DISTRICT: The purpose of the T-1 DISTRICT is to act as a buffer between AGRICULTURAL (A) and RESIDENTIAL (R-1 & R-2) DISTRICTS. This zoning district shall allow agricultural purposes except those defined as "confined animal feeding operations" (CAFOs).

TRANSITIONAL (T-2) DISTRICT: The purpose of the T-2 DISTRICT is to serve as a buffer area surrounding residential districts and incorporated cities. This zoning district shall allow agricultural purposes except those defined as "confined animal feeding operations". Low density, single family residences shall be allowed. Residential uses shall be protected from the effects of nonresidential uses by adequate buffering and restraint of external effects. Nonresidential uses that are incompatible with residential uses, or whose negative impacts on adjacent residential uses cannot be mitigated, shall not be permitted in this district. Commercial, industrial, recreational and other residential uses may be allowed with a special use permit. Subdivisions are encouraged to locate within T-2 DISTRICTS.

LOW DENSITY RESIDENTIAL DISTRICT (R-1): The purpose of the R-1 DISTRICT is to permit the establishment of low density single family dwellings with lot sizes sufficient for individual water and sewage facilities, but not to exceed one (1) dwelling unit per net acre. Centralized waste and sewer facilities are encouraged.

RESIDENTIAL DISTRICT (R-2): The purpose of the R-2 DISTRICT is to provide small residential estates on land that can support smaller lots with on-site sewage treatment facilities and individual wells, urban-sized lots provided with central sewer and water; or suburban residential areas which receive city water and sewage service.

COMMERCIAL DISTRICT (C): The purpose of the C DISTRICT is to permit the establishment of commercial enterprises.

INDUSTRIAL DISTRICT (I): The purpose of the I DISTRICT is to encourage the development of manufacturing, processing, warehousing, and research and testing operations. These activities may require extensive community facilities and reasonable access to arterial thoroughfares.

RECREATIONAL DISTRICT (REC): The purpose of the REC DISTRICT is to preserve, protect and permit recreation and open space.

FLOOD PLAIN OVERLAY DISTRICT (FP): The purpose of the FP OVERLAY DISTRICT is to guide development in the flood prone areas of any water course that are consistent with the requirements for the conveyance of flood flows, and to minimize the expense and inconveniences to the individual property owners and the general public through flooding. Uses permitted in this zoning district are generally associated with open space, recreational and agricultural land uses and shall not hinder floodwaters. Developments in the FP OVERLAY DISTRICT shall comply with the Gooding County Flood Plain Ordinance in compliance with the Federal Emergency Management Agency (FEMA). The FP OVERLAY DISTRICT is superimposed over other zoning districts. The Flood Insurance Rate Maps (FIRM) will be used to define the FP OVERLAY DISTRICT.

AIRPORT OVERLAY DISTRICT: The purpose of the AIRPORT OVERLAY DISTRICT is to protect the Gooding Municipal Airport from incompatible land use encroachment. It allows the Gooding Municipal Airport to continue its mission while providing the best possible use of private lands. The AIRPORT OVERLAY DISTRICT further prevents the establishment or creation of airport hazards. Development within the AIRPORT OVERLAY DISTRICT shall:

- 1) have no lighting which is pulsating, flashing, rotating, oscillating or other type of lighting intended as an attention-getting device; and
- 2) meet the requirements of the Federal Aviation Administration, the Idaho Transportation Department Division of Aeronautics, and Gooding County ordinances for location, building height and lighting of residential and commercial development within an airport approach area.

All structures within the AIRPORT OVERLAY DISTRICT, which coincides with the inner ring of the Gooding Municipal Airport Master Plan map, must have a letter of approval from the airport manager and approval from the Administrator.

SECTION 2. OFFICIAL ZONING MAP

The zones established in this ordinance shall be applied as depicted on the Official Zoning Map which is hereby incorporated into this ordinance by reference as it exists today or as modified by the text of subsequent amending ordinances. The Administrator shall maintain the Official Zoning Map to reflect changes made by the Board from time to time and shall depict such changes on the Official Zoning Map. Each change shall be documented at the time the map is modified, including reference to the ordinances authorizing changes. A register of such changes including descriptions of the lands affected thereby shall be maintained by the Administrator throughout the duration of the existence of the Official Zoning Map, until it is superseded by a replacement zoning map.

SECTION 3. INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following shall apply:

- A. Where zoning district boundaries are indicated as approximately following the center lines of street lines, highway right-of-way lines, streams, lakes or other bodies of water, the center line shall be construed to be such boundary.
- B. Where zoning district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where zoning district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of a scale shown on the Official Zoning Map.
- D. Where the boundary of a zoning district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

SECTION 4. OFFICIAL ZONING MAP CERTIFICATION

The zoning map shall be identified by the signature of the Chairman of the Board of County Commissioners, attested by the Clerk, and shall bear the following Words:

“I hereby certify that this is the official Gooding County Zoning Map which was adopted by the Board of County Commissioners of Gooding County on the ____day of _____, ____.”

SECTION 5. COMPLIANCE WITH ZONING DISTRICT REGULATIONS

The regulations for each zoning district set forth by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, as hereinafter provided:

- A. No building, structure, or land shall be used or occupied and no building structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the zoning district in which it is located.
- B. The exception to this regulation shall be any construction that is exempted pursuant to [Idaho Code § 39-41](#) and the INTERNATIONAL BUILDING CODE ORDINANCE OF GOODING COUNTY.
- C. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein.
- D. Uses and structures lawfully existing on the date of adoption of this ordinance may continue as long as they are not changed in ways that conflict with provisions of this ordinance. No aspect of nonconformity may be expanded contrary to the provisions of this ordinance, except by means of variance or special exception. The descriptions of types of land use zones addressed by this ordinance are intended to explain, in general terms, how zones will be applied to implement the Comprehensive Plan. The specific entries in the Land Use and Zone Schedule are intended to identify specific uses that fit within the general descriptions set forth in this chapter.
- E. Non-agricultural development occurring adjacent to agricultural land may be required to install and provide for continued maintenance of fences or other appropriate barriers to prevent intrusion of people and/or domestic animals onto agricultural land.

SECTION 6. OFFICIAL SCHEDULE OF LAND USE AND ZONING DISTRICT REGULATIONS ADOPTED

Zoning District regulations shall be as set forth in the Land Use and Zone Schedule and in the Performance Standards listed in Chapter 7. The Land Use and Zone Schedule lists across the top of the matrix the official zones: Agriculture (A), Transitional (T-1 & T-2), Residential (R-1 & R-2), Commercial (C), Industrial (I), and Recreational (REC). Land uses are listed vertically.

To determine in which district a specific use is allowed or if a permit will be required:

1. Find the use in one of the groups.
2. Read across the chart until “A”, “P*”, “S” or “N” appear in one of the columns.
3. If “A” appears, the use is an allowed use.
4. If “A^z” appears, a certificate of zoning compliance is required.
4. If “P*” appears, the use is allowed with a permit from the Administrator.
5. If “S” appears, the use may be allowed if the Commission issues a special use permit.
6. If “N” appears, the use shall not be permitted.

In the event the Administrator determines the proposed use is not listed in the Land Use and Zone Schedule, a rezone may be necessary.

		LAND USES		ZONING DISTRICTS						
				AG	T-1	T-2	R-1	R-2	C	I
		AGRICULTURAL								
1	Agriculture	A	A	A	A	A	A	A	A	A
2	New Confined Animal Feeding Operations	(See CAFO Ordinance)								
3	Roadside Stands (Seasonal)	A	A	A	A	S	A	A	S	S
4	Truck Wash	S	S	S	N	N	S	S	S	N
		RESIDENTIAL								
1	Dwelling, Multi-Family	S	S	S	S	S	S	N	S	S
2	Dwelling, Rooming House	S	S	S	S	S	S	N	S	S
3	Dwelling, Single Family	A	A	A	A	A	A	N	A	A
4	Dwelling, Two Family	S	S	S	S	A	S	N	S	S
5	Home Occupation	A	A	A	A	S	S	N	S	S
6	Institutional Residential	S	S	S	S	S	S	N	S	S
7	Labor Camp	S	S	S	N	N	N	N	N	N
8	Subdivision	S	(See SUBDIVISION ORDINANCE)							
		COMMERCIAL / LIGHT INDUSTRIAL								
1	Advertising Signs & Structures	P*	P*	P*	P*	P*	P*	P*	P*	P*
2	Amusement Center-Indoors	S	S	S	N	N	A	A	S	S
3	Amusement Center – Outdoor	S	N	N	N	N	S	S	S	S
4	Auto Sales, Service, Storage, Rental	S	S	S	N	N	A	A	N	N
5	Auto Repair (Mechanical) (Painting)	S	S	S	N	N	A	A	N	N
6	Bakery or Bakery Goods Store	S	S	S	S	S	A	A	S	S
7	Bank-Savings-Loans	N	N	S	N	N	A	A	N	N
8	Barber-Beauty Shop	S	S	S	S	S	A	A	S	S
9	Boat Mooring	S	S	S	S	S	S	S	S	S
10	Bowling Alley	S	S	S	N	N	A	A	S	S
11	Building Supply Outlet/Lumber Yard	N	N	S	N	N	A	A	N	N
12	Business College-Trade School	N	S	S	N	N	A	A	N	N
13	Cabinet Shop	S	S	S	N	N	A	A	N	N
14	Car Wash	N	N	S	N	N	A	A	N	N
15	Cemetery	S	S	S	N	N	A	N	N	N
16	Cell Towers	(See TELECOMMUNICATIONS FACILITIES ORDINANCE)								
17	Church or other Religious Use	S	S	A	S	S	A	S	S	S
18	Cleaning, Commercial Dry Cleaner	N	N	S	N	N	A	A	N	N
19	Cleaning, Laundromat	S	S	S	N	N	A	A	N	N
20	Clinic, Outpatient	N	N	S	N	N	A	A	N	N
21	Club Building	S	S	S	S	S	A	S	S	S
22	Contractor's Yard	S	S	S	S	N	P*	A	S	S
23	Convenience Store /Fast Food/Fuel	S	S	S	N	N	A	A	S	S
24	Dance, Music, or Voice Studio	S	S	S	N	N	A	A	N	N
25	Day Care Center	S	S	S	S	S	A	A	S	S
26	Drive-In Restaurant, Food Stand	S	S	S	N	N	A	A	S	S
27	Drive-In Theater	N	N	S	N	N	A	A	S	S
28	Drug Store	N	N	S	N	N	A	A	N	N
29	Equipment Rental-Sales Yard	S	S	S	N	N	P*	P*	S	S
30	Farm Heavy Equipment, Sales & Service	S	N	S	N	N	P*	P*	N	N

A=ALLOWED A* =CERT. OF ZONING COMPLIANCE P*=ADMINISTRATIVE PERMIT S=SPECIAL USE PERMIT N=NOT PERMITTED

LAND USE AND ZONE SCHEDULE

	LAND USES	ZONING DISTRICTS							
		AG	T-1	T-2	R-1	R-2	C	I	REC
	COMMERCIAL/LIGHT INDUSTRIAL (cont)								
31	Fitness Center	N	S	S	N	N	A	A	S
32	Florist	S	S	S	N	N	A	A	N
33	Grocery Stores/Supermarket	N	S	S	N	N	A	A	N
34	Frozen Food Locker	S	S	S	N	N	A	A	N
35	Furniture Shop (retail)	S	S	S	N	N	A	A	N
36	Furniture Refinishing	S	S	S	N	N	A	A	N
37	Gift Shop	S	S	S	N	N	A	A	S
38	Hospitals	N	N	S	S	S	A	N	N
39	Hotels/Motels/B&B	S	S	S	S	N	A	N	S
40	Kennels	A	A	S	S	N	S	S	S
41	Laboratory- Research, Medical, Dental, Optical	N	N	S	N	N	A	A	N
42	Laundry, Commercial	N	N	N	N	N	A	A	N
43	Manufactured Home/Mobile Home Court	N	N	S	S	N	A	S	S
44	Mortuary	N	N	S	S	N	A	N	N
45	Nursery for flowers and plants	A	A	A	S	S	A	A	S
46	Nursing Home	N	N	S	S	S	A	N	N
47	Office; Professional	S	S	S	N	N	A	A	N
48	Parking; Lot, Garage or Facility	N	N	S	N	N	A	A	S
49	Photographic Studio	N	N	S	S	S	A	A	S
50	Printing, Blue Printing	N	N	S	S	N	A	A	N
51	Restaurant-Bar	S	S	S	S	N	A	A	S
52	Retail Store-Service	N	N	S	S	N	A	A	S
53	Schools, Academic	S	S	S	S	S	N	N	N
54	Service Station	S	S	S	S	N	A	A	S
55	Shop for Building, Construction	S	S	S	S	N	P*	A	S
56	Stable/Riding School	A ^z	S	S	S	S	S	S	S
57	Storage Units	S	S	S	N	N	A	A	N
58	Tire shop, including recapping	N	N	S	N	N	S	A	N
59	Sales Yards: Vehicles, Trailers, Manufactured Homes and Recreational Vehicles	S	S	S	N	N	P*	A	N
60	Veterinary Clinic	A ^z	A ^z	S	S	N	A ^z	A ^z	N
61	Wholesale Stores Distributor	S	S	S	N	N	S	A	N
	INDUSTRIAL								
1	Asphalt Plant	S	N	S	N	N	N	A	N
2	Automotive Wrecking Yard	S	N	S	N	N	N	S	N
3	Beverage Bottling Plant	S	N	S	N	N	S	A	N
4	Billboard Manufacturing	S	N	S	N	N	A	A	N
5	Boat Building	S	N	S	N	N	A	A	N
6	Chemical Storage and Mfg.	S	N	S	N	N	S	A ^z	N
7	Dairy Products Processing	S	N	S	N	N	S	A	N
8	Food Processing Plant	S	N	S	N	N	S	A	N
9	Fuel Yard	S	N	S	N	N	S	A	N
10	Grain Storage	S	N	S	N	N	P*	A	N
11	Industrial Park	N	N	S	N	N	S	A	N
12	Junk Yard	S	N	S	N	N	S	S	N
13	Livestock Sale Yard	S	N	S	N	N	N	A	N
14	Nuclear Materials and Fuels (energy-related)	N	N	N	N	N	N	S	N
15	Machine Shop	S	N	S	N	N	P*	A	N
16	Manufacturing, Extractive	S	N	S	N	N	S	A ^z	S

A=ALLOWED A^z=CERT. OF ZONING COMPLIANCE P*=ADMINISTRATIVE PERMIT S=SPECIAL USE PERMIT N=NOT PERMITTED

	LAND USES	ZONING DISTRICTS							
		AG	T-1	T-2	R-1	R-2	C	I	REC
17	Manufacturing, Homes	S	N	S	N	N	S	A	N
18	Manure Storage/Composting	P*	N	N	N	N	N	N	N
19	Meat Packing Plant	S	N	S	N	N	N	S	N
20	Monument Works-Stone	S	N	S	N	N	A	A	N
21	Planing Mill	S	N	S	N	N	S	A	N
22	Public Service Facility	S	S	S	S	S	S	S	S
23	Railroad Yard and Shop	S	N	S	S	S	S	S	S
24	Recycling Plant	S	N	S	N	N	S	S	N
25	Rendering Plant	N	N	N	N	N	N	S	N
26	Sanitary Landfill	N	N	N	N	N	N	A ^z	N
27	Terminal Yard-Trucking	S	N	S	N	N	P*	A	N
28	Tow Yard	S	N	S	N	N	S	A	N
29	Truck & Tractor Repair	S	N	S	N	N	P*	A	N
30	Warehousing-Wholesaling	S	N	S	N	N	S	A	N
31	Waste Treatment Plant	S	N	S	N	N	S	S	N
32	Wood Processing Plant	S	N	S	N	N	S	A	N
	RECREATIONAL								
	Archery Range-Indoor	S	S	S	N	N	S	S	S
2	Campground	S	S	S	N	N	N	N	S
3	Fairgrounds	S	S	S	N	N	S	S	S
4	Golf Course	S	S	S	S	S	S	N	S
5	Hunting Club	A	S	S	S	S	S	S	A
6	Public Parks	S	S	S	A	A	S	N	A
7	Public Swimming Pool	S	S	S	S	S	S	N	S
8	Public Tennis Court	S	S	S	S	S	S	N	S
9	Race Track, Horse or Dog	S	S	S	N	N	S	S	S
10	Race Track, Motor Vehicle	S	S	S	N	N	S	S	S
11	Recreational Vehicle Park	S	S	S	N	N	S	S	S
12	Rodeo Arenas	S	S	S	N	N	S	S	S
13	Shooting Range/Trap Club	S	S	S	N	N	S	S	S
14	State Park	A	A	A	A	A	A	A	A

A=ALLOWED A^z =CERT. OF ZONING COMPLIANCE P*=ADMINISTRATIVE PERMIT S=SPECIAL USE PERMIT N=NOT PERMITTED

SECTION 7. OFFICIAL HEIGHT AND AREA REGULATIONS

MINIMUM YARD REGULATIONS

ZONING DISTRICT	MAXIMUM HEIGHT	SETBACK FROM PUBLIC RIGHT-OF-WAY (Measure from Boundary WATERWAY WATERWAY (from of right-of-way)	SETBACK FROM PROPERTY LINE	MINIMUM LOT AREA	SETBACK FROM NATURAL (from high water mark)
A	40'	50'	5'	one (1) acre	35'
T-1	40'	50'	5'	one (1) acre	35'
T-2	40'	50'	5'	one (1) acre	35'
R-1	40'	50'	5'	one (1) acre	35'
R-2	40'	50'	5'	MINIMUM FRONT 100' 10,000 square feet	35'
C	60'	50'	5'	MINIMUM FRONT 75' one (1) acre	35'
I	65'	50'	5'	one (1) acre	35'
REC	35'	50'	5'	one (1) acre	35'

CHAPTER 6: STANDARDS

SECTION 1. PERFORMANCE STANDARDS FOR LAND USES

The purpose of this section is to provide performance standards that protect the community and environment through proper site development and thereby achieve conformance with the regulations found in this ordinance and other provisions of applicable law. No land or building in any zoning district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding area, except as permitted by this ordinance.

The following criteria apply to developments in all zoning districts and are supplemental to requirements established thereby.

Air Pollution: Air pollution shall be subject to the requirements and regulations established by the appropriate authority.

Accessory Building:

- Shall not be located in any required front yard area;
- Shall not be located closer than five (5) feet from any side or rear property line;
- Shall not be located closer than ten (10) feet from any other structure, unless allowable by the current version of the International Building Code or International Residential Code, whichever applicable.

Agricultural Buffer Area: A five (5) foot wide agricultural buffer area shall be maintained along natural waterways to minimize soil erosion, sedimentation, contamination, and nutrient enrichment of ground and surface water.

Enforcement Provisions: The Administrator, prior to the issuance of a permit or certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved as specified in the currently adopted International Fire Code.

Glare: Light shall be placed and shielded to minimize direct light or reflecting glare outside the property lines.

Measurement Provision: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Institute, New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., The United States Bureau of Mines, and the Health Authority.

Noise: Objectionable noise, which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

Parking and Storage of Certain Vehicles: Automotive vehicles or trailers without current license plates shall not be parked or stored within one hundred (100) feet of owner's property line. Agricultural or construction equipment which does not require registration is exempt from this requirement.

Radioactivity or Electrical Disturbances: No activity shall emit harmful radioactivity at any point or electrical disturbance adversely affecting the operation of any equipment at any point outside the point of origin.

Vibration: No vibration shall be allowed which is discernible without instruments on any adjoining lot or property unless permitted under this ordinance.

Water Pollution: Water pollution shall be subject to the requirements and regulations established by the appropriate authority.

SECTION 2. SUPPLEMENTAL PROVISIONS FOR LAND USES REQUIRING PERMIT OR CERTIFICATES

The following land uses are listed on the Land Use and Zone Schedule and, in addition to the general standards of the ordinance, will be evaluated for compliance with the listed criteria prior to the issuance of any zoning permit. (special use, administrative, certificate of zoning compliance)

Automotive Wrecking Yard:

Shall be completely enclosed by a solid twelve (12) foot high site-obscuring fence or berm;

Shall not result in the storage of automobiles, junk or salvage material that is visible from any public right-of-way;

Shall not result in the storage of automobiles or junk that exceeds the height of the fence;

Shall have landscaping that is appropriate with the surrounding area.

Bulk Above-Ground Storage of Flammable Liquids and Gases, and other Hazardous Materials:

Shall be located at least three hundred (300) feet from a RESIDENTIAL DISTRICT, a residence, motel, hotel, except for an owner's residence;

Shall be erected subject to the approval of the fire chief;

Shall have suitable loading and unloading spaces and off-street parking facilities subject to the approval of the fire chief;

Shall have hazardous material placards as required by the fire chief;

Shall conform to federal, state and local laws and regulations.

Storage and Manufacturing of Chemicals, Pesticide and Fertilizer:

Shall have adequate fire protection, storage area, handling and disposal as approved by the fire chief;
Shall have hazardous material placards as required by the fire-chief;
Shall conform to federal, state and local laws and regulations.

Confined Animal Feeding Operations: (See CAFO Ordinance.)

Commercial Filling, Grading, Lagooning, Dredging, or Other Earth Moving Activity:

Shall result in the smallest amount of bare ground exposed for the shortest time feasible;
Shall provide temporary ground cover, such as mulch;
Shall use diversions, silting basins, terraces, and other methods to trap sediment;
Shall provide lagooning in such a manner as to avoid creation of fish trap conditions;
Shall not restrict a floodway, channel, or natural drainage way;
Shall construct and stabilize sides and bottom of cuts, fills, channels, and artificial water courses to prevent erosion or soil failure;
Shall not have below-grade excavation except for one (1) vertical foot to two (2) horizontal feet from any lot line or public right-of-way;
Shall restore topsoil or loam to a depth of not less than four (4) inches.

Manufacturing, Extractive (Gravel Pits, Rock Quarries, and Clay Pits and Other Natural Resources of Commercial Value):

Sand and gravel resources will be evaluated for potential development according to the following review criteria:

- a. Unreasonable impacts on surrounding uses from noise, transportation, dust and odors as established by local, state and federal standards.
- b. Visual impacts to be addressed through screening and buffering.
- c. Riparian vegetation and wildlife habitat should be protected and/or replaced when disturbed.
- d. Sand and gravel hauling operations should avoid routes through existing residential neighborhoods.
- e. Stockpiling and permanent structures should not be located in any floodway.
- f. Operations should avoid adverse impacts on agricultural operations.
- g. Local access roads, if used, should be capable of handling the heavy vehicular traffic generated by the operation.
- h. Mitigating measures, including phasing of extraction and reclamation; hours of operation; access to arterials and collectors; noise and dust abatement; screening; and water quality standards should be considered.
- i. Impacts of operations within floodplains should be mitigated.

A state-approved reclamation plan, if required, showing the extent and method of rehabilitation shall be submitted in advance of issuing a permit.

Upon cessation of quarrying activity, all temporary buildings and structures, except property line fences and structures for the loading, measuring, or weighing of salable material in storage, shall be entirely removed from the property;

Safety fencing shall be erected around all pits that create a safety hazard.

Junk Yard:

Shall be completely enclosed by a solid twelve (12) foot high site-obscuring fence or berm;
Shall not result in the storage of miscellaneous items or salvage material that is visible from any public right-of-way;
Shall not result in the storage of miscellaneous items that exceed the height of the fence;
Shall have landscaping that is appropriate with the surrounding area.

Manure Storage and/or Composting (non-Commercial):

A site used for manure storage and/or composting for non-commercial purposes:

1. Shall be maintained in compliance with state and local regulations including, but not limited to, those pertaining to surface water, ground water and odors.
2. Shall contain the required area and conditions to allow for all-weather composting and limit the environmental risk associated with odor, noise, dust, leaching and surface water runoff.
3. Shall meet setback requirements from residences, property lines, wells and public right of ways, as established in the CAFO Ordinance.
4. Shall have, an on annual basis, manure and/or compost removed.

Manure Storage and/or Composting (Commercial):

A commercial facility for manure storage and/or composting:

1. Shall have an approved special use permit.
2. Shall contain the required area and conditions to allow for all-weather composting and limit the environmental risk associated with odor, noise, dust, leaching and surface water runoff.
3. Shall meet setback requirements from residences, property lines, wells and public right of ways, as established in the CAFO Ordinance.
4. Shall have, an on annual basis, manure and/or compost removed.

Meat Processing Plant and Slaughterhouse Facilities:

1. Shall be located, when housing animals in feed lots or holding pens, not less than six hundred (600) feet from any residence, except for an owner's residence. Such facilities shall have a minimum setback of thirty (30) feet from any property line and fifty (50) feet from public right-of-way;
2. Shall be designed and located with full consideration of their proximity to adjacent uses, their impact upon adjacent and surrounding properties, and to the reduction of nuisance factors;
3. Shall be adequately maintained with housekeeping practices to prevent the creation of a nuisance, and shall also be subject to the Environmental and Health Authority requirements as to the elimination of waste materials and the maintenance of water quality control.

Nuclear Materials or Fuels (energy-related):

No nuclear materials or fuels shall be stored in Gooding County without a Special Use Permit granted after the applicant proves beyond a reasonable doubt that such storage will never be hazardous to the health and safety of present and future residents of Southern Idaho.

Recreational Vehicle or Travel Trailer Park:

Shall not be hazardous or detrimental to existing neighboring uses;

Shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage and refuse disposal; or the persons or agencies owning or leasing the park shall be able to provide adequately any such services;

Shall limit the stay of each unit to five (5) days with no sewer hook-up, or ninety (90) days with sewer hook-up. Will, if at all possible, supply a dump station;

AN EXCEPTION FOR LIMITED STAY shall apply for one permanent unit to be used for management purposes and/or convenience store which shall require a building permit and must observe the fifty (50) foot setback from all public roads and shall also require a permit from the Health Authority for facilities such as water and waste;

Any permanent buildings such as rest rooms, shower rooms, convenience store, or management facilities shall require a building permit and must observe the fifty (50) foot setback from all public roads and shall also require a permit for facilities such as water and waste;

Shall be adequately fenced and well maintained so as not to create a visual nuisance;

Shall have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;

Shall have adequate and safe vehicular driving and parking areas;

Shall have previous approval from all Environmental and Health Authorities before breaking ground;
Shall be consistent with the intent and purposes of this ordinance and the Comprehensive Plan.
Shall not result in the destruction, loss, or damage of natural, scenic, or historic features;
Shall submit an overall design and plat to the Commission for approval.

Rendering Plant:

Shall be located not less than six hundred (600) feet from any residence, except for an owner's residence.
Such facilities shall have a minimum setback of thirty (30) feet from any property line and fifty (50) feet from public right-of-way;
Shall be designed and located with full consideration of their proximity to adjacent uses, their impact upon adjacent and surrounding properties, and to the reduction of nuisance factors;
Shall be adequately maintained with housekeeping practices to prevent the creation of a nuisance, and shall also be subject to the Environmental and Health Authority requirements as to the elimination of waste materials and the maintenance of water quality control. (Idaho Code Title 25, Chapter 32)

Riding Stables and Schools:

Shall locate all stables or loafing sheds not nearer than one hundred (100) feet from any residence, except for an owner's residence. All facilities shall be setback a distance of thirty (30) feet from any property line, fifty (50) feet from any public right-of-way;
Shall be designed and located with full consideration being given to their proximity to adjacent uses and their effect upon adjacent and surrounding properties, as to the storage of horse trailers, and the factors of noise and odor;
Shall require that the owner or operator of such use shall have a continuous obligation to maintain adequate housekeeping practices to prevent the creation of a nuisance.

Rifle and Pistol Range:

Shall be designed with a backstop;
Shall be designed to avoid a line of fire that is directed toward any existing residence, business or roadway within one (1) mile;
Shall incorporate landscaping that is compatible with the surrounding landscaping;
Shall provide supervision and security measures during periods of use.

Sanitary Landfill:

Shall comply with Federal, State and Local Laws and Regulations.

Veterinary Animal Clinic, Veterinary Animal Hospital, Veterinary Office or Kennel:

Shall be located at least three hundred (300) feet from any residence including motels and hotels, except for an owner's residence. The Administrator may modify these requirements if the animals are completely housed in sound-proof structures that completely screen them from view of the abutting residential property;
Shall comply with all federal, state and local regulations relative to such an operation, and maintain adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.

SECTION 3. LAND CONVERSION PRACTICES

This section does not pertain to agricultural land uses. Land to undergo disturbance from present land uses shall be protected from wind and water erosion. This protection shall consist of physical protective devices before and after the present vegetative cover is changed, removed, or destroyed. SUCH AS:

1. Building sites shall be protected with water runoff control systems and protection by irrigation, mulching, seedings, diversions and controlled ditching.
2. Silt, soil and sand blown by winds or transported by water off or across property lines shall be removed from roadways, fence lines, windbreaks and other barriers and owners held liable.
3. Surface sprinkler irrigation and runoff water shall be controlled at the source by owner or user. Water runoff shall be controlled by the user into appropriate waste ditches for adequate disposal.

No wastewater shall be allowed to escape onto roadways or other property not in the natural runoff control system.

SECTION 4. SITE DEVELOPMENT STANDARDS

- A. **Vision Triangle:** Visibility shall be maintained at all intersections of Gooding County roads by maintaining an unobstructed view between three (3) and ten (10) vertical feet within a right triangle, whose sides adjacent to the intersecting right-of-way lines are forty (40) feet in length in compliance with [Idaho Code § 49-221](#), or its successor, (see highway district standards: SD-12A from Gooding Highway Standards).
- B. **Temporary Buildings:** Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any zoning district during the period construction work is in progress, and shall be removed upon completion of the construction work.
- C. **Glare/Exterior Lighting Shielding/Redirection Required:** No interior or exterior lighting shall create direct or reflect glare which will adversely affect any surrounding property nor shall such lighting adversely affect vision on nearby public streets, public walkways or other rights-of-way. It shall be the duty of any landowner to direct or shield lighting to avoid impacts on neighboring lands or land uses. Failure to do so shall constitute a violation of this ordinance.
- D. **Utility Line Placement:** All wire, fiber optic or cable utility service lines shall be placed underground. The Administrator may waive this requirement if the use is temporary in nature or if there are practical physical difficulties that make compliance impracticable.
- E. **Water Supply & Sewage Disposal:** The method of water supply and sewage disposal for all land uses must comply with Gooding County and other applicable state codes.
- F. **Dust Control:** During all on-site grading and construction activities, adequate measures shall be implemented to control dust in order to prevent a blowing dust nuisance. Methods for dust control may be specified at site plan review. The Administrator may issue a stop-work order on any development project that demonstrates an inability to control dust until an acceptable dust control program is implemented.
- G. **Architectural Projections:** Open structures such as porches, canopies, balconies, platforms, carports, covered patios and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard setbacks.
- H. **Height Regulation Exceptions:** The height limitations contained in this ordinance do not apply to spires, belfries, cupolas, antennas, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and takeoff of aircraft at an established airport. Utility and public service structures are exempted from height restrictions.
- I. **Required Trash Areas:** All trash and/or garbage collection areas for commercial, industrial, and multi-family residential uses shall be enclosed on at least three sides by a solid wall or fence of at least four (4) feet in height or within an enclosed building or structure. Adequate vehicular access to and from such areas for collection of trash and/or garbage, as determined by the Administrator, shall be provided.
- J. **Outside Storage Screening:** In Commercial or Industrial zones, or as required by special use permit within other zones, outside storage areas for commercial or industrial uses must be screened from public view by sight obscuring fences, walls, berms, or a combination of these, as approved by the Administrator. The Administrator may approve alternative methods.

- K. **Buffering Residential Interface:** Buffering between commercial/industrial land uses and residential zones shall be the responsibility of the developer of the commercial/industrial site. If the Zoning Ordinance does not otherwise provide specific standards, the commercial industrial site shall otherwise provide a setback from an adjacent residential zoning boundary or from existing residential lands no less than twenty-five (25) feet or the height of the commercial industrial structure, whichever is greater. Such interface shall be screened by evergreen landscaping and berming that is continuous and serves as an effective buffer against sound and light. Such obligation shall not apply retroactively to an existing commercial/industrial use.
- L. **Development Close to an Airport:** The location, building height and lighting of all development shall be restricted within an airport overlay area as required by the State Department of Transportation, Division of Aeronautics and Public Transportation and Federal Aviation Administration. [See Chapter 5. Section 1. AIRPORT OVERLAY DISTRICT.](#)

SECTION 5. PUBLIC SITES AND OPEN SPACES

Shall conform to the following:

1. **Public Uses:** Where it is determined that a proposed park, playground, school or other public use, as shown on any future acquisition map authorized by [Idaho Code, § 67-6517](#), is located in whole or in part within a proposed development, the Commission shall notify the appropriate public agency concerning the land proposed to be acquired. Within thirty (30) days of the date of notice, the public agency may request the governing body to suspend consideration on the permit for sixty (60) days from the date of the request; however, if an agreement is not reached within sixty (60) days the Commission shall resume consideration of the special use application.
2. **Natural Features:** Existing natural features which add value to development and enhance the attractiveness of the community (such as trees, water-courses, historic spots, and similar irreplaceable assets) shall be preserved in the design of the development.

CHAPTER 7: CERTIFICATES & PERMITS REQUIRED

An application for a permit governed by this ordinance shall address the information necessary to determine compliance with this ordinance and other applicable provisions of law. The Administrator is authorized to establish administrative procedures, develop application forms and administer the permitting process as necessary to demonstrate compliance with this ordinance and applicable provisions of state law.

SECTION 1. BUILDING PERMIT

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

Per [Idaho Code § 39-4116\(5\)](#), agricultural buildings are exempt from building permit requirements. For purposes of this exemption, an agricultural building is defined by International Building Code as:

A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

A siting permit is required. An application for a siting permit may require information which properly categorizes the proposed structure as an agricultural building. For further exemptions from building permit requirements, consult the “Scope and Administration” chapter of the International Building Code.

A. APPLICATION FOR BUILDING PERMIT: The application for permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun or is not substantially completed within one hundred eighty (180) days. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Existing use.
4. Proposed use.
5. Zoning district.
6. Two full sets of plans, drawn to scale, showing (when applicable):
 - a. Site plan: the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration(s).
 - b. Floor plans with dimensions
 - c. Elevation views
 - d. Footing and foundation with reinforcing dimensions
 - e. Typical construction detail and fire wall detail
 - f. Cross-section and stair detail
 - g. Truss and floor joist details
7. Building heights.
8. Number of off-street parking spaces or loading berths, IF APPLICABLE.
9. Number of dwelling units.
10. Proposed sewer and water facilities. A sewage disposal system permit from the Health Authority shall be required prior to construction, reconstruction or replacement of any individual sewage disposal system prior to receiving a building permit. Proper placement of individual domestic wells shall be verified by the Health Authority.
11. Provisions to meet minimum Federal, State, and Local Handicap Accessibility requirements.
12. Such other matters as may be necessary to determine conformance with, and provide for, the enforcement of this ordinance.

B. APPROVAL OF BUILDING PERMIT: Within sixty (60) days after the receipt of an application, the Administrator shall either approve or disapprove the application in conformance with the provisions of this ordinance. All permits shall, however, be conditional upon the commencement of work within one hundred eighty (180) days. One copy of the plans shall be retained by the Administrator. The building permit and or copy, inspection log and one set of approved construction drawings shall be kept accessible on the building site until the completion of the project.

C. EXPIRATION OF BUILDING PERMIT: If the work described in any permit has not begun within one hundred eighty (180) days from the date of issuance thereof, said permit shall expire; shall be revoked by the Administrator and written notice thereof shall be given to the person(s) affected. The Administrator may issue a time extension of a permit in accordance with the International Building Code requirements.

D. CERTIFICATE OF OCCUPANCY: It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, thereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy¹

¹ Certificates of occupancy are not required for work exempt from permits under International Building Code. See IBC 2009, Section 105.2, or its successive version, as adopted.

shall have been issued therefore by the Administrator or Building Official stating that the proposed use of the building or land conforms to the requirements of this ordinance and with all conditional provisions that may have been imposed, including inspections by the Health Authority.

A record of all certificates of occupancy shall be maintained by the Administrator.

E. TEMPORARY CERTIFICATE OF OCCUPANCY: The Administrator or the Building Official may issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Administrator or the Building Official shall set a time period during which the temporary certificate of occupancy is valid.

SECTION 2. CERTIFICATE OF ZONING COMPLIANCE

It is unlawful to establish any land use on lands within the unincorporated areas of Gooding County, other than agricultural use that does not constitute a confined animal feeding operation, unless a permit of zoning compliance has been issued. The Planning & Zoning department shall maintain permits of zoning compliance.

Land uses which may require a permit of zoning compliance, including but not limited to those uses requiring a special use permit, are addressed in Chapter 6, Standards.

SECTION 3. SPECIAL USE PERMIT (SUP)

The allowance of a special use permit is discretionary with the Commission and may be granted upon satisfaction of all general standards applicable to special use permits. The applicant for a special use permit shall carry the burden of proof in showing that the proposed use is conditionally permitted by the Land Use and Zone Schedule and does not conflict with the policies of the Comprehensive Plan or the conditions for special use permits set forth in this ordinance. The Commission shall hold a public hearing on a special use permit application. The Commission may approve, conditionally approve, or deny a special use permit under the conditions as herein specified and considering such additional safeguards as will uphold the intent of this ordinance. The intent of the Commission is to allow only special uses that are better served by being in a county zoning district instead of an urban area.

A. CONTENTS OF APPLICATION FOR SPECIAL USE PERMIT

An application for a special use permit shall be filed with the Administrator by the owner or lessee with the owner's written permission of property for which such special use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Description of existing use.
4. Zoning district.
5. Description of proposed special use.
6. A plan of the proposed site for the special use, showing north point, the location, height, bulk, general appearance, and intended use of all existing and proposed buildings. Location and dimensions of boundary lines, easements, required yards and setbacks, water courses, drainage features and location and size of existing roads. Location of proposed parking and loading area, traffic area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, handicap accessibility and such other information as the Commission may require to determine if the proposed special use meets the intent and requirements of this ordinance. Sites with an average slope greater than ten (10) percent may be required to show proposed erosion control.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general

compatibility with adjacent and other properties in the zoning district; and the relationship of the proposed use to the Comprehensive Plan, i.e. why not better served in an urban area.

8. Applicable fees as established by the Board.

B. GENERAL STANDARDS APPLICABLE TO ALL SPECIAL USES

Prior to granting a special use permit, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. The Commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Shall, in fact, constitute a special use and would not be better served in an urban area.
2. Shall be harmonious with and in accordance with the general objectives, or with any specific objective of the Comprehensive Plan and/or the Zoning Ordinance.
3. Shall not adversely affect surrounding properties to a materially greater extent than would a permitted use in the district.
4. Shall not be hazardous or disturbing to existing uses.
5. Shall be served adequately by essential public facilities and services such as highways, streets, police, and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or the persons or agencies applying for the special use permit shall be responsible to provide adequately any such services.
6. Shall not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Shall not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of excessive production of traffic, noise, smoke, fumes, glare, or odors.
8. Shall have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Shall not result in the undue destruction, loss, or damage of natural, scenic, or historic features.
10. Shall be designed to be as compatible in terms of building height, bulk, scale, setbacks, open spaces and landscaping with adjacent uses as is practical.

C. SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

1. Prior to granting a special use permit, the Commission may request studies from the planning staff or public agencies concerning social, economic, fiscal and environmental effects of the proposed special use.
2. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits.
3. A special use permit is not transferable from one parcel of land to another.
4. In granting any special use, the Commission may prescribe appropriate conditions, escrow bonds, or safeguards in conformity with this ordinance. Conditions may be attached to the special use permit including, but not limited to:
 - a. Minimizing adverse impact on other developments; such as requiring: open space, buffers, fences, walls, screening, landscaping, erosion control, hours of operation;
 - b. Controlling the sequence and timing of development;
 - c. Controlling the duration of development;
 - d. Assuring the development is maintained properly;
 - e. Designating the exact location and nature of the development;
 - f. Requiring the provision for on-site facilities or services;
 - g. Requiring more restrictive standards than those generally required by an ordinance, including but not limited to parking, ingress, egress.
5. Violations of such conditions, bonds, or safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this ordinance.

D. ACTION BY THE COMMISSION

1. Within ninety (90) days after the public hearing, the Commission shall approve, approve with conditions, or deny the application as presented.
2. If the application is approved or approved with conditions, the Commission shall direct the Administrator to issue a special use permit listing the specific conditions attached by the Commission.
3. If the application is denied, the Commission shall specify:
 - a. The ordinance and standards used in evaluating the application;
 - b. The reasons for denial; and
 - c. The actions, if any, that the applicant could take to obtain a permit.

E. NOTIFICATION TO APPLICANT

Within ten (10) days after the decision has been rendered, the Administrator shall provide the applicant with written notice of the action on the request.

F. LAPSE OF A SPECIAL USE PERMIT

1. Unless a longer time shall be specifically established as a condition of approval, a special use permit shall lapse and become void six (6) months following the date on which such permit becomes effective, unless prior to expiration, a building permit is issued and construction is commenced and pursued toward completion or a certificate of occupancy is issued for the use.
2. A special use permit subject to lapse may be renewed by the Commission for a period of one (1) year one time only when, prior to the expiration date, a written request for renewal is filed with the Administrator.

G. SUSPENSION AND REVOCATION OF A SPECIAL USE PERMIT

1. A special use permit may be suspended if the provisions of this ordinance are violated, or by failure to comply with the conditions of the permit. Notification of the violation shall be made to the property owner and a reasonable amount of time provided to come into compliance. When such time elapses without compliance being reached, the Administrator shall send a notice to the property owner suspending the special use permit.
2. The Commission shall hold a public hearing within forty (40) days of such suspension, in accordance with the hearing procedures specified in this ordinance.
3. After weighing the testimony given at the public hearing, the information provided by the Administrator and staff, and the ordinance(s) violated or permit condition(s) unmet, the Commission shall revoke the special use permit, extend the suspension period, or reinstate the permit.

SECTION 4. VARIANCE

A variance is a discretionary exception to the requirements of the Zoning Ordinance concerning bulk and placement standards such as lot area, lot coverage, width, depth, setbacks, parking location requirements, height, or any other ordinance provision affecting the size of a structure or the placement of the structure upon the property. Variances may be permitted when, due to unusual natural physical characteristics of the site, a literal enforcement of the provisions of this title would result in unnecessary hardship denying an owner all reasonable use of the owner's land. An applicant for a variance bears the responsibility for demonstrating an undue hardship because of unique physical characteristics of the site, and after meeting that obligation must demonstrate that the implemented variance would not harm the public interest. At least one public hearing shall be held by the Commission to evaluate an application for a variance.

A. APPLICATION AND STANDARDS FOR VARIANCES

A variance from the terms of this ordinance shall not be granted by the Commission unless and until a written application for a variance is submitted to the Administrator and the Commission containing:

1. Name, address, and phone number of applicant(s).
2. Legal description of property.
3. Description of variance requested.
4. Fee as established by the Board.
5. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - b. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance.
 - c. That special conditions and circumstances do not result from the actions of the applicant.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same zoning district.
6. A variance shall not be granted unless the Commission makes a specific finding of fact based directly on the particular evidence presented to it, which support conclusions that the above mentioned standards and conditions have been met by the applicant.

B. SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

Under no circumstances shall the Commission grant an appeal or variance to allow a use not permissible under the terms of this ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said zoning district. In granting any appeal or variance, the Commission may prescribe appropriate conditions, escrow bonds, or safeguards in conformity with this ordinance. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this ordinance.

C. ACTION BY THE COMMISSION

Within ninety (90) days after the public hearing the Commission shall approve, approve with conditions, or deny the request for a variance. Upon granting or denying an application the Commission shall specify:

1. The Ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a variance.

D. NOTIFICATION TO APPLICANT

Within ten (10) days after a decision has been rendered the Administrator shall provide the applicant with written notice of the action on the request.

E. LAPSE OF A VARIANCE

Unless a longer time shall be specifically established as a condition of approval a variance shall lapse and become void six (6) months following the date on which such permit became effective, unless prior to expiration, a building permit is issued and/or construction is commenced. A variance subject to lapse may

be renewed by the Commission for an additional period of six (6) months provided that prior to the expiration date, a written request for renewal is filed with the Administrator.

F. SUSPENSION AND REVOCATION OF A VARIANCE

A variance may be suspended if the provisions of this ordinance are violated, or by failure to comply with the conditions of the variance. Notification of the violation shall be made to the property owner and a reasonable amount of time provided to come into compliance. When such time elapses without compliance being reached, the Administrator shall send a notice to the property owner suspending the variance.

1. The Commission shall hold a public hearing within forty (40) days of such suspension, in accordance with the hearing procedures specified in this ordinance.
2. After weighing the testimony given at the public hearing, the information provided by the Administrator and staff, and the ordinance(s) violated or variance condition(s) unmet, the Commission shall revoke the variance, extend the suspension period, or reinstate the variance.

SECTION 5. HOME OCCUPATION PERMIT

Certain limited business or professional uses may be conducted as a home occupation within a single-family dwelling as a permitted land use subject to specific limitations established to maintain compatibility with the surrounding residential neighborhood. The purpose of this section is to establish standards for home occupations that retain and do not disturb the residential character of a neighborhood.

- a. No more than one full-time employee equivalent, other than members of the family residing on the premises, shall be engaged in such occupation;
- b. The use of the single-family dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
- c. There shall be no change in the outside appearance of building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, which shall comply with Chapter 12, Section 2, Signs – Requirements;
- d. The use shall meet the off-street parking requirements as specified in this ordinance, and off-street parking shall not be located in a required front yard;
- e. No equipment or process shall be used in such home occupations which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

A home occupation permit is non-transferable and is valid as long as there is compliance with the conditions of approval issued with the permit and home occupation standards set forth herein are met.

SECTION 6. CONFINED ANIMAL FEEDING OPERATION (CAFO) SITING PERMITS

(See Confined Animal Feeding Operation (CAFO) Ordinance)

SECTION 7. FAILURE TO OBTAIN A PERMIT OR CERTIFICATE OF OCCUPANCY

Failure to obtain a permit or certificate of occupancy shall be a violation of this ordinance.

SECTION 8. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES

Permits or certificates of occupancy issued on the basis of plans and applications approved by the Administrator authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance.

CHAPTER 8: PROCEDURES

SECTION 1. APPEALS

An appeal is a request challenging the propriety of a land use decision or interpretation of the ordinance by the Administrator, the Planning & Zoning Commission or a hearing examiner if one should be employed. Fees governing appeals must be paid and the specific legal basis for appeals must be stated in writing before an appeal will be deemed accepted for consideration. Appeals will follow the procedures specified below.

It is discretionary whether or not an appeal will prevent approved land uses while the appeal is pending.

A. ADMINISTRATIVE APPEALS: Appeals to the Commission concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by an officer or bureau of the legislative authority affected by any decision of the Administrator. A notice of appeal shall be submitted within fifteen (15) days from when a decision of the Administrator has been entered.

1. **NOTICE OF APPEAL REQUIREMENTS:** The notice of appeal shall contain the following information:
 - a. Contact information (Name, address, phone, email)
 - b. Matter being appealed.
 - c. Date decision entered.
 - d. Specific provision of the ordinance at issue and in the Administrator's interpretation/decision.
 - e. Explanation of how the Administrator erred in the interpretation/decision and the outcome sought.
 - f. Fee as established by Board.
2. **PUBLIC HEARING:** A public hearing before the Commission shall be held within thirty (30) days from when the notice of appeal is filed.
3. **SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:** Under no circumstances shall the Commission grant an appeal to allow a use not permissible under the terms of this ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said zoning district. In granting any appeal, the Commission may prescribe appropriate conditions, escrow bonds, or safeguards in conformity with this ordinance. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this ordinance.
4. **ACTION BY THE COMMISSION:** Within ninety (90) days after the public hearing, the Commission shall either approve, approve with conditions, or deny the request for appeal. Upon granting or denying an application the Commission shall specify:
 - a. The Ordinance and standards used in evaluating the application;
 - b. The reasons for approval or denial; and
 - c. The actions, if any, that the applicant could take to have appeal granted.
5. **NOTIFICATION TO APPLICANT:** Within ten (10) days after a decision has been rendered the Administrator shall provide the applicant with written notice of the action on the request.

B. APPEAL TO THE BOARD: The applicant or any affected person (one who has an interest in real property which may be adversely affected) who appeared in person or in writing before the Commission may appeal the decision of the Commission to the Board, provided the notice of appeal is submitted to the Board within fifteen (15) days from the Commission's action.

1. **NOTICE OF APPEAL REQUIREMENTS:** The notice of appeal shall contain the following information:
 - a. Contact information (Name, address, phone, email)

- a. Matter being appealed.
 - b. Date decision entered.
 - c. Specific provision of the ordinance at issue.
 - d. Explanation of how the Commission erred and the outcome sought.
 - e. Fee as established by Board.
2. **PUBLIC HEARING:** Within fifteen (15) days after the appeal has been filed, the Board shall set a hearing date to consider the appeal. During the hearing, county staff may be available to present the application and answer questions. The Board shall consider findings, reports and minutes of the Commission's meeting and hearing, plus comments and recommendations, as forwarded to them by the Commission.
 3. **ACTION BY THE BOARD:** The Board may uphold, uphold with conditions, or overrule the Commission. The Board shall only overrule the Commission by a favorable vote of a majority of the full Board.
 4. **NOTIFICATION TO APPELLANT:** Within ten (10) days after a decision has been rendered the Administrator shall provide the applicant with written notice of the action on the request.

An affected person aggrieved by a decision may, within twenty-eight (28) days after all remedies have been exhausted under local ordinances, seek judicial review under the procedures provided by [Idaho Code, Title 67, Chapter 52](#).

SECTION 2. AMENDMENTS TO ZONING ORDINANCE AND OFFICIAL ZONING MAP

- A. **GENERAL:** Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board may by ordinance amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property after receipt of recommendation thereon from the Commission, and subject to procedures provided by law, specifically [Idaho Code § 67-6511](#) and this ordinance.
- B. **INITIATION OF ZONING AMENDMENTS:** Amendments to this ordinance may be initiated in one of the following ways:
1. By adoption of a motion by the Commission.
 2. By adoption of a motion by the Board.
 3. By the filing of an application by a property owner or a person who has existing interest in property within the area proposed to be changed or affected by said amendment.
- C. **CONTENTS OF APPLICATION:** Applications for amendment to the Official Zoning Map adopted as part of this ordinance shall contain at least the following information:
1. Name, address, and phone number of applicant.
 2. Proposed amendment to the Ordinance on a form approved by the Board.
 3. Present land use.
 4. Present zoning district.
 5. Proposed use.
 6. Proposed zoning district.
 7. A vicinity map at a scale approved by the Administrator, showing property lines, thoroughfares, existing and proposed zoning and such other items as the Administrator may require.
 8. A list of all property owners and their mailing addresses who are within three hundred (300) feet of the external boundaries of the land being considered.
 9. A statement on how the proposed amendment relates to the Comprehensive Plan, availability of public facilities and compatibility with the surrounding area.
 10. Fee as established by Board.
- D. **TRANSMITTAL TO COMMISSION:** Zoning districts shall be amended in the following manner:

1. Requests for an amendment to the Zoning Ordinance shall be submitted to the Commission, which shall evaluate the request to determine the extent and nature of the amendment requested.
2. If the request is in accordance with the adopted Comprehensive Plan, the Commission may recommend and the Board may adopt or reject the ordinance amendment under the notice and hearing procedure as herein provided. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts.
3. If the request is not in accordance with the adopted Comprehensive Plan, the Commission may recommend and the Board may adopt or reject an amendment to the Comprehensive Plan under the notice and hearing procedures provided for in [Idaho Code § 67-6509](#). After the Comprehensive Plan has been amended, the Zoning Ordinance may then be amended as is herein provided.

E. COMMISSION PUBLIC HEARING: The Commission shall hold a public hearing according to the procedures specified in this ordinance.

F. RECOMMENDATION BY COMMISSION: Within sixty (60) days from the receipt of the proposed amendment, the Commission shall transmit its recommendation to the Board. The Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The Commission shall ascertain that any favorable recommendations for amendments are in accordance with the Comprehensive Plan and established goals and objectives.

G. ACTION BY BOARD: The Board may adopt or reject the amendment under the notice and hearing procedures provided in [Idaho Code § 67-6509](#).

Upon granting or denying an application, the Board shall specify:

1. The Ordinance and standards used in evaluating the application;
2. The reason for approval or denial; and
3. The actions, if any, that the applicant could take to obtain the amendment.

In the event the Board shall approve an amendment, such amendment shall thereafter be made a part of this ordinance upon publication of the amendment in accordance with standards set forth in the Idaho Code. If the Board adopts a zoning classification pursuant to a request by a property owner it is subject to the requirements of [Idaho Code § 67-6511](#) which states that said property cannot be rezoned for four (4) years without the consent of the current property owner. Exceptions are stated in [Idaho Code § 67-6511](#).

H. RESUBMISSION OF APPLICATION: No application for reclassification of any property which has been denied by the Board shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purposes within a period of one (1) year from the date of such final action, unless there is an amendment in the Comprehensive Plan which resulted from a change in conditions as applying to the specific property under consideration, or the application was rejected conditionally to permit reapplication.

SECTION 3. EXHAUSTION OF ADMINISTRATIVE PROCEDURES REQUIRED

Any procedure addressed by this ordinance that authorizes the Planning & Zoning Commission to make a decision, as contrasted with a recommendation to the Board, shall not be deemed a final decision unless it has been appealed to the Board by the party seeking to bring a judicial appeal. Any such appeal must be filed with the Administrator within fifteen (15) days after the date of the decision entered by the Planning & Zoning Commission. Any such appeal must be accompanied by the filing fee established by resolution of the Board and a completed appeal application as provided by the Administrator. Any such appeal shall be decided by the Board within one hundred-eighty (180) days of the date it is filed with the Administrator. Failure to file such an appeal shall constitute a failure to exhaust administrative remedies prior to seeking court review of proceedings.

CHAPTER 9: NON-CONFORMING USES

SECTION 1. LEGAL NONCONFORMING STRUCTURES

A. A legal nonconforming structure is one that was in compliance with all land use and building code requirements at the time it was constructed, or that was constructed or established before land use regulations were enacted, but does not conform to the structure requirements of the current land use codes of Gooding County. It is the policy of Gooding County to encourage maintenance and continued vitality of existing legal nonconforming structures until a change of land use is undertaken by the owner in conformance with requirements of the county ordinances.

B. Any legal nonconforming permanent structure may continue to be used and maintained as otherwise allowed by this ordinance. A nonconforming structure shall not be enlarged in area in any way that increases its non-conformity. A structure used to house a nonconforming use may be enlarged by up to ten percent (10%) of its square footage as long as any such enlargement does not increase the nonconformity of any setbacks or building bulk regulations.

C. A damaged or destroyed legal nonconforming structure may be repaired or reconstructed provided that the extent of the previously existing nonconformance is not increased.

D. Any structure legally built prior to the adoption of land use regulations within a currently-required yard setback area shall be deemed a legal nonconforming structure and the nonconforming dimension shall not be expanded by additional construction, unless otherwise qualifying for a variance.

SECTION 2. LEGAL NONCONFORMING USES

All existing uses of land that are not permitted uses in the zoning district in which such use is being conducted, and all uses which, if presently initiated, would require a special use permit, and which do not have a special use permit, are deemed legal nonconforming uses. Legal nonconforming uses shall not be expanded or extended in any way, except as otherwise expressly allowed by this ordinance. A legal nonconforming use shall not be changed except to a use that complies with the regulations of the zoning district in which the subject property lies or to diminish its nonconformity.

SECTION 3. LEGAL NONCONFORMING LOTS

A. All existing lots that do not meet the minimum lot area and dimension standards of the district within which they are located are hereby deemed nonconforming lots. Any lot that was legally created prior to the effective date of this ordinance may be used in conformance with the uses permitted by the zoning district within which it is located, provided that all yard and setback requirements are met. If lot area is deficient in a residential zone by no more than fifty percent (50%), any such nonconforming lot may be used only for construction of a detached single-family dwelling. Undeveloped, nonconforming lots of at least fifty percent (50%) of the minimum required lot area may be used and have a single-family structure erected upon them.

B. Notwithstanding the foregoing, if any such lot is contiguous to one (1) or more lots of common ownership and any combination of such lots will meet the area or dimension standards of this title, such lots shall be considered to be an undivided parcel for the purposes of this ordinance. Accordingly, the separate lots shall be treated as a single parcel concerning the issuance of a building permit for any residential construction on the lot, or contiguous commonly owned lots where this condition exists. No nonconforming or conforming lot shall be reduced in area or dimensions if such reduction would result in a greater degree of nonconformity. In the least dense residential district in Gooding County, any lot with an area less than the minimum required for the least dense residential district may only be developed to the minimum residential use allowed in the zone. Any lot in any zone that has an area less than the minimum square footage desired, but at least fifty percent (50%) of the minimum area, unless it adjoins one (1) or more substandard lots held in common ownership, may only be developed with a single-family dwelling unit.

C. The Administrator is authorized to take such steps as are necessary, including civil or criminal litigation, to abate, penalize or prevent the use of any unlawful structure, lot or use.

CHAPTER 10: ENFORCEMENT AND PENALTY FOR VIOLATION

SECTION 1. COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrator. The Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

SECTION 2. PENALTIES

The Prosecuting Attorney shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this ordinance. Penalties for failure to comply with, or violations of, the provisions of this ordinance shall be as follows:

A. The Administrator or his designee is authorized to enforce the provisions of this ordinance. It shall be deemed a violation of this ordinance to construct any building, structure or improvement for the purpose of establishing any land use contrary to the requirements of this ordinance, to violate any express prohibition or exceed any express limitation contained in the text or exhibits of this ordinance or to use any land, building, or premises, contrary to the provisions of this ordinance, contrary to the terms or conditions of a permit, variance or in a manner contrary to the terms and conditions established by the Board. Violations of this ordinance are hereby declared to be unlawful and subject to the penalties established by this section and by other provisions of law.

B. Penalties: Failure to comply with any provision or requirement of this ordinance or terms or conditions of permits shall be deemed a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000), or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonments. In the discretion of the Administrator, any violation of this ordinance may be charged as an infraction, subject to a fine alone in an amount not to exceed the limits established by state law. The Administrator may elect to pursue enforcement by filing criminal charges, pursuing enforcement by charging as infraction and/or by proceeding in any form of civil legal action related to any violation of this ordinance deemed likely to achieve compliance. Each day a violation continues may be considered a separate offense. Any landowner, tenant, subdivider, or builder who commits, participates in, assists in or maintains such violation shall be guilty of a violation. Nothing contained in this ordinance shall prevent any other public official or affected person from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance.

C. Abatement Proceedings: Agency legal counsel or his designee may commence action or proceedings for the abatement of any violation of this ordinance as a nuisance in the manner provided by law, and may apply to such court or courts as may have jurisdiction to grant relief as to abate, terminate and remove unlawful uses, buildings or structures, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any building, structure, vehicle, or property contrary to the provisions of this ordinance or to any permits or authorizations issued pursuant to this ordinance.

CHAPTER 11: MISCELLANEOUS

SECTION 1. MEDIATION

A. Mediation is a discretionary communication process potentially available to any affected person who owns real property that might be materially affected by a quasi-judicial zoning-related issue or whenever determined by the Board. The purpose of mediation is to promote resolution of differences concerning potentially divisive land use matters. The process for mediation, if required or proposed by the Board, shall follow the procedures set forth in this section, to the extent they are compatible with Idaho law.

B. Mediation may be requested in writing by any applicant or affected person, or by the Administrator, Planning & Zoning Commission, or the Board, during the course of any quasi-judicial matter, but in any case no later than fourteen (14) days after entry of a final decision and prior to any person filing a petition for judicial review.

C. The parties to any mediation application shall participate in at least one (1) mediation session if mediation is authorized by either the Planning & Zoning Commission or the Board. Gooding County shall designate the mediator and will pay the expense of mediation for the first meeting among mediating parties. Compensation of the mediator for additional sessions will be determined by parties participating in the mediation prior to any subsequent mediation sessions. After completion of the initial mediation session, an applicant or otherwise affected party may decline to participate in mediation that has been proposed by Gooding County.

D. Upon request for mediation and until at least one (1) mediation session has been held, any time limitation relevant to the application made on the basis of such mediation shall be tolled. Such tolling shall cease when the Board determines that the mediation should cease through their official action or where no mediation session is scheduled for at least twenty-eight (28) days from the date of a mediation request. A subsequent public hearing must be held before the Board where mediated resolution results in recommended change(s) to an application.

E. The mediation process shall not be part of the official record regarding consideration of the application upon which the mediation is based.

SECTION 2. SIGNS - REQUIREMENTS

A. **INTENT:** The purpose of this section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs over-hanging or projecting over public right-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development.

B. **EXCLUSIONS:** For the purpose of this ordinance “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or government regulation.

C. **GENERAL REQUIREMENTS FOR ALL SIGNS AND DISTRICTS:** The regulations contained in this section shall apply to ALL signs. Any sign exceeding thirty-two (32) square feet in area shall require a special use permit except temporary signs not exceeding fifty (50) square feet in area announcing the erection of a building, the architect, the builders, or contractors which may be erected for a period of sixty (60) days plus the construction period.

1. Any illuminated sign or lighting device shall employ only light emitting constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises to cause glare or reflection that may constitute a traffic hazard or nuisance. A temporary sign may be allowed.
2. No portable sign shall be placed on the front or face of a building, or on any premises except for temporary signs.
3. No sign or part thereof shall contain or consist of banners, poster, pennants, ribbons, streamer, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention unless part of a permitted sign.
4. No sign of any classification shall be installed, erected, or attached in any form, or manner to a fire escape or any door or window giving access to any fire escape.
5. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign.
6. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign.
7. No sign shall be placed in any public right-of-way except publicly owned signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
8. Signs along interstate and primary highways shall conform to the Idaho State Transportation Department regulations.

D. TEMPORARY SIGNS:

1. Political signs shall not be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following election day.
2. Signs advertising an event shall be posted no more than fifteen (15) days prior to the event, and must be removed two (2) days following the event.
3. Temporary signs not exceeding fifty (50) square feet in area announcing the erection of a building, the architect, the builders, or contractors may be posted for a period of sixty (60) days plus the construction period.

E. MEASUREMENT OF SIGN AREA: The surface area of a sign shall be computed as including the entire area within a regular, geometric form, or combinations of regular and geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

F. SIGN SETBACK AND HEIGHT REQUIREMENTS: Signs shall not be erected in front of the required setback line, except for the following:

1. All signs shall be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign does not obstruct traffic visibility at street or highway intersections.
2. For every square foot by which any on-premises sign exceeds thirty-two (32) square feet, the setback shall be increased by one-half (1/2) foot, but need not exceed one hundred (100) feet.
3. All signs must conform to the height requirements listed for each zone. [See Chapter 5. Section 7. Official Height and Area Regulations.](#)

G. VIOLATIONS: In case any sign shall be installed, erected, constructed or maintained in violation of this ordinance, the Administrator shall notify in writing the owner or lessee thereof.

SECTION 3. PARKING STANDARDS

A. GENERAL REQUIREMENTS: Adequate off-street parking for all uses shall be provided to prevent parking on county roads.

1. Adding on to existing structure: Whenever a building or structure constructed after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change.
2. Joint Use: Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, providing that a written agreement shall be approved and filed by the Administrator.
3. Location of required loading facilities: The off-street loading facilities required for the uses mentioned shall not project into the public right-of-way or setback area. In no case shall the required off-street loading berths be part of the area used to satisfy the off-street parking requirements.
4. Screening and/or Landscaping: Whenever a parking area is located in or adjacent to a RESIDENTIAL DISTRICT, it shall be effectively screened on all sides which adjoin or face any property used for residential purposes by an acceptably designed wall, fence or planting screen. Such fence, wall or planting screen shall not be less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any RESIDENTIAL DISTRICT shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence, wall or planting screen will not serve the intended purpose, then no such fence, wall or planting screen and landscaping shall be required.

B. PARKING SPACE GUIDELINES: The following guidelines may be utilized to evaluate adequacy of a parking area. Parking space guidelines may be reduced by the Administrator or the Commission, on written request with good cause shown. (See Table I)

TABLE I: SPACE GUIDELINES BY ZONE

TYPE OF USE

NUMBER OF PARKING SPACES SUGGESTED

Residential:

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Single family or two family dwelling. 2. Apartments, or multi-family dwelling. 3. Boarding houses, rooming houses, dormitories and fraternity houses which have sleeping rooms. 4. Manufactured Home Park. | <p>Two for each unit.
 One and one half for each unit.
 One for each sleeping room or one for each permanent occupant.
 One for each unit plus one space for each five (5) units.</p> |
|--|---|

Commercial:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Service stations. 2. Hotels, motels. 3. Funeral parlors, mortuaries and similar type uses. 4. Retail stores. 5. Banks, financial institutions and similar uses. 6. Offices, public or professional administration, or service buildings. 7. All other types of business or commercial uses permitted in any COMMERCIAL DISTRICT. | <p>One for each two gasoline pumps and two for each service bay.
 One per each sleeping room plus one space for each two employees.
 One for each 100 sq. ft. of floor area in slumber rooms, parlors, or service rooms.
 One for each 250 sq. ft. of floor area.
 One for each 200 sq. ft. of floor area.
 One for each 400 sq. ft. of floor area.

 One for each 300 sq. ft. of floor area.</p> |
|---|--|

Recreational or Entertainment:

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Dining rooms, restaurants, taverns, night clubs, etc. 2. Bowling alleys. 3. Dance floors, skating rinks. 4. Outdoor swimming pools, public, community or club. 5. Auditorium, sports arenas, theater, and similar uses. 6. Recreational vehicle or travel trailer park. | <p>One for each 200 sq. ft. of floor area.

 Four for each alley or lane plus one additional space for each 100 sq. ft. of the area used for restaurant, lounge or similar use.
 One for each 100 sq. ft. of floor area used for the activity.
 One for each 5 persons capacity plus one for each 4 seats or one for each 30 sq. ft. floor area for seating purposes whichever is greater.
 One for each 4 seats.
 One for each unit plus one space for each five (5) units.</p> |
|---|---|

Institutional:

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Churches and other places of religious assembly. 2. Hospitals. 3. Institutions, nursing homes, and similar uses. 4. Medical and dental clinics. 5. Libraries, museums, and art galleries. | <p>One for each 5 seats.
 One for each bed.
 One for each 2 beds.
 One for every 200 sq. ft of floor area for examination/treatment rooms, office, and waiting room/s.
 One for each 400 sq. ft. floor area.</p> |
|--|--|

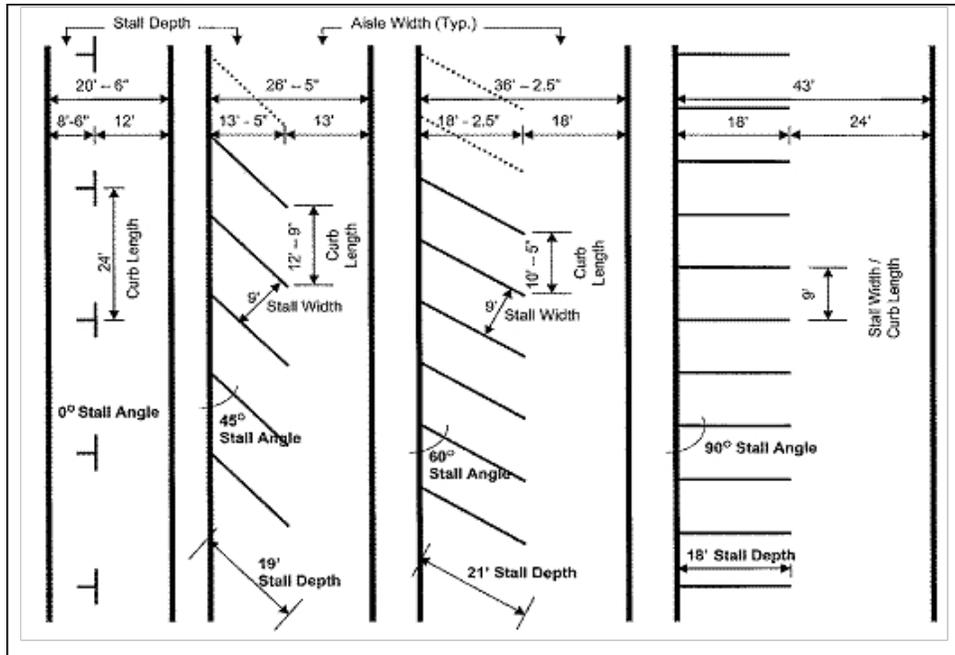
Schools (Public, Parochial, or Private):

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Elementary and junior high schools. 2. High Schools. 3. Business, technical and trade schools 4. Colleges, universities. 5. Kindergartens, day care centers, nursery schools and similar uses. | <p>Two for each classroom and one for each eight seats in auditoriums or assembly halls.
 One for every two students and one for each teacher and employee.
 One for each two students.
 One for each four students.
 Two for each classroom but not less than six for the building.</p> |
|---|--|

Manufacturing:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. All types of manufacturing, storage, and wholesale uses permitted in any INDUSTRIAL DISTRICT. 2. Express, parcel delivery and freight terminal. | <p>One for every 2 employees (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business.
 One for every 2 employees (on the largest shift which the building is designed) and one for each motor vehicle maintained on the premises.</p> |
|---|--|

TABLE II: OFF-STREET PARKING DIMENSIONS



	45°	60°	90°	0° (PARALLEL)
Stall Width (or Length for Parallel)	9'	9'	9'	24'
Stall Depth	19'	21'	18'	8' 6"
Aisle Width	13'	18'	24'	12'

1. **Compact cars:** In parking areas where up to thirty (30) spaces are required, all spaces shall be full-sized spaces. For uses requiring from thirty-one (31) to one hundred (100) spaces, fifteen percent (15%) of the spaces may be sized for compact cars. In all instances, compact car spaces shall be prominently identified as such by a clearly legible method of marking. Spaces for compact cars may be reduced one (1) foot in width and two (2) feet in length.

2. **Handicapped:** Handicapped parking spaces shall be provided as required to meet minimum Federal, State, and Local Handicap Accessibility Standards.

CHAPTER 12: EFFECTIVE DATE

This Ordinance shall be in full force and effect upon publication following passage and approval.

Regularly passed and adopted by the Board of County Commissioners of Gooding County, Idaho, on this ____ day of _____, 2013.

Chairman, Tom Faulkner

Commissioner Helen Edwards

Commissioner Wayne Chandler

ATTEST to by: _____
County Clerk Denise Gill

APPENDIX A: ANIMAL EQUIVALENCY TABLE

ANIMAL TYPES	DESCRIPTION	LBS	Animal Equivalency Factor (AEF)	OVER THIS NUMBER REQUIRES A CAFO PERMIT	ANIMAL UNITS
DAIRY CATTLE					
	Bull/Holstein Cow	1,400	1.4	50 animals	70
	Bull/Jersey Cow	1,000	1.0	70 animals	70
	Bull/Heifers	900-1100	1	70 animals	70
	Bull/Heifers	700-899	0.8	88 animals	70
	Bull/Heifers	500-699	0.6	117 animals	70
	Bull/Heifers	300-499	0.4	175 animals	70
	Bull/Heifers	100-299	0.2	350 animals	70
BEEF CATTLE/BISON					
	Bull (each)		1	70 animals	70
	Steers/Cows	over 1,000	1	70 animals	70
	Steers/Cows	600-1,000	0.8	88 animals	70
	Calves	under 600	0.4	175 animals	70
SWINE					
	Pigs	55	0.15	467	70
	Pigs	under 55	0.05	1400 animals	70
	Sows (each)		0.4	175 animals	70
	Boars (each)		0.5	140 animals	70
SHEEP					
	(each)		0.15	467 animals	70
HORSES					
	Horses	over 1,000	1.5	47 animals	70
		under 1,000	1	70 animals	70
FISH					
		1,000	1	70	70
CHICKENS					
	Layers (each)		0.0033	21212	70
	Broilers (each)		0.0033	21212	70
FOR SPECIES NOT SPECIFICALLY IDENTIFIED					
		100	0.1	700	70