

AN ORDINANCE AMENDING TITLE 8 OF THE ADA COUNTY CODE AS FOLLOWS: AMENDING ADA COUNTY CODE 8-1A-1 TO AMEND OR DELETE CERTAIN EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; AMENDING ADA COUNTY CODE TABLE 8-2A-1 AS TO USES ALLOWED IN RURAL BASE DISTRICTS; AMENDING ADA COUNTY CODE 8-2A-5 AS TO REGULATIONS FOR A FARM DEVELOPMENT RIGHT; AMENDING ADA COUNTY CODE TABLE 8-2B-1 AS TO USES ALLOWED IN RESIDENTIAL BASE DISTRICTS; AMENDING ADA COUNTY CODE 8-2B AS TO REGULATIONS FOR RESIDENTIAL BASE DISTRICTS; AMENDING ADA COUNTY CODE TABLE 8-2C-1 AS TO USES ALLOWED IN COMMERCIAL BASE DISTRICTS; AMENDING ADA COUNTY CODE TABLE 8-2D-1 AS TO USES ALLOWED IN INDUSTRIAL BASE DISTRICTS; AMENDING ADA COUNTY CODE 8-4A-11 AS TO DRAINAGE REGULATIONS; AMENDING ADA COUNTY CODE 8-4A-21 AS TO UTILITY REGULATIONS; AMENDING ADA COUNTY CODE 8-4B AS TO ONE TIME DIVISION REGULATIONS; AMENDING ADA COUNTY CODE 8-4C AS TO PROPERTY BOUNDARY ADJUSTMENT REGULATIONS; AMENDING ADA COUNTY CODE 8-4D AS TO PRIVATE ROAD REGULATIONS; AMENDING ADA COUNTY CODE 8-4E AS TO MASTER SITE PLAN REGULATIONS; AMENDING ADA COUNTY CODE 8-4L AS TO TEMPORARY USE REGULATIONS; AMENDING ADA COUNTY CODE 8-5-3 ENTITLED "SPECIFIC USES STANDARDS" BY ADDING NEW SPECIFIC USES AND STANDARDS AND AMENDING AND/OR DELETING SPECIFIC USE STANDARDS AND REGULATIONS FOR THE FOLLOWING SPECIFIC USES: ADULT ENTERTAINMENT ESTABLISHMENT; ADULT RESPITE CARE FACILITY; AGRICULTURE STRUCTURE; AIRCRAFT LANDING FIELD-PRIVATE; AMUSEMENT OR RECREATIONAL FACILITY-OUTDOOR; CAR WASH; CEMETERY; CONTRACTOR'S YARD; DRIVE-UP WINDOW SERVICE; DWELLING-ADDITIONAL FARM; DWELLING-CARETAKER FOR AN APPROVED USE; DWELLING-SECONDARY ATTACHED OR DETACHED; FENCE-BARBED, ELECTRIC OR OTHER WIRE; HOME OCCUPATION; KENNEL-HOBBY; MANUFACTURED HOME PARK; OUTDOOR STORAGE AREA; PRODUCE STAND-AGRICULTURAL OR ROADSIDE; RECREATIONAL VEHICLE PARK; PRODUCE STAND; TOWER OR ANTENNA STRUCTURE-COMMERCIAL; TOWER OR ANTENNA STRUCTURE-PRIVATE; VEHICLE IMPOUND YARD; AND WINERY; AMENDING ADA COUNTY CODE 8-5A AS TO ACCESSORY USE REGULATIONS; AMENDING ADA COUNTY TABLE 8-5A-1 AS TO ACCESSORY USE REQUIREMENTS; AMENDING ADA COUNTY CODE 8-5B AS TO CONDITIONAL USE REGULATIONS; AMENDING ADA COUNTY CODE 8-7A-5 AS TO PUBLIC NOTICE REGULATIONS; AMENDING ADA COUNTY CODE 8-7E-4 AS TO DOCUMENT SUBMITTAL FOR PUBLIC HEARING; AMENDING ADA COUNTY CODE 8-7E-5 AS TO REGULATIONS FOR REQUESTING RECONSIDERATION OF A DECISION; AMENDING ADA COUNTY CODE 8-21A-9-35 TO RENAME ADA COUNTY SHERIFF'S DEPARTMENT TO ADA COUNTY SHERIFF'S OFFICE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, THAT ADA COUNTY CODE, TITLE 8 IS AMENDED AS FOLLOWS:

SECTION 1: Ada County Code 8-1A-1, entitled "Definitions" is hereby amended to delete or amend existing definitions and add new definitions with all other definitions remaining the same:

~~ABANDONED:~~ To cease or discontinue a use of activity for twelve (12) months ~~without intent to resume unless an active building permit has been issued.~~

~~AGRICULTURAL INDUSTRY:~~ Agricultural industries shall include, but not be limited to, the following; ~~commercial composting facility, meatpacking facility, processing plant for agricultural and dairy products, and slaughterhouse.~~

~~AGRICULTURAL SERVICE ESTABLISHMENT:~~ An ~~establishment~~ activity that provides support activities for agriculture and forestry as classified by the U.S. census bureau "North American Industrial Classification System." The term shall include agricultural service composting. The use must serve a rural district with agricultural use as herein defined.

~~AGRICULTURE AND AGRICULTURAL USE:~~ Activities that take place on a "farm," as herein defined, that are classified by the Ada County assessor's office tax categories of 010, 020, 030, 040, and/or 050. The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the agricultural use.

~~AUTOMOBILE SALES OR SERVICE:~~ The sale, trade, or lease of new or used passenger automobiles (including, but not limited to cars, sport utility vehicles, light duty trucks, and/or vans) in operating condition and any automobile repair work or minor service. Repair work or minor service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, upholstery), oil change, minor engine repair, tune-up, and accessory sales of replacement parts. Any operation specified under automobile, major repair is excluded.

~~AUTOMOTIVE, HOBBY:~~ An accessory use involving the restoration, maintenance, and/or preservation of not more than two (2) ~~or more~~ vehicles at any one time.

~~BREWERY:~~ An establishment that brews thirty thousand (30,000) barrels of beer or more annually and as defined by Idaho Code section 23-1003. The use may include the ancillary sale or dispensing of beer or malt liquor by the drink or glass.

~~CALIPER:~~ A measurement of the diameter of the trunk of a deciduous tree. The caliper of the trunk shall be measured six inches (6") above the ground for all trees up to and including four inch (4") caliper size, and twelve inches (12") above the ground for larger sizes.

~~CELL TOWER HEIGHT:~~ The distance from the finished grade at the tower base to the highest point of the tower, plus 20 feet to accommodate additional antenna colocation.

~~CEMETERY, PUBLIC OR PRIVATE:~~ A place dedicated to, used and intended to be used for the permanent interment of the human dead, and shall include a burial plot for earth interments, a mausoleum for vault or crypt interments, a crematory, or a crematory and columbarium for cinerary interments, or a combination of one or more of the above.

COLLOCATION: The use of a single structure to support more than one wireless telecommunication service provider's equipment, or the mounting of an antenna to a preexisting structure.

~~COMMERCIAL VEHICLE: See definition of Vehicle, Commercial.~~

CREMATORY: A facility where a dead person's body is cremated.

DAYCARES:

A FAMILY DAYCARE HOME: A home, place, or facility providing care and supervision for compensation for part of a day, for six (6) or fewer children not related by blood or marriage to the person providing the care, in a place other than the children's own home. The occasional care of children by a person not ordinarily in the business of childcare, and the provision of care for children of only one immediate family in addition to the person's own children are not considered family daycare homes.

B. GROUP DAYCARE FACILITY: A home, place or facility providing care and supervision for compensation for part of a day, for seven (7) to twelve (12) children not related by blood or marriage to the person(s) providing the care, in a place other than the children's own home. The occasional care of children by a person not ordinarily in the business of childcare, and the provision of care for children of only one immediate family in addition to the person's own children are not considered group daycare facilities.

EMPLOYEE: A person employed on the premises by the property owner and receiving not less than seventy five percent (75%) of the employee's annual income from said property owners.

~~FAMILY DAYCARE HOME: A home, place or facility providing care and supervision for compensation for part of a day, for six (6) or fewer children not related by blood or marriage to the person providing the care, in a place other than the children's own home. The occasional care of children by a person not ordinarily in the business of childcare, and the provision of care for children of only one immediate family in addition to the person's own children are not considered family daycare homes.~~

FARM: A property in agricultural use that is five (5) acres in size or greater and has obtained tax exempt status from the Ada County Assessor's office.

FOUNDRY: A workshop or factory for casting metal.

~~GROUP DAYCARE FACILITY: A home, place or facility providing care and supervision for compensation for part of a day, for seven (7) to twelve (12) children not related by blood or marriage to the person(s) providing the care, in a place other than the children's own home. The occasional care of children by a person not ordinarily in the business of childcare, and the provision of care for children of only one immediate family in addition to the person's own children are not considered group daycare facilities.~~

HEAVY EQUIPMENT SALES, RENTAL OR SERVICE: ~~Shall include, but not be limited to, truck, trailer, farm machinery, and/or motor freight. The use of a site for the sale, rental or servicing of tools, trucks, tractors, construction equipment, agricultural implements, or similar industrial equipment.~~

LAUNDRY: An establishment that washes large quantities of laundry or dry cleaning for commercial patrons in machines larger than standard laundry machines.

MORTUARY: A facility in which deceased human bodies are kept and prepared for burial or cremation.

~~NIGHTCLUB: An establishment that provides live or recorded music and a dance area for patrons inside a structure. A nightclub may or may not serve alcohol. The term nightclub shall not include dance studios as herein defined.~~

NON-FARM RESIDENTIAL LOT: Residential lot created by the former Non-farm Subdivision regulations.

NURSERY, RETAIL: Any grounds, structures, greenhouses, or premises in which garden, farm, landscaping, Christmas trees, or florist's stock is propagated, grown, stored, or packed for commercial sale, and where the general public may purchase goods in small quantities.

NURSERY, WHOLESALE: Any grounds, structures, greenhouses, or premises in which garden, farm, landscaping, Christmas trees, or florist's stock is propagated, grown, stored, or packed for commercial sale, and where the owner/operator sells the goods in large quantities to a limited number of buyers.

~~RECREATIONAL VEHICLE SALES OR SERVICE: The sale, trade, or lease of new or used recreational vehicles or personal recreation items in operating condition and any repair work or minor service. Repair work or minor service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, upholstery), oil change, minor engine repair, tune-up, and accessory sales of replacement parts. Any operation specified under automobile, major repair is excluded.~~

RETAIL SALES: The sale, distribution, presentation, demonstration, or supply of goods to consumers through or at a retail store.

RETAIL STORE: The use of a site that offers merchandise to the public for monetary compensation. The use includes, but is not limited to, convenience stores; food stores; apparel and accessories stores; book, computer, and music stores; electronics and appliances; florists; furniture and home furnishings; general merchandise stores; health and personal care stores; hobby, office supplies, stationary and gift stores; specialty stores, sporting goods; and used merchandise stores.

RURAL RESIDENCE: Farm development right parcels, and nonconforming residential properties in a rural base district non-farm residential lots, and non-conforming residential properties under 2.5 acres in a rural base district.

STORAGE FACILITY, SELF-SERVICE: A structure or group of structures with a controlled access and fenced compound that contains individual, compartmentalized, or controlled units that are leased or sold to store material (including, but not limited to, goods, wares, merchandise, or vehicles). This use may also include an outdoor storage area within the fenced compound.

STORAGE FACILITY, SELF-SERVICE, OUTDOOR ONLY: The use of a site where vehicles, RVs, trailers, or other similar items are stored outside in identified spaces and within a fenced compound.

SUBSTANTIAL AMOUNT OF WORK: A person receiving not less than seventy-five (75%) of their annual income from such work.

VEHICLE SALES OR SERVICES:

A. AUTOMOBILE SALES OR SERVICE: The sale, trade, or lease of new or used passenger automobiles (including, but not limited to cars, sport utility vehicles, light duty trucks, and/or vans) in operating condition and any automobile repair work or minor service. Repair work or minor service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, upholstery), oil change, minor engine repair, tune-up, and accessory sales of replacement parts. Any operation specified under automobile, major repair is excluded.

B. RECREATIONAL VEHICLE SALES OR SERVICE: The sale, trade, or lease of new or used recreational vehicles or personal recreation items in operating condition and any repair work or minor service. Repair work or minor service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, upholstery), oil change, minor engine repair, tune up, and accessory sales of replacement parts. Any operation specified under automobile, major repair is excluded.

YARD, FRONT PLANE: An area extending from the designated front of the dwelling (front door/garage) to the nearest street.

SECTION 2: Ada County Code Table 8-2A-1 “Allowed use within the Rural Base Districts” is hereby amended as follows:

Allowed Use	RP	RR	Rural Residence
Accessory structure	A	A	A
Adult respite care center	-	C	C

Agricultural	A	A	-
Agricultural service establishment	C	C	-
Agricultural structure	A	A	-
Agricultural use	P	P	P
Aircraft landing field (private ownership)	C	C	-
Airport (public ownership)	C	C	-
Amusement or recreation facility, outdoor	-	C	-
Animal boarding with outside runs	C	C	-
Animal clinic, animal hospital, or veterinary office	C	C	-
Auction establishment, outdoor	C	C	-
Automotive, hobby	A	A	A
Bed and breakfast establishment	C	C	-
Campground	C	<u>PC</u>	-
Cemetery, <u>public or private</u>	C	C	-
Centralized power facility	C ²	-	-
Church	C	C	-
Club or lodge or social hall	C	C	-
Composting facility, commercial	C	C	-
Contractor's yard or shop	C	C	-
Dangerous or protected animals	C	C	C
Daycare center	-	-	-
<u>Daycare, family daycare home</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Daycare, group daycare facility</u>	<u>A</u>	<u>A</u>	<u>A</u>
Distributed power facility, solar rooftop, solar ground, solar integrated, or solar pole	A	A	A
Distributed power facility, wind freestanding tower	C	C	-

	A or C ³	A or C ³	A or C ³
Distributed power facility, wind rooftop	A or C ³	A or C ³	A or C ³
Drug and alcohol treatment facility	C ¹	C ¹	-
Dwelling, additional farm	A	A	A
Dwelling, caretaker for an approved use	A	A	-
Dwelling, secondary attached or detached	A	A	A
Dwelling, single-family detached	P	P	P
Electric distribution line	P	P	P
Electric subtransmission line	P	P	P
Electric transmission line and substations	C	C	C
Explosive manufacturing or storage	C	-	-
Family day care home	A	A	A
Fence, barbed wire, electric wire, or other	A	A	A
Flammable substance storage	C	C	-
Fuel cell	A	A	A
Golf course and country club	C	C	-
Grain elevator	P	P	-
Group day care facility	A	A	A
Home occupation	A	A	A
Kennel, commercial	C	C	-
Kennel, hobby	A	A	A
Livestock confinement facility, ≤300 AU	P	P	A
Livestock confinement facility, 301 to 999 AU	P	P	-
Livestock confinement facility, 1,000 AU or more	C	C	-
Manufactured home	P	P	P
Meatpacking facility	C	C	-

Mortuary	<u>A or C</u>	<u>A or C</u>	-
Nursery, wholesale (only)	P	P	-
Office, relating to an approved use	A	A	-
Office, temporary construction	A	A	A
Outdoor storage <u>area for an approved use</u>	<u>PA</u>	<u>PA</u>	<u>-A</u>
Pit, mine, or quarry	A or C	A or C	A
Portable classroom	A	A	-
Processing plants for agricultural and dairy products	C	C	-
<u>Produce Stand, Agricultural</u>	<u>A</u>	<u>A</u>	=
<u>Produce Stand, Roadside</u>	<u>A</u>	<u>A</u>	=
Public or quasi-public use	C	C	-
Racetrack, vehicle or animal	C	C	-
Railroad switching yard	P	-	-
Remediation	C	-	-
Remediation, in situ	P	P	P
Residential care facility	-	C	-
Roadside produce stand	A	A	-
Sanitary landfill, restricted	C	C	-
School, public or private	C	C	-
Seasonal farmworker housing	C	C	-
Septage treatment and disposal facility, private	C	-	-
Shooting range (outdoor or indoor)	C	C	-
Signs, nonaccessory, off premises	C	C	-
Slaughterhouse	C	C	-
<u>Small Wireless Facility</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Soil or Water Remediation</u>	<u>C</u>	=	=

<u>Soil or Water Remediation, in situ</u>	<u>P</u>	<u>P</u>	<u>P</u>
Stable or riding arena, commercial	C	C	-
Swimming pool, private	A	A	A
Temporary living quarters	A	A	A
Tower or antenna structure, commercial	C	C	C
Tower or antenna structure, private	A	A	A
Truck stop	C	C	-
Winery	C	C	-

Notes:

1. Only permitted in an area of city impact. See section 8-5-3-36 of this title.
2. Allowed only outside areas of impacts.
3. 2 or more rooftop wind facilities require conditional use. See subsection 8-5-3-83C3b(3) of this title.

SECTION 3: Ada County Code 8-2A-5 “Farm Development Right” is amended as follows:

8-2A-5: FARM DEVELOPMENT RIGHT:

- A. Purpose: This regulation allows owners of a qualifying property in the rural preservation district (RP) to create one residential parcel for conveyance. If the qualifying property is decreased below the minimum property size as a result of granting the farm development right, the remainder of the qualifying property shall still be considered a conforming property.
- B. Applicability: This regulation shall apply to any property that meets all of the following criteria:
 1. The property is within the rural preservation district;
 2. The property is a minimum of forty (40) acres of contiguous land; and
 3. The property was of record in the Ada County recorder’s office as of January 1, 1985 (hereinafter referred to as the “property of record”), the boundaries of which shall not have changed except as the result of a governmental action. (See section 8-4A-19 of this title.)

- a. The property of record shall be entitled to a maximum of one farm development right.
- b. For the purposes of this title, parcels approved prior to the effective date of this title subject to the one acre lot regulations or one acre parcel regulations shall be considered farm development rights.

C. Process:

- 1. ~~Application: An application and fees, as set forth in chapter 7, article A of this title, shall be submitted to the director on forms provided by the development services department. The applicant shall submit an application and fees on forms provided by the development services department as set forth in chapter 7, article A of this title.~~
- 2. ~~Required Findings: The director shall make the following findings in order to approve, or approve with conditions, the farm development right:~~
 - a. ~~The proposed farm development right meets the applicability requirements of subsection B of this section; and~~
 - b. ~~The proposed farm development right complies with standards of subsection D of this section.~~
- 32. Tentative Approval; Requirements: Upon tentative approval of the application by the director subject to the regulations of section 8-7A-6 of this title, the applicant or owner shall have one year to complete all of the following tasks:
 - a. Cause the property to be surveyed and before recording a record of survey recorded submit to the director draft copies of the record of survey and resultant parcel descriptions for review;
 - b. Execute and record the record of survey and the necessary deeds with the Ada County Recorder to convey accomplish the farm development right parcel as approved;
 - c. Obtain new tax parcel numbers from the Ada County assessor; and
 - d. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the director.
- 43. Issuance Of Approval Letter: Upon determination by the director that the farm development right is in conformance with this section, the director shall issue a letter stating that the farm development right has been approved. The director shall determine that all conditions of approval have been met and that the farm

development right parcel is in conformance with this section before final approval letter is issued.

D. Standards:

1. The farm development right parcel shall meet the dimensional standards for a rural residence as established by section 8-2A-4, table 8-2A-2 of this article.
2. Access and frontage shall be as required by section 8-4A-3 of this title.
3. If the qualifying property has more than one permanent dwelling, the farm development right parcel shall contain one of the extra dwellings. This standard shall not apply to temporary living quarters.
4. The proposed farm development right division shall maximize to the greatest extent possible the preservation of prime agricultural soils.
5. The farm development right parcel shall be located on the portion of the property that causes the least disruption of agriculture on the remainder of the qualifying property while still meeting the standards of this section.

E. Required Findings: The director shall make the following findings in order to approve, or approve with conditions, the farm development right:

1. The proposed farm development right meets the applicability requirements of subsection B of this section; and
2. The proposed farm development right complies with standards of subsection D of this section.

SECTION 4: Ada County Code 8-2A-6 is deleted as follows:

~~8-2A-6: NONFARM SUBDIVISIONS:~~

SECTION 5: Ada County Code 8-2B-1 “Purpose” is hereby amended as follows:

8-2B-1: PURPOSE:

The purpose of this article is to implement the applicable comprehensive plans within areas of city impact. These base districts are intended to provide appropriate density for residential development based on the availability of urban public facilities, the surrounding land uses, and the applicable comprehensive plan designation. The purpose statements of the individual residential base districts are as follows:

A. Rural-Urban Transition (RUT) District:

1. Provide standards and regulations for the development of property within areas of city impact, consistent with the goals and policies of the applicable city comprehensive plan;
2. Allow agriculture and rural residential uses to continue within areas of city impact until urban public facilities are extended;
3. Provide ~~design~~ standards and regulations that shall permit redevelopment of property to higher densities when urban public facilities are extended; and
4. Limit new agricultural uses within the areas of city impact to those that shall not significantly impact nearby urbanizing areas with noise, odor, dust, or other nuisances normally related to more intensive farm uses, such as livestock confinement facilities with three hundred one (301) or more animal units. This article, however, shall in no way preclude the continued use of properties within these areas for agriculture.

B. Southwest Community Residential (RSW) District:

1. Implement the Boise City comprehensive plan for the southwest planning area. After the effective date of this title, rezones to designate additional land “southwest community residential” shall not be approved;
2. Allow agriculture and rural residential uses to continue within areas of city impact until urban public facilities are extended;

C. Estate Residential (R1) District, Low Density Residential (R2) District, Medium Low Density Residential (R4) District, Medium Density Residential (R6) District, And Medium High Density Residential (R8) District:

1. Provide regulations and standards for development where urban public facilities are programmed. The maximum allowed density shall be as follows:
 - a. R1 – One dwelling unit per acre;
 - b. R2 – Two (2) dwelling units per acre;
 - c. R4 – Four (4) dwelling units per acre;
 - d. R6 – Six (6) dwelling units per acre;
 - e. R8 – Eight (8) dwelling units per acre;
2. Provide options for applicants so they may develop areas with the most appropriate density as it relates to the surrounding land uses and the applicable comprehensive plan designation.

D. High Density Residential (R12) District And Very High Density Residential (R20) District:

1. Provide regulations and standards for development where urban public facilities are programmed;
2. The maximum allowed density shall be as follows:
 - a. R12 - Twelve (12) dwelling units per acre;
 - b. R20 - Twenty (20) dwelling units per acre;
3. Accommodate multiple-family dwellings including, but not limited to, townhouses and/or apartments, consistent with the applicable comprehensive plan designation; and
4. Accommodate zero lot line developments of single-family detached, single-family attached, and multi-family dwellings consistent with the applicable comprehensive plan designation.

E. Manufactured Home Districts (R1M And R8M):

1. To accommodate existing M base districts and recognize the existing development rights of residential properties within a manufactured home base district; and
2. Establish standards and regulations governing the location of manufactured homes in existing M base districts for the purpose of protecting property rights and enhancing property values while making accommodations for other necessary types of development, consistent with the purposes of the “local land use planning act,” Idaho Code section 67-6501 et seq., as amended. The maximum allowed density shall be as follows:
 - a. R1M – One dwelling unit per acre.
 - b. R8M – Eight (8) dwelling units per acre.

SECTION 6: Ada County Code 8-2B-2 “General Requirements” is hereby amended as follows:

8-2B-2: GENERAL REQUIREMENTS:

- A. All development shall be in accord with the regulations in chapter 4, article A of this title and, where applicable, according to a master site plan as approved subject to the standards of chapter 4, article E of this title.

- B. Access shall comply with the regulations of section 8-4A-3 of this title or private road requirements of chapter 4, article D of this title.
- C. A planned unit development shall be reviewed in accord with regulations outlined in chapter 3, article D of this title.
- D. Manufactured home parks shall be processed in accord with the regulations outlined in section 8-5-3-66 of this title.
- E. Manufactured homes that meet all the criteria listed in the definition of single-family dwelling as found in section 8-1A-1 of this title shall be considered single-family dwellings. ~~This shall not be construed, however, as abrogating any recorded restrictive covenant.~~

SECTION 7: Ada County Code Table 8-2B-1 “Allowed use by Residential Base District” is hereby amended as follows:

Allowed Use	RUT	RUT Existing Cluster Lot	RSW	RSW Existing Cluster Lot	R1/R1M	R2	R4	R6	R8/R8M	R12	R20
Accessory structure	A	A	A	A	A	A	A	A	A	A	A
Adult respite care center	C	C	C	C	C	C	C	C	C	C	C
Agricultural produce stand	A	-	A	-	-	-	-	-	-	-	-
Agricultural structure	A	-	A	-	A	A	A	A	A	A	A
Agricultural use	P	P	P	P	P	P	P	P	P	P	P
Amusement or recreation facility, indoor (only)	-	-	-	-	-	-	-	-	-	-	C
Amusement or recreation facility, outdoor (only)	C	-	C	-	C	C	C	C	C	-	-
Animal boarding with outside runs	C	-	C	-	-	-	-	-	-	-	-
Animal clinic, animal hospital, or veterinary office	C	-	C	-	-	-	-	-	-	-	-

Automotive, hobby	A	A	A	A	A	A	A	A	A	A	A	A
Bed and breakfast establishment	C	C	C	C	C/-	-	-	-	-	-	-	-
Boarding house	-	-	-	-	-	-	-	-	-	C	C	C
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C
Children's treatment facility	C	C	C	C	C/-	C	C	C	C/-	-	-	-
Church	C	C	C	C	C	C	C	C	C	C	C	C
Club or lodge or social hall	C	C	C	C	C	C	C	C	C	C	C	C
Contractor's yard or shop	C	-	C	-	-	-	-	-	-	-	-	-
Dangerous or protected animals	C	C	C	C	C	C	C	C	C	C	C	C
Daycare center	C	C	C	C	C	C	C	C	C	C	C	C
Daycare, family daycare home	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Daycare, group daycare facility	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
Distributed power facility, solar rooftop, solar ground, solar integrated, or solar pole	A	A	A	A	A	A	A	A	A	A	A	A
Distributed power facility, wind freestanding tower	C	-	-	-	-	-	-	-	-	-	-	-
Distributed power facility, wind rooftop	A or C ¹	A or C ¹	A or C ¹	A or C ¹	A or C ¹	-	-	-	-	-	-	-
Drug and alcohol treatment facility	C	C	C	C	C/-	C	C	C	C/-	-	-	-
Duplex or single-family attached dwelling	-	-	-	-	-	-	P	P	P/P	P	P	P
Dwelling,	A	A	A	A	A	A	A	A	-	-	-	-

secondary attached											
Dwelling, secondary detached	A	A	A	A	A	A	-	-	-	-	-
Dwelling, single-family detached	P	P	P	P	P/P	P	P	P	P/P	P	P
Dwelling, townhouse	-	-	-	-	-	-	-	-	-	P	P
Electric distribution line	P	P	P	P	P	P	P	P	P	P	P
Electric subtransmission line	P	P	P	P	P	P	P	P	P	P	P
Electric transmission line and substations	C	C	C	C	C	C	C	C	C	C	C
Family day care home	A	A	-	A	A	A	A	A	A	A	A
Fence, barbed wire or electric wire	A	C	C	C	C	C	C	C	C	C	C
Fence, barbed wire or electric wire accessory to a livestock confinement facility	A	A	A	A	A	A	A	A	A	A	A
Fence, other	A	A	A	A	A	A	A	A	A	A	A
Foster home, group	C	C	C	C	C/-	C	C	C	C/-	C	C
Fuel cell	A	A	A	A	A	A	A	A	A	A	A
Golf course and country club	C	C	C	C	C	C	C	C	C	C	C
Group day care facility	A	A	A	A	A	A	A	A	A	A	A
Home occupation	A	A	A	A	A	A	A	A	A	A	A
Kennel, commercial	C	-	C	-	-	-	-	-	-	-	-
Kennel, hobby	A	A	A	A	A	A	A	A	A	A	A
Livestock	A	A	A	A	A	A	A	A	A	-	-

confinement facility, ≤300 AU												
Manufactured home	-	-	-	-	-/P	-	-	-	-/P	-	-	-
Manufactured home in a manufactured home subdivision or park	-	-	P	-	P/P	P	P	P	P/P	P	P	P
Manufactured home park	-	-	C	-	C/P	C	C	C	C/P	C	C	C
Manufactured home subdivision	-	-	-	-	-/P	-	-	-	-/P	-	-	-
Mortuary	A	-	-	-	-	-	-	-	-	-	-	-
Multi-family development	-	-	-	-	-	-	-	-	-	P	P	P
Nursery, retail	C	-	-	-	-	-	-	-	-	-	-	-
Nursery, wholesale (only)	P	-	-	-	-	-	-	-	-	-	-	-
Nursing facility, skilled	-	-	-	-	-	C	C	C	C	C	C	C
Office, relating to an approved use	A	-	-	-	-	-	-	-	-	-	-	-
Office, temporary construction	A	A	A	A	A	A	A	A	A	A	A	A
Outdoor storage area, for an approved use	A	A	A	A	A	A	A	A	A	A	A	A
Pit, mine, or quarry	A or C	A	A or C	A	A	A	A	A	A	A	A	A
Portable classroom	A	A	A	A	A	A	A	A	A	A	A	A
Produce Stand, Agricultural	<u>A</u>	=	<u>A</u>	=	=	=	=	=	=	=	=	=
Produce Stand, Roadside	<u>A</u>	=	<u>A</u>	=	=	=	=	=	=	=	=	=
Public or quasi-public use	C	C	C	C	C	C	C	C	C	C	C	C

Remediation, in situ	P	P	P	P	P	P	P	P	P	P	P
Residential care facility	C	C	C	C	C	C	C	C	C	C	C
Roadside produce stand	A	-	A	-	-	-	-	-	-	-	-
School, public or private	C	C	C	C	C	C	C	C	C	C	C
Signs, nonaccessory, off premises	-	-	-	-	-	-	-	-	-	-	-
Small Wireless Facility	A	A	A	A	A	A	A	A	A	A	A
Soil or Water Remediation, in situ	P	P	P	P	P	P	P	P	P	P	P
Stable or riding arena, commercial	C	-	-	-	-	-	-	-	-	-	-
Storage facility, self-service outdoor only	C	-	-	-	-	-	-	-	-	-	-
Swimming pool, private	A	A	A	A	A	A	A	A	A	A	A
Temporary living quarters (TLQ)	A	A	A	A	A	A	-	-	-	-	-
Tower or antenna structure, commercial	C	C	C	C	C	C	C	C	C	C	C
Tower or antenna structure, private	A	A	A	A	A	A	A	A	A	A	A
Winery	C	-	-	-	-	-	-	-	-	-	-

Notes:

1. 2 or more rooftop wind facilities conditional use. See subsection 8-5-3-83C3b(3) of this title.
2. Where 2 designations are noted (e.g., C/P), the first designation applies to the first base district noted in the common heading. Likewise, the second designation applies to the second base district notes in the column heading.

SECTION 8: Ada County Code Table 8-2C-1 “Allowed use by Commercial Base District” is hereby amended as follows:

Allowed Use	LO	C1	C2	C3
Adult entertainment establishment	-	-	C	C
Adult respite care center	C	C	C	C
Agricultural structure	A	A	A	A
Agricultural use	P	P	P	P
Amusement or recreation facility, indoor	-	C	P	P
Amusement or recreation facility, outdoor	-	C	C	C
Animal boarding with outside runs	-	C	P	P
Animal clinic, animal hospital, or veterinary office	-	P	P	P
Auction establishment, outdoor	-	C	P	C
Automobile, major repair	-	-	C	-
Automobile or recreational vehicle sales or service	-	C	P	P
Bank	P	P	P	P
Bar, brewpub, or nightclub	-	C	P	P
Bed and breakfast establishment	-	C	P	-
Boarding house	-	C	C	-
Campground	-	C	C	P
Car wash	-	C	C	C
Cemetery	C	C	C	-
Church	C	C	C	C
Clinic, medical (excluding animal or veterinary)	P	P	C	P
Club or lodge or social hall	C	C	C	-
Contractor’s yard or shop	-	-	P	P
Crematory	-	-	C	-
Dangerous or protected animals	C	C	P	C
Daycare center	C	C	C	C
			C	
			C	
Distributed power facility, solar rooftop, solar ground, solar integrated, or solar pole	A	A	A	A
Drive-up window service	C	C	P	P

Drug and alcohol treatment facility	C	-	-	-
Dwelling, caretaker for an approved use	A	A	A	A
Electric distribution line	P	P	P	P
Electric sub-transmission line	P	P	P	P
Electric transmission line and substations	C	C	C	C
Farm, garden, lumber, or building supply store	-	-	P	P
Fence, barbed wire or electric wire	C	C	C	C
Fence, barbed wire or electric wire accessory to a livestock confinement facility	A	A	A	A
Fence, other	A	A	A	A
Fuel cell	A	A	A	A
Gasoline, diesel, or alternative fuel sales	-	C	P	P
Heavy equipment sales or service	-	-	P	P
Hospital	C	-	C	C
Hotel or motel	C	C	P	P
Kennel, commercial	-	C	C	C
Laundromat	-	P	P	P
Manufactured home storage	-	P	P	-
Mortuary	P	P	P	P
Nursery, retail (only)	-	P	P	P
Off street parking facility	-	P	P	P
Office building	P	P	P	P
Office, relating to an approved use	A	A	P	A
			A	
Office, temporary construction	A	A	A	A
Outdoor storage area, for an approved use	-A	CA	A	A
Package and letter delivery service	-	-	P	P
Personal, business, or professional service	P	P	P	P
Portable classroom	A	-	A	-
Public or quasi-public use	C	C	C	C
Radio and television broadcasting station	C	C	P	P
Recreational vehicle park	-	C	C	C
Recycling center	-	-	P	-

<u>Remediation, in situ</u>	P	P	P	P
Research and development facility	C	-	C	C
Residential care facility	C	C	-	-
Restaurant or eating place	C	P	P	P
Retail sales relating to an approved use	A	A	A	A
Retail store	C	P	P	P
School, public or private	C	-	-	-
School, vocational or trade	C	-	P	-
Shooting range, indoor (only)	C	C	P	P
Sign, nonaccessory, off premises	P	P	P	P
<u>Small Wireless Facility</u>	A	A	A	A
<u>Soil or Water Remediation, in situ</u>	P	P	P	P
Storage facility, self-service	C	C	P	-
Studio	C	P	P	-
Swimming pool, private	A	A	A	A
Tower or antenna structure, commercial	C	C	C	C
Tower or antenna structure, private	A	A	A	A
Transit facility	-	P	P	P
Truck stop	-	-	C	P

SECTION 9: Ada County Code Table 8-2D-1 “Allowed use by Industrial Base District” is hereby amended as follows:

Allowed Use	TI	M1	M2	M3
<u>Agricultural structure</u>	A	A	A	A
<u>Agricultural use</u>	P	P	P	P
<u>Aircraft landing field (private ownership)</u>	-	C	C	-
<u>Airport (public ownership)</u>	-	C	C	-
<u>Amusement or recreation facility, indoor (only)</u>	-	C	-	-
<u>Animal boarding with outside runs</u>	-	P	-	C
<u>Animal clinic, animal hospital, or veterinary office</u>	-	P	-	P
<u>Asphalt or concrete ready mix plant</u>	-	-	P	C

Auction establishment, outdoor	-	C	C	-
Automobile, major repair	-	P	P	P
Automobile or recreational vehicle sales or service	-	P	P	P
Bank	C	-	-	-
Brewery or distillery	-	-	P	P
Cemetery	C	C	C	C
Clinic, medical (excluding animal or veterinary)	C	-	-	-
Club or lodge or social hall	-	C	-	-
Composting facility, commercial	-	-	P	P
Contractor's yard or shop	-	P	P	P
Dangerous or protected animals	-	C	C	C
Daycare center	C	-	-	-
	C			
Distributed power facility, solar rooftop, solar ground, solar integrated or solar pole	A	A	A	-
Dwelling, caretaker for an approved use	A	A	A	A
Electric distribution line	P	P	P	P
Electric subtransmission line	P	P	P	P
Electric transmission line and substations	C	C	C	C
Explosive manufacturing or storage	-	-	C	-
Farm, garden, lumber, or building supply store	-	P	P	-
Fence, barbed wire or electric wire	-	C	C	C
	C			
Fence, barbed wire or electric wire accessory to a livestock confinement facility	A	A	A	A
Fence, other	A	A	A	A
Flammable substance storage	A	C	C	-
Foundry	-	C	P	C
Freight or truck terminal	-	-	P	P
Fuel cell	A	A	A	A
Gasoline, diesel, or alternative fuel sales	A	A	A	A
Grain elevator	-	P	P	-
Heavy equipment sales, rental or service	-	P	P	P
Junkyard or automobile wrecking yard	-	-	C	C

Kennel, commercial	-	C	-	C
Laundry or linen supply	-	P	P	C
Manufacture of electronic or electrical products	P	P	P	C
Manufacture or processing of hazardous chemicals or gases	-	-	C	-
Manufactured home storage	-	P	P	P
Meatpacking facility	-	-	C	-
Nursery, wholesale (only)	-	P	P	C
Off street parking facility	-	P	P	P
Office building	C	C	-	-
Office, relating to an approved use	C	A	A	A
Office, temporary construction	A	A	A	A
Outdoor storage area, for an approved use	A	<u>PA</u>	<u>PA</u>	<u>PA</u>
Package and letter delivery service	A	P	P	P
Personal, business, or professional service	-	C	-	-
	C			
Pit, mine, or quarry	-	-	A or C	A or C
Power Plant	-	-	C	-
Processing plant for agricultural or dairy products	-	C	P	P
Product fabrication, assembly, or packaging	P	P	P	P
Public or quasi-public use	C	C	C	C
Railroad switching yard	-	-	P	P
Recycling center	-	P	P	P
Recycling plant	-	-	P	P
Remediation, in situ	P	P	P	P
Research and development facility	P	P	P	P
Restaurant or eating place	C	C	C	C
Retail sales relating to an approved use	A	A	A	-
Sawmill or planing mill	-	-	P	-
School, vocational or trade	-	P	-	-
Sign, nonaccessory, off premises	C	P	P	P
Small Wireless Facility	P	<u>A</u>	<u>A</u>	<u>A</u>
Soil or Water Remediation, in situ	<u>A</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>P</u>			

Storage facility, self-service	-	P	P	P
Studio	-	P	-	-
Tannery	-	-	P	-
Tower or antenna structure, commercial	C	C	C	-
Tower or antenna structure, private	A	A	A	C
Transit facility	P	-	-	-
Vehicle impound yard	-	-	P	P
Warehouse	-	P	P	P
Winery	-	P	P	P

SECTION 10: Ada County Code 8-4A-11 “Drainage” is amended as follows:

8-4A-11: DRAINAGE:

All drainage studies and drainage plans as herein required shall be based upon estimates of peak and total discharges.

A. Drainage Study:

1. The drainage study shall identify the essential elements, alignments, and functions of a drainage system.
2. The drainage study shall show the following site conditions:
 - a. Details of existing site drainage and/or irrigation features including, but not limited to, ditches, watercourses, and drainage structures;
 - b. The permeability and types of soils and geologic materials;
 - c. The size of the drainage basin upstream;
 - d. The topography, slope, and geometry of the site;
 - e. The proximity of surface water within one hundred feet (100’);
 - f. The proximity of potable water supply wells within one hundred feet (100’);
 - g. The proposed use and potential contaminants; and
 - h. The past use and possible soil and/or ground water contamination.

3. Other supplemental data as may be required by the county engineer.
4. The drainage study requirement is also met if the study information required is shown on the drainage plan.

B. Drainage Plan:

1. When a condition of approval requires approval of a drainage plan by the county engineer, the applicant shall submit a drainage plan to the director for design approval by the county before issuance of a zoning certificate.
2. The drainage plan shall be drawn to scale and shall include, but not be limited to, the following:
 - a. All proposed grading to be done on the property;
 - b. Essential elements, alignments, and functions of the proposed drainage system including, but not limited to, sewers, storm drains, catch basins, pumps, and seepage beds;
 - c. The drainage plan shall indicate by flow arrows, contours, spot elevations, or some other acceptable manner, where storm water will be routed for the property. It must show the location and size of any flows onto the site from outside the property boundaries as well as any discharges leaving the site;
 - d. The proposed use and potential contaminants;
 - e. When drainage courses and irrigation facilities exist on site, the owner and/or applicant shall provide documentary evidence of consent to reroutings by all interested landowners and drainage and irrigation entities affected and having rights to, and in, such facilities; and
 - f. Other supplemental data as may be required by the county engineer.

SECTION 11: Ada County Code 8-4A-21 "Utilities" is amended as follows:

8-4A-21: UTILITIES:

All utilities shall be installed underground for a new dwelling or approved use ~~shall be installed underground~~. For the purposes of this section, the term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services. Agricultural structures as herein defined shall be exempt from this regulation. The Director may waive this requirement when utility provides or installers determine that site conditions would preclude or would render such installation impractical or cost prohibitive,

taking into consideration such factors as terrain, available easements, maintenance, repair, replacements, and the like.

SECTION 12: Ada County Code 8-4B-3 “Process” is amended as follows:

8-4B-3: PROCESS:

- A. Application: ~~An application and fees, as set forth in chapter 7, article A of this title, shall be submitted to the director on forms provided by the development services department.~~ The applicant shall submit an application and fees on forms provided by the development services department as set forth in chapter 7, article A of this title.

- B. Tentative Approval; Requirements: Upon tentative approval of the application by the director subject to any applicable conditions of approval and the regulations of subsection 8-7-2A of this title, the applicant or owner shall have one year to complete the following tasks:
 - 1. Cause the property to be surveyed and before recording submit to the director draft copies of the record of survey and resultant parcel descriptions for review;

 - 12. ~~Survey the property and record the record of survey and deeds with the Ada County recorder~~ Execute and record the record of survey and necessary deeds with the Ada County Recorder to accomplish the one time division as approved;

 - 23. Obtain new tax parcel numbers from the Ada County assessor; and

 - 34. Provide copies of the recorded record of survey and the new tax parcel numbers to the director.

- C. Issuance Of Approval Letter: ~~Upon determination by the director that the one time division is in conformance with this article, the director shall issue a letter stating that the one time division has received final approval.~~ The director shall determine that all conditions of approval have been met and that the one time division is in conformance with this section before final approval letter is issued.

SECTION 13: Ada County Code 8-4C-3 “Process” is amended as follows:

8-4C-3: PROCESS:

- A. Application: ~~An application and fees, as set forth in chapter 7, article A of this title, shall be submitted to the director on forms provided by the development services department.~~ The applicant shall submit an application and fees on forms provided by the development services department as set forth in chapter 7, article A of this title.

- B. Tentative Approval; Requirements: Upon tentative approval of the application by the director subject to any applicable conditions of approval and the regulations of subsection

8-7-2A of this title, the applicant or owner shall have one year to complete the following tasks:

1. Cause the property to be surveyed and a record of survey recorded before recording submit to the director draft copies of the record of survey and resultant parcel descriptions for review;
 2. Execute and record the record of survey and necessary deeds with the Ada County Recorder to accomplish the property boundary adjustments as approved;
 3. Obtain new tax parcel numbers from the Ada County assessor; and
 4. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the director.
- C. Issuance Of Approval Letter: ~~Upon determination by the director that the final property boundary adjustment is in conformance with this article, the director shall issue a letter stating that the property boundary adjustment has received final approval. The director shall determine that all conditions of approval have been met and that the property boundary adjustment is in conformance with this section before final approval letter is issued.~~

SECTION 14: Ada County Code 8-4D-3 “Process” is amended as follows:

8-4D-3: PROCESS:

A. When Application Is Required:

1. The construction of all new private roads.
2. Extensions to existing private roads.
3. The addition of properties to an existing private road, which requires for the road to be widened and paved as required in subsection 8-4D-4B2 of this article.
14. An application for a private road shall not be required when an existing private road has had prior written approval and ~~said private road~~ provides adequate access for the additional lots property being proposed; ~~provided however,~~ Documents demonstrating approval and adequate access must be submitted as part of the ~~lot~~ property development application. Submitted documents shall include: a copy of the recorded perpetual access easement that demonstrates the easement is appurtenant to the additional lots properties; the recorded maintenance agreement that demonstrates it is applicable to the additional lots properties; and the original approval from Ada County or the city which approved the existing private road.

~~25. An application and fees, as set forth in chapter 7, article A of this title, shall be submitted to the director on forms provided by the development services department for the following: The applicant shall submit an application and fees on forms provided by the development services department.~~

~~a. All new private roads.~~

~~b. All extensions to private roads.~~

~~c. All existing private roads at that point in time when the existing road must be widened and paved as required in subsection 8-4D-4B2 of this article because the road will provide access to more than four (4) properties; or to meet the standards of the Ada County highway district because the road will serve development located within an area of impact and that development will exceed a density of three (3) dwelling units per acre.~~

B. Tentative Approval; Requirements: Upon tentative approval of the application by the director subject to any applicable conditions of approval and the regulations of subsection 8-7-2A of this title, the applicant or owner shall have one year to complete the following tasks:

1. Obtain approval from the Ada County street naming committee for a private road name (see title 2, chapter 1 of this code);
2. Contact the Ada County highway district (ACHD) to install an approved street name sign that complies with the regulations of the Ada County uniform street naming ordinance (see title 2, chapter 1 of this code);
3. Record a perpetual access easement with the Ada County recorder for the private road from a public street to all applicable properties;
4. After the private road is constructed and the street name sign is installed, schedule an inspection by the Ada County engineer; and
5. The applicant or owner shall provide documentation of a binding contract that establishes the party or parties responsible for the repair and maintenance of the private road including regulations for the funding thereof.

C. Completion; Approval: Upon completion of the items noted above, the director shall issue a letter stating that the private road has been approved. No building permit shall be issued for any structure using a private road for access to a public street until the private road has been approved.

SECTION 15: Ada County Code 8-4D-4 “Standards” is amended as follows:

8-4D-4: STANDARDS:

All private roads (including extensions of previously approved private roads) shall be constructed to the following standards (see also section 8-1A-2, figure 13 of this title):

A. Design Standards:

1. The private road shall be constructed on a perpetual access easement or a single platted lot that originates from a public street and provides access to all applicable properties.
 - a. Outside an area of city impact, the easement or lot shall be a minimum of thirty feet (30') in width. Inside an area of city impact, the easement or lot shall be a minimum of fifty feet (50') in width.
 - b. If located on a lot, the primary function of the lot shall be to accommodate the private road. Minimum parcel size requirements shall not apply.
2. All properties abutting an approved private road shall have the same minimum required street frontage as required by the applicable base district, except: If the turnaround for the private road is located within a property as illustrated in section 8-1A-2, figure 14 of this title, the required frontage shall be thirty feet (30') (the width of the private road easement).
3. The point of connection of the private road and the public street shall be approved by the Ada County highway district or the Idaho Transportation Department if abutting a state highway.
4. The private road shall terminate at a forty five foot (45') radius cul-de-sac or other approved turnaround configuration.
 - a. The turnaround may be located in an area of the property other than where the private road enters the property (see section 8-1A-2, figure 14 of this title).
 - ~~b. The private road shall not intersect a public road, except at its origination point. The private road shall not intersect another private road.~~
 - eb. If the applicant proposes an alternate location and/or configuration for the turnaround, the following additional standards shall apply:
 - (1) The applicant shall provide written approval from the appropriate fire district.
 - (2) The county engineer shall review and approve the alternate location and/or configuration.

5. The private road shall only intersect a public road at its origination point.

6. The private road shall not intersect another private road.

57. New gates or other travelway obstacles shall not be allowed except in exceptional circumstances when the director determines the gate or gates are necessary to improve safety or to halt environmental degradation in the area. Before approving a new gate or other obstacle, the director shall provide the fire district, or if no fire district, the Ada County sheriff, with advice from the Idaho state fire marshal's office, the opportunity to review the proposal and offer recommendations.

a. Approved gate openings shall be a minimum of twenty feet (20') wide, be located a minimum of thirty feet (30') from the public right of way, and when the gate is open, the travelway, for its entire width shall be clear and unobstructed.

b. Gates located on one-way roads shall open in the same direction that traffic moves. Gates located on two-way roads must open in both the directions that traffic moves. Gates that open upward shall not be allowed.

c. Gates shall have a fail-open lock in the event of a loss of power.

68. No segment of the travelway of a private road shall exceed ten percent (10%) grade. Fire apparatus roadways in locations that front buildings, at intersections with other roads, and in front of fire hydrants, shall not exceed eight percent (8%) grade.

79. If the private road is located within the wildland-urban fire interface overlay district, the additional design standards listed in section 8-3B-3 of this title shall apply.

810. Upon the county engineer's review of the proposed private road design, the applicant may be required to submit a drainage study ~~prior to action on the private road application~~ before constructing the private road.

B. Construction Standards:

1. Private roads that will serve development located within an area of impact and ~~that development will exceeds~~ a density of three (3) dwelling units per acre shall be constructed to the Ada County highway district standards for urban local roads.

2. All other private roads not defined in subsection B1 of this section shall be constructed to the following standards:

- a. Private roads that will provide frontage or access to four (4) or fewer properties shall have a travelway with a minimum improved width of twenty feet (20'). Private roads that will provide frontage or access to more than four (4) properties shall have a travelway with a minimum improved width of twenty four feet (24').
 - b. The travelway shall have a stable, compacted base.
 - c. There shall be a crown or transverse slope of two percent (2%) to drain water away from the travelway.
 - d. The improved surface shall consist of six inches (6") of compacted three-fourths inch (3/4") minus crushed gravel or other materials approved by the county engineer. Private roads that provide frontage and/or access to more than four (4) properties shall be paved with 2.5 inches of asphaltic concrete.
 - e. Any segment of a travelway of a private road greater than five percent (5%) grade shall be improved with asphalt or concrete paving.
 - f. For the purposes of this section, corner properties that abut a private road shall be counted as taking access off the private road. Temporary dedicated open space lots that were created as part of a nonfarm subdivision shall also be counted as taking access off the private road.
- C. Alternative Design Allowed For Private Road: Upon recommendation of the county engineer, the director may approve, or recommend approval of alternative design or construction standards when the applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this article and shall not be detrimental to the public health, safety, and welfare.

SECTION 16: Ada County Code 8-4E-3 "Process" is amended as follows:

8-4E-3: PROCESS:

- A. ~~Application And Fees: An application and fees, as set forth in chapter 7, article A of this title, shall be submitted to the director on forms provided by the development services department.~~ The applicant shall submit an application and fees on forms provided by the development services department as set forth in chapter 7, article A of this title.
- B. Natural Features Analysis: The applicant shall submit a natural features analysis subject to the regulations of subsection 8-4E-4D of this article. A natural features analysis is not required if the entire subject property already had one completed from a previous approved master site plan.

- C. Parking Plan: The applicant shall submit a parking plan subject to the regulations of article G of this chapter.
- D. Information Required: The applicant may submit the following information at the time of application. If not submitted at the time of application, they shall be required to be submitted as a condition of approval. Any approval of a master site plan prior to the submission and approval of the following items shall be considered a tentative approval:
1. The applicant shall concurrently submit a landscape and screening plan subject to the regulations of article F of this chapter.
 2. If any outdoor lighting is proposed or anticipated, the applicant shall concurrently submit a lighting plan subject to the regulations of article H of this chapter.
 3. If any signs are proposed or anticipated, the applicant shall concurrently submit a sign plan subject to the regulations of article I of this chapter.
- E. Tentative Approval: ~~Upon determination by the director that the master site plan has met all applicable conditions of approval and the standards of this title, the director shall sign the master site plan. Following tentative approval of a master site plan, the owner shall have twenty four (24) months to obtain the director's signature on the master site plan.~~ The applicant has two (2) years to obtain all necessary permits and obtain a zoning certificate. The Director shall determine that all conditions of approval have been met and that the master site plan is in conformance with this section before a zoning certificate is issued.
- F. Minor Modifications: The director may approve specified minor modifications to an approved master site plan, provided such minor modifications were not ~~subject to review~~ ~~or~~ appealed during the original approval or at the public hearing and will not adversely impact adjacent properties. Such minor modifications include, but are not limited to, the following:
1. Minor relocation of building pads for practical reasons such as road alignment, topography or access, provided that the minimum setback requirements are met.
 2. Increase in building square footage, not exceeding twenty percent (20%) provided that the minimum dimensional standard, off street parking and loading, landscaping and screening, sign and/or lighting requirements of this title are met.
 3. Minor modifications to an approved off street parking plan, landscape and screening plan, sign plan, and/or outdoor lighting plan that was part of an approved master site plan, provided that the off street parking and loading, landscaping and screening, sign and/or lighting requirements of this title are met.

- G. Issuance Of Approval Letter: Upon determination by the director that the minor modification is in compliance with the standards in subsection F of this section, the director shall issue a letter stating that the minor modification has received final approval.
- H. Other Modifications: All other modifications to an approved master site plan shall be considered in accordance with section 8-4E-2 of this article.

SECTION 17: Ada County Code 8-4E-4 “Standards” is amended as follows:

8-4E-4: STANDARDS:

~~In addition to~~ The master site plan shall meet the applicable design and dimensional standards of chapters 2, 3, and 5 of this title. ~~†The site development (as depicted by the master site plan) shall also meet the following standards, as applicable:~~

A. Location Of Structures On The Site:

- 1. Within a commercial base district, the proposed placement of structures, location of parking areas and pedestrian walkways, method of screening, and public entrances shall facilitate pedestrian access to abutting residential properties.
- 2. Multi-family structures shall have varied setbacks within the same structure and staggered and/or reversed unit plans to provide a more varied outward appearance of the structures.
- 3. Structures within a multi-family development shall be rotated, staggered, and/or reversed to vary the outward appearance of the structures.

B. Nonvehicular Access And Internal Circulation:

- 1. Within a commercial base district, structures shall have at least one pedestrian access on each side of the structure that faces a street.
- 2. For proposed uses that require ten (10) or more parking spaces (as set forth in section 8-4G-6 of this chapter), site development shall provide safe and well defined pedestrian walkways from structures to each parking space, from structures to the abutting streets, and among structures on the same site.
 - a. Where a walkway is within ten feet (10’) of a street, it shall be separated from the street shoulder by either curbs, intervening vegetation, and/or swales.
 - b. Where a walkway is within a parking area and abuts driving aisles or parking spaces, the walkway shall be separated by either curbs, intervening vegetation, and/or wheel restraints. Where a walkway crosses

a driving aisle, the crossing shall have a different paving texture and/or material or shall be striped to indicate a pedestrian crossing.

3. In planned unit developments and multi-family developments, the site development shall provide a safe nonvehicular circulation system including, but not limited to:
 - a. Pedestrian and bicycle walkways that link abutting parks, schools, neighborhoods, and commercial areas to the greatest possible extent; and
 - b. Trails and bicycle routes that link to abutting trail networks as designated by the APA ridge to rivers pathways plan or the applicable comprehensive plan.

C. Automobile Access And Internal Circulation:

1. The site development shall provide for safe access to and egress from roadways.
2. Off street parking and loading areas shall be designed to preclude vehicles from backing out into a roadway.
3. Where delivery vehicles are anticipated, the site development shall delineate a clear route for them, with appropriate geometric design to allow the vehicles to turn safely.
4. The site development shall provide adequate internal circulation consistent with article G, "Off Street Parking And Loading Facilities," of this chapter.
5. The site development shall provide an adequate design and number of parking spaces consistent with article G, "Off Street Parking And Loading Facilities," of this chapter.

D. Natural Features Analysis: The following features shall be mapped, described, or noted as not applicable in the natural features analysis:

1. Hydrology: Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas or other areas subject to flooding, poorly drained areas, permanent high ground water areas, and seasonal high ground water areas throughout the site.
2. Soils: Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils most susceptible to erosion, and soils suitable for development. The analysis of soils shall be based on the Ada County soils survey (United States department of agriculture, natural resources conservation service).

3. Topography: Analysis of the site's terrain including mapping of elevations and delineation of slope areas greater than twenty five percent (25%), between fifteen percent (15%) and twenty five percent (25%), between eight percent (8%) and fifteen percent (15%), and less than eight percent (8%). Contour lines based on USGS datum of 1988 with intervals of not more than five feet (5') for properties with a general slope of greater than five percent (5%), or intervals of not more than two feet (2') for properties with a general slope of less than or equal to five percent (5%). Contour lines shall extend a minimum of three hundred feet (300') beyond the proposed development boundary. If a drainage channel borders the proposed development, the contour lines shall extend the additional distance necessary to include the ~~entire~~ drainage facility.
 4. Vegetation: Analysis of existing vegetation of the site including, but not limited to, dominant tree, plant, and ground cover species.
 5. Sensitive Plant And Wildlife Species: Analysis of sensitive plant and wildlife species of the site including, but not limited to, those species listed in the Idaho conservation data center (state of Idaho department of fish and game).
 6. Historic Resources: Analysis of existing historic resources as identified on the Ada County historic resources inventory.
 7. Hazardous Areas: Location and identification of all potential hazardous areas including, but not limited to, land that is unsuitable for development because of flood threat, poorly drained areas, high ground water, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered.
 8. Impact On Natural Features: The applicant shall provide a written statement explaining how the design of the plan protects or mitigates impacts on the natural features of the site.
- E. Screening: The site development shall provide landscaping and screening consistent with article F of this chapter, landscaping, unless otherwise exempt under section 8-4F-2 of this chapter.
- F. Drainage: An increase in impervious surface area of one thousand (1,000) square feet or ten percent (10%) of the property area, whichever is less, shall require a drainage study. Site development shall incorporate natural watercourses and above grade drainageways into the site design to minimize the need for culverts, pipe systems, and concrete channels.
- G. Water Supply And Sewage Disposal:
1. Adequate provision shall be made for water supply and sewage disposal in accord with the regulations of section 8-4A-22 of this chapter.

2. The master site plan shall show all well locations and subsurface disposal areas for wastewater treatment systems.
 3. The master site plan shall ~~indicate the~~ address required firefighting resources. Such resources shall include, but are not limited to, proper access for firetrucks, water for fire flow hydrants, pumper access stations, and/or defensible space.
- H. Filling, Excavation, And Earthmoving: Filling, excavation, and earthmoving activity shall be carried out in a way that keeps erosion and sedimentation to a minimum.
1. Building design, parking lots, and other site development elements shall fit, respect, and be oriented to existing topography and natural surroundings to the fullest extent possible in order to keep filling, excavation, and earthmoving activity to a minimum.
 2. The area disturbed by stripping of vegetation, soil removal, and regrading shall be ~~the minimum necessary at any one time~~ kept to a minimum.
 3. The master site plan shall propose permanent soil erosion measures for all slopes and disturbed areas. Such stabilization measures shall be completed within fifteen (15) calendar days after final grading has been completed.
 4. Until a disturbed area is stabilized, sediment and runoff shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods.
- I. Historic Features: The proposed site development shall conserve identified historic resources to the greatest extent possible.
- J. Sensitive Plant And Animal Species: The site development shall minimize adverse impacts to sensitive plant and animal species through site design or approved mitigation programs. See subsection D5 of this section.
- K. Irrigation: All development proposals shall provide documentation preserving gravity flow irrigation systems on site and downstream.
1. The proposed development shall not modify irrigation canals, ditches, laterals, and associated rights of way without written approval of the irrigation or drainage authority and landowners affected.
 2. When property is converted from an agricultural to a nonagricultural use, the applicant or owner shall provide a pressurized irrigation system or similarly efficient delivery system.
- L. Utilities: Electrical, telephone, and other public utilities serving the site shall be placed in a manner that is not hazardous or unsightly.

1. All utilities shall be placed underground in a utility corridor or easement. The director may waive this requirement if unique topographic or geological features of the site make it impractical.
2. Transformer boxes, meters, pumping stations, and other components of the utility system located aboveground shall be sited and buffered in accord with the screening standards of section 8-4F-5 of this chapter.

M. Maintenance:

1. The applicant or owner shall have a continuous obligation to provide for security, trash collection, and any other nuisance that may be created on the site, and to maintain the site in a neat and orderly manner.
2. Any proposed drainage system shall be maintained by the property owner, homeowners' association, or irrigation or drainage entity, as applicable.

N. Supplemental Information, Modifications: The director, county engineer, and/or decision making body may require supplemental information or modifications where, in its opinion, site planning has not sufficiently addressed the existing natural features.

O. Alternative Site Development: The director may approve, or recommend approval of, an alternative site development when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this article and shall not be detrimental to the public health, safety, and welfare.

SECTION 18: Ada County Code 8-4L-2 "Applicability" is amended as follows:

8-4L-2: APPLICABILITY:

All properties within the county may apply for a temporary use unless otherwise specifically prohibited in section 8-4L-4 of this article.

- A. Temporary uses that require a zoning certificate shall include: temporary signs, seasonal stands, fireworks stands, subdivision model homes/real estate offices, and reapplication for an existing permitted temporary use, provided that the permit has not expired or been revoked.
- B. Temporary uses that require a zoning certificate and administrative approval shall include, but not be limited to, new applications and reapplications for an expired or revoked permit for: temporary living quarters; seasonal events; or an existing dwelling, an existing secondary dwelling, or a temporary manufactured home dwelling while building a new single-family dwelling on the same site; or a small pit, mine, or quarry within a residential district; or an anemometer or similar device.

SECTION 19: Ada County Code 8-4L-3 “Process” is amended as follows:

8-4L-3: PROCESS:

- A. ~~Any temporary use that requires administrative approval shall submit an application and fees, as set forth in chapter 7, article A of this title, to the director on forms provided by the development services department.~~ The applicant shall submit an application and fees on forms provided by the development services department as set forth in chapter 7, article A of this title.
- B. The director shall apply the specific use standards listed in section 8-4L-4 and 8-5-3 of this article and the findings listed in section 8-4L-5 of this article to review the temporary use.
- C. ~~Upon determination by the director that the temporary use is in conformance with this section and that any applicable conditions of approval have been met, a zoning certificate shall be issued.~~ The director shall determine that all conditions of approval have been met and that the temporary use is in conformance with this section before a zoning certificate is issued.

SECTION 20: Ada County Code 8-4L-4 “Standards” is amended as follows:

8-4L-4: STANDARDS:

- A. Except for those uses that may be allowed in this title for periods exceeding twelve (12) months, the use may be granted for a specified period not exceeding twelve (12) months from issuance of the zoning certificate. If the use will continue beyond twelve (12) months, then a conditional use and/or master site plan application must be submitted and approved.
- B. The use shall not result in the construction of any permanent structure that would not otherwise be permitted subject to the regulations of this title.
- C. No structure shall be located within the required yard, nor shall any structure obstruct the “clear vision triangle” as herein defined.
- D. Temporary signs, as herein defined, that are less than or equal to six (6) square feet in area shall be exempt. Temporary signs shall not exceed forty eight (48) square feet.
- E. Seasonal stands shall be located in a C1, C2, or C3 base district. The zoning certificate shall specify a beginning and end date.
- F. Fireworks stands shall meet the following additional standards:

1. Prior to the issuance of a zoning certificate, the applicant or owner shall obtain a permit to sell fireworks in accordance with Idaho Code section 39-2604 from the appropriate fire district.
 2. Stands shall be located in a C1, C2, or C3 base district.
 3. Dates of fireworks sales shall comply with Idaho Code section 39-2606.
 4. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.
- G. Subdivision model home/real estate sales offices shall meet the following additional standards:
1. The sales office shall be located on a lot within a subdivision or planned unit development, or on a space within a manufactured home park.
 2. The principal use of the sales office shall be the sale of lots and/or dwellings or renting of spaces within the development.
 3. The sales office shall meet the construction standards for a commercial occupancy as required by the Ada County building code as set forth in title 7, chapter 2 of this code. The applicant or owner shall obtain all necessary building permits as required by the Ada County building code as set forth in title 7, chapter 2 of this code.
 4. The applicant or owner shall obtain a building permit to convert the sales office to a dwelling or shall remove the sales office within thirty (30) days of the sale or rental of the final lot or space.
 5. Subdivision model home/real estate sales offices may operate continually for over twelve (12) months upon the director's approval.
- H. Permission to live in an existing dwelling or a temporary manufactured home shall be granted until the completion of the construction of the new principal permitted dwelling, or for not more than twelve (12) months, whichever time period is less, unless otherwise permitted. The existing dwelling or the temporary manufactured home shall be removed prior to issuance of the certificate of occupancy for the principal permitted dwelling, unless the existing dwelling or manufactured home is approved for use as a secondary dwelling.
- I. For standards related to temporary permits for a pit, mine, or quarry in a residential district, see the specific use standards in section 8-5-3-81 of this title.
- J. The applicant shall have a continuous obligation to maintain adequate housekeeping practices so as not to create a nuisance.

K. For uses that require director approval, the director may require additional conditions to mitigate impacts. The conditions may include, but not be limited to, any or all of the following:

1. Standards related to the emission of noise, vibration, and other potentially objectionable impacts.
2. Limits on time of day ~~for the conduct~~ of the specified use.
3. Other standards necessary to protect the public health, safety, and welfare and mitigate adverse effects on surrounding property.

L. Temporary living quarters shall meet the additional required standards:

1. The temporary living quarters is needed to house a member of the owner's immediate family or the owner's employee.
 - a. Need for temporary living quarters for a family member shall be justified for reasons of health, employment, or upkeep on the property.
 - b. Need for temporary living quarters for an employee shall be justified for reasons of upkeep on the property, supervision of livestock, healthcare of owner, or tending to crops. For the purposes of this section, "owner's employee" shall mean a person employed on the premises by the property owner and receiving not less than seventy five percent (75%) of the employee's annual income from said property owners.
2. The temporary living quarters shall be a securely anchored manufactured home.
3. ~~The running gear and tongue shall not be removed from the manufactured home. Temporary living quarters approved prior to the effective date hereof shall be exempt from this requirement~~ The temporary living quarters shall not be permanently affixed to the property, and shall be maintained in a condition to permit removal of the unit upon termination of the authorized use or expiration of the approval.
4. The temporary living quarters shall have adequate sewage facilities as provided for in section 8-4A-22 of this chapter.
5. No more than one temporary living quarters shall be permitted on a property.
6. The property shall be maintained in a neat and orderly manner and shall not differ in appearance from surrounding residential uses.

7. The temporary living quarters, any attached structures, and the anchoring devices shall be removed from the property within thirty (30) days of termination of the authorized use or expiration of the approval period.
 8. Temporary living quarters may be approved for a maximum of two (2) years. The applicant or owner may extend the duration of the temporary living quarters approval for up to four (4) 2-year time periods, by securing a zoning certificate prior to the expiration date of the temporary use or previous zoning certificate extension. After ten (10) years the applicant or owner may reapply for a new temporary living quarters.
- M. An anemometer or similar device for the purpose of determining feasibility of a wind facility site shall meet the following additional standards:
1. An anemometer for a distributed power facility, wind freestanding tower shall only be allowed in the RP, RR, and RUT districts on property containing a minimum of forty (40) acres.
 2. An anemometer for a distributed power facility, wind freestanding tower shall not exceed a maximum of one hundred twenty feet (120') in height, including the maximum tip height.
 3. An anemometer for a distributed power facility, wind rooftop shall not exceed the height of the base district in which it is located.
 4. An anemometer for distributed power facility, wind rooftop shall only be allowed in the RP, RR, RUT, RSW, R1, R1M districts, on property containing a minimum of one acre.

SECTION 21: Ada County Code 8-5-3 "Specific Use Standards" is amended as follows:

8-5-3 : SPECIFIC USE STANDARDS:

These standards are in addition to the requirements of chapter 4, "Regulations Applying To All Districts," of this title.

8-5-3-1 : ACCESSORY STRUCTURE:

A. General Standards:

1. A principal permitted dwelling with a valid certificate of occupancy, or a principal permitted dwelling under construction with a valid building permit, shall be present on the subject property.
2. The structure shall not be used as an additional dwelling, except as provided for secondary dwellings.

3. The structure shall not be used for commercial or industrial purposes.
 4. The accessory structure shall not be used to store commercial vehicles, except as provided in subsection 8-4G-4A2 of this title.
 5. All accessory structures shall be included in the coverage calculations for a particular property.
- B. Location Standards: The location of accessory structures shall be restricted as follows:
1. Accessory structures shall not be located in any required setbacks or on any publicly dedicated easements.
 2. Accessory structures in the front yard shall not impede connection of the dwelling to a municipal wastewater collection and treatment system.
 3. Accessory structures in the front yard shall not block the view of the main entrance to the principal permitted dwelling.
- C. Size Standards: The size of accessory structures shall be restricted as follows:
1. Accessory structures in the front yard shall not exceed fifty percent (50%) of the square footage of the footprint of the principal permitted dwelling or one thousand five hundred (1,500) square feet, whichever is less.
- D. Height Standards: The height of an accessory structure shall be restricted as follows:
1. An accessory structure shall not exceed a height of twenty four feet (24').
 2. In a residential base district, accessory structures located in the front yard, or within a side yard if any portion of the structure lies between the front property line and a distance of fifteen feet (15') behind the front wall of the principal permitted dwelling, shall not exceed the height of the principal permitted dwelling.
- E. Design Standards:
1. All accessory structures shall meet all of the following design standards:
 - a. The roofing and finish materials shall be similar in color to the principal permitted dwelling;
 - b. The roof shall have a similar pitch to that of the principal permitted dwelling.

2. Accessory structures greater than one thousand five hundred (1,500) square feet shall meet the following additional standards:
 - a. The accessory structure shall portray the architectural character of the principal permitted dwelling.

8-5-3-2 : ADULT ENTERTAINMENT ESTABLISHMENT:

- A. Separations: In recognition of Idaho Code section 67-6533, the following distance separations shall be required:
 1. No adult entertainment establishment shall be allowed within one thousand feet (1,000') of another existing adult entertainment establishment.
 2. No adult entertainment establishment shall be located within ~~one thousand feet (1,000')~~ two thousand five hundred feet (2,500') of any church or place of religious worship.
 3. No adult entertainment establishment shall be located within ~~one thousand feet (1,000')~~ two thousand five hundred feet (2,500') of any school as herein defined.
 4. The applicant shall provide evidence certified by a professional land surveyor licensed in the state of Idaho that the proposed adult entertainment establishment conforms to the separation requirements of this subsection A.
- B. Signs:
 1. All adult entertainment establishments shall comply with the regulations of chapter 4, article I of this title. Further, signs for adult entertainment establishments shall not contain any emphasis, either by movement, picture, or otherwise, on matter relating to "adult entertainment" as herein defined.
 2. Any business providing adult entertainment or adult material shall have in place at each entrance to such business a legible door sign (as defined herein) stating "Persons under 18 years of age not permitted." The sign shall be no less than 0.5 square feet and no greater than one square foot in area. Such sign shall not require administrative approval as set forth in chapter 4, article I, "Sign Regulations," of this title.

8-5-3-3 : ADULT RESPITE CARE FACILITY:

There are no additional standards for this specific use.

8-5-3-34: AGRICULTURAL SERVICE ESTABLISHMENT:

The proposed use must serve a rural district with agricultural services as herein defined.

8-5-3-45: AGRICULTURAL STRUCTURE:

- A. The structure shall be located on a “farm” as herein defined.
- B. The structure shall be exclusively for agricultural uses. This structure shall not be used for residential, commercial or industrial purposes.
- C. The structure shall comply with the dimensional standards for the applicable base and overlay districts.
- D. The applicant shall obtain a zoning certificate prior to construction; however, the structure shall be exempt from requirements of a building permit.

8-5-3-56: AGRICULTURAL USE:

The use shall be conducted on a “farm” as herein defined. The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the agricultural use.

8-5-3-67: AIRCRAFT LANDING FIELD (PRIVATE OWNERSHIP):

- A. Prior to application, the applicant or owner shall receive airspace approval from the federal aviation administration.
- B. The runway design shall comply with the design and construction standards and recommendations in the federal aviation administration handbook entitled “Airport Design,” advisory circular 150/5300-13.
- C. If applicable, the applicant shall provide verification of compliance with the regulations and requirements of the following agencies:
 - 1. Federal aviation administration.
 - 2. Idaho transportation department (bureau of aeronautics).
 - 3. Idaho military division-national guard.
 - 4. The city of Boise airport commission.
- D. Any accessory uses including, but not limited to, fuel storage areas, structures or facilities for storing and maintenance of aircraft, and any outdoor storage or tie down areas shall be included on the master site plan for the aircraft landing field.
- E. As applicable, the applicant shall obtain written approval for fuel tanks from Idaho division of environmental quality, Idaho department of water resources, and the appropriate fire authority.

F. The aircraft landing field shall ~~not be located~~ prohibited within the ~~Snake River natural area birds of prey and canyon preservation as noted on the Ada County comprehensive plan generalized future land use map or within the Snake River birds of prey national conservation area.~~ the following areas:

1. The Snake River natural area birds of prey and canyon preservation as noted on the Ada County comprehensive plan generalized future land use map; or
2. The Snake River birds of prey national conservation area.

8-5-3-78: AIRPORT (PUBLIC OWNERSHIP):

A. If applicable, the applicant shall provide verification of compliance with the regulations and requirements of the following agencies:

1. Federal aviation administration.
2. Idaho transportation department (bureau of aeronautics).
3. Idaho military division-national guard.
4. The city of Boise airport commission.

B. The proposed airport shall meet the design standards of the federal aviation administration for the particular class or field.

8-5-3-89: AMUSEMENT OR RECREATION FACILITY, INDOOR:

There are no additional standards for this specific use.

8-5-3-910: AMUSEMENT OR RECREATION FACILITY, OUTDOOR:

A. General Standards:

1. All structures or outdoor recreation areas shall maintain a minimum setback of one hundred feet (100') from ~~all abutting~~ any residential districts.
2. Any outdoor speaker system associated with the amusement or recreation facility shall comply with the noise regulations of section 5-13-3 of this code.
3. All outdoor activities and events shall be scheduled so as to complete all activity ~~before or as near to nine thirty~~ by ten o'clock (9:3010:00) P.M. ~~as practical. Illumination of the outdoor amusement or recreation facility shall not be permitted after ten o'clock (10:00) P.M. except to conclude a scheduled event that was in progress before ten o'clock (10:00) P.M. and circumstances prevented~~

~~concluding before ten o'clock (10:00) P.M.~~ All illumination shall be terminated no later than one hour after conclusion of the event.

B. Drive-In Theater:

1. The projection screen shall not be located nearer than fifty feet (50') from any public street, shall not be visible from a public street, and shall not be located nearer than three hundred feet (300') from a residential district.
2. The site shall have access from a principal or minor arterial. Vehicle stacking lanes shall be available on the property, but outside the theater entrance. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by theater patrons.
3. A six foot (6') sight obscuring fence, wall, or screen shall be included in the landscape plan for all property lines abutting a residential district.
4. No central loudspeakers shall be permitted. Individual loudspeakers shall be designed to be heard by the occupants of one vehicle only.
5. Accessory retail uses (including, but not limited to, food or beverage service) associated with the theater may be allowed if designed for use by patrons of the drive-in theater only.

C. Golf Driving Range: Accessory sales and rental of golf equipment shall be allowed. The golf driving range shall be designed to protect abutting property and roadways from golf balls.

D. Swimming Pool: Any outdoor swimming pool shall be completely enclosed within a six foot (6') barrier that meets the requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.

~~E. Outdoor Shooting Range: See section 8-5-3-105 of this chapter for outdoor shooting range standards.~~

8-5-3-1011: ANIMAL BOARDING WITH OUTSIDE RUNS:

- A. A six hundred foot (600') separation shall be maintained between the area and structures where animals are housed and any property line.
- B. Outside runs for commercial kennels shall be operated only with an attendant present on the premises twenty four (24) hours a day.
- C. Adequate fencing shall be provided to restrain animals from running at large. At a minimum, the animals shall be enclosed within a six foot (6') fence or wall. Electronic fences shall not be used as the sole method of restraining animals. In residential districts,

visual screening shall be required to buffer adjacent land uses. (See also section 8-5-3-44 of this chapter.)

- D. If located within airport influence area B-1, B, or C, the animals shall not spend more than two (2) hours each day outside a structure as set forth in chapter 3, article A of this title.
- E. Five percent (5%) of the building floor area, excluding the kennel area, may be used for related retail sales.
- F. A grooming facility is allowed, but not to occupy more than thirty five percent (35%) of the building floor area, excluding the kennel area.

8-5-3-~~11~~12: ANIMAL CLINIC, ANIMAL HOSPITAL, OR VETERINARY OFFICE:

The facility shall comply with all county and state regulations relative to such use.

8-5-3-~~12~~13: ASPHALT OR CONCRETE READY MIX PLANT:

- A. Asphalt mixing and concrete batching may only be allowed as accessory uses to a pit, mine, or quarry in an industrial or rural district. See section 8-5-3-81 of this chapter.
- B. Any structure or equipment shall be a minimum of one thousand feet (1,000') from any dwelling other than the dwelling of the owner or caretaker of the subject property.
- C. Outdoor storage areas shall comply with section 8-5-3-78 of this chapter.

8-5-3-~~13~~14: AUCTION ESTABLISHMENT, OUTDOOR:

- A. Outdoor livestock and merchandise auctions shall be allowed in the rural districts. In all other districts, only outdoor merchandise auctions shall be allowed. See section 8-5-3-97 (retail store) of this chapter for indoor auctions.
- B. A three hundred foot (300') separation shall be maintained between the area and structures where animals are housed and any residential district. This requirement may be waived where the owner and/or operator of the establishment can demonstrate that the area or structure in which the animals are housed shall not allow sound or odors to be transmitted to the residential district.
- C. Outdoor storage areas shall comply with section 8-5-3-78 of this chapter.

8-5-3-~~14~~15: AUTOMOBILE OR RECREATIONAL VEHICLE SALES OR SERVICE:

- A. The use shall not constitute a junkyard.

- B. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
- C. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with section 8-5-3-78 of this chapter.
- D. Inoperable or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private road.
- E. Automotive sales and rental areas shall be subject to the landscape and screening requirement of parking areas in section 8-4F-7 of this title.

8-5-3-1516: AUTOMOBILE, MAJOR REPAIR:

- A. The use shall not constitute a “junkyard” as herein defined.
- B. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
- C. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with section 8-5-3-78 of this chapter.
- D. Inoperable or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private road.

8-5-3-1617: AUTOMOTIVE, HOBBY:

It is the intent of this regulation to allow for restoration, maintenance, and/or preservation of motor vehicles as a hobby. The following standards shall apply:

- A. There shall be no wholesale or retail sale of automotive parts or supplies.
- B. There shall be no commercial restoration, repair, or maintenance of motor vehicles.
- C. The site for an automotive hobby shall be maintained in an orderly manner so as not to create a public nuisance.
- D. Not more than two (2) inoperable, dismantled, or unregistered motor vehicles may be visible from any street or private road. All other inoperable, dismantled, or unregistered motor vehicles shall be stored: 1) in the rear or side yard behind a sight obscuring fence, wall, or screen that is not less than six feet (6’) in height, or 2) within a completely enclosed structure.

8-5-3-1718: BANK:

There are no additional standards for this specific use.

8-5-3-1819: BAR, BREW PUB, OR NIGHTCLUB:

- A. The facility shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.
- B. The bar, brew pub, or nightclub shall not be located within one thousand feet (1,000') of a church or school property.
- C. For properties abutting a residential district, no outside activity or event shall be allowed on the site, except as provided for in chapter 4, article L, "Temporary Use," of this title.

8-5-3-1920: BED AND BREAKFAST ESTABLISHMENT:

- A. The minimum property size for a bed and breakfast establishment shall be one acre.
- B. Any such facility shall be an owner occupied dwelling. For the purposes of this subsection, an "owner" shall be defined as a person with a fifty percent (50%) or greater interest in the bed and breakfast establishment.
- C. If remodeling an existing structure, the exterior appearance of the structure shall be that of a single-family dwelling. Fire escapes and other features may be added to protect public safety; however, structural alterations may not be made that would prevent future use of the structure as a single-family dwelling.
- D. No more than ten (10) occupants (including, but not limited to, the owner, the owner's family, and any resident or nonresident employees) shall be permitted to occupy the facility at any one time (daytime, evening, or night).
- E. The maximum stay shall be two (2) weeks for any guest.
- F. Breakfast shall be served on the premises only for guests and employees of the facility. No other meals shall be provided on the premises. Guestrooms may not be equipped with cooking facilities including, but not limited to, stoves, hot plates, or microwave ovens.
- G. Only business signs referring solely to a principal permitted use of the bed and breakfast are permitted.

8-5-3-2021: BOARDING HOUSE:

No more than ten (10) occupants (including any resident staff and family) shall be permitted to occupy any such facility at one time.

8-5-3-~~2122~~: BREWERY OR DISTILLERY:

The facility shall comply with all Idaho Code regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

8-5-3-~~2223~~: CAMPGROUND:

- A. Access: The campground site shall have access from a principal or minor arterial.
- B. Design Standards:
 - 1. The applicant shall indicate the specific location of each proposed cabin, campsite, or recreational vehicle space on the master site plan.
 - 2. A fifty foot (50') landscaped setback with protective screening or fencing shall be required on property boundaries adjacent to a public right of way. Those property boundaries abutting private property shall require a landscape setback of fifty feet (50') with protective fencing.
 - 3. A three hundred foot (300') separation shall be maintained between any outdoor activity area (including campsites and recreation facilities) and any residential district.
 - 4. Any outdoor speaker system associated with the campground shall comply with the noise regulations of section 5-13-3 of this code.
- C. Accessory Uses: Accessory uses including, but not limited to, management headquarters, recreational structures, coin operated laundry facilities, toilets, and showers may be allowed, subject to the following restrictions:
 - 1. Such uses shall be restricted in their use to occupants of the campground.
 - 2. Such uses shall present no visible evidence of their commercial character to attract customers other than occupants of the campground.
 - 3. The structures enclosing such uses shall not be located closer than one hundred feet (100') to any public street and shall not be directly accessible from any public street, but shall be accessible only from a drive within the campground.
- D. Use Of Spaces; Maximum Stay: Spaces may be used by tents or temporary shelter arrangements or devices (including recreational vehicles). The maximum stay shall be two (2) weeks for any guest.

8-5-3-~~2324~~: CAR WASH:

- A. All businesses providing self-service or drive-through car wash facilities shall identify the stacking lane and wash location on the master site plan.
- B. If within the C1 district, a car wash facility shall be allowed only as an accessory use to a gasoline, diesel, or alternative fuel sales facility. The car wash facility shall be limited in capacity to a single vehicle.
- C. A one hundred foot (100') separation shall be maintained between any car wash facility and any residential district.
- D. Any outdoor speaker system associated with the car wash shall comply with the noise regulations of section 5-13-3 of this code.
- E. Vehicle stacking lanes shall be available on the property but outside the car wash facility entrance. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking and depicted on the master site plan showing the car capacity and adequate turning radius for standard vehicles. The stacking lanes shall not be located within ten feet (10') of any residential district.

8-5-3-2425: CEMETERY:

- A. For the purposes of this subsection, the term “structures” shall include, but not be limited to, mausolea, columbaria, and crypts. No structure, exclusive of fences or walls, shall be located within one hundred feet (100') from any existing dwelling other than the dwelling of the owner or caretaker. Structures shall conform to the height limitation and required yards for the applicable base district.
- B. Graves and monuments shall not be located within fifteen feet (15') from any property line.
- C. All cemeteries shall be platted according to the regulations of chapter 6 of this title.
- D. If the cemetery is privately owned, the cemetery shall be established as a perpetual care cemetery in accord with Idaho Code section 27-401.
- E. If the cemetery use includes a mortuary, the mortuary is considered an accessory use to the cemetery.

8-5-3-2526: CHILDREN’S TREATMENT FACILITY:

- A. The applicant or owner shall secure and maintain a license from the state of Idaho department of health and welfare family and children’s services division.
- B. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.

8-5-3-2627: CHURCH:

Schools, child daycare services, meeting facilities for clubs and organizations, sports fields and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the activity is otherwise permitted in the district.

8-5-3-2728: CLINIC, MEDICAL (EXCLUDING ANIMAL OR VETERINARY):

There are no additional standards for this specific use.

8-5-3-2829: CLUB OR LODGE OR SOCIAL HALL:

- A. All structures shall meet the minimum required setbacks for the applicable base district, or a minimum setback of thirty five feet (35') from any public street and twenty five feet (25') from any other property line, whichever is greater.
- B. Any food service shall be approved by the central district health department.

8-5-3-2930: COMPOSTING FACILITY, COMMERCIAL:

- A. The use shall comply with all applicable regulations pertaining to designation, licensing, and maintenance of commercial composting facilities including, but not limited to, federal, state, and local statutes, rules, and/or ordinances.
- B. Grass composting shall only be allowed when the applicant can demonstrate that the use will not cause undue adverse impacts on surrounding properties.
- C. All structures, outdoor storage areas, or any areas where compost is stored shall be located a minimum of one hundred feet (100') from any residential district and shall meet the standards of section 8-5-3-78, "Outdoor Storage," of this chapter.
- D. For the purposes of this subsection, compost material shall not be considered a fertilizer, and shall not be restricted by section 8-4A-16, "Outdoor Storage Of Chemicals And Fertilizers," of this title.
- E. The site for the composting facility shall be maintained in an orderly manner so as not to create a public nuisance.

8-5-3-3031: CONTRACTOR'S YARD OR SHOP:

- A. General Standards:
 - 1. If the property is located in a residential or rural base district, all ~~structures or~~ outdoor storage areas shall be located a minimum of one hundred feet (100') from

any property line abutting other property and depicted on the master site plan. The one hundred foot (100') buffer from the property line shall have a vegetative ground cover and shall be regularly maintained to prevent weed growth. All structures and outdoor storage areas shall be depicted on the master site plan.

- 2 If the property is located in a residential or rural base district, all structures shall be located a minimum of fifty feet (50') from any property line abutting other property and depicted on the master site plan.
- 3 If the property is located in a residential or rural base district the minimum property size for a contractor's yard shall be five (5) acres.
24. Outdoor storage areas shall be screened year round and comply with section 8-5- 3-78 of this chapter.
35. The site shall not be used as a "junkyard" or "automobile wrecking yard" as herein defined.
46. For the purposes of this title, a contractor's yard or shop is not a home occupation.
57. The property shall have approved access from an improved public roadway for the use.
68. Maintenance of vehicles or machinery shall be incidental to the contractor's yard or shop and the incidental use shall only include minor repair.
79. Accessory office space shall comply with section 8-5-3-75 of this chapter and shall be identified on the master site plan.
810. Parking area improvements shall comply with the standards found in chapter 4, article G of this title and shall be delineated on the master site plan or parking plan. No on street parking of vehicles or equipment associated with the use is allowed.
911. Use of the property shall comply with title 5, chapter 13, "Noise," of this code.
1012. Hours of operation shall be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. unless otherwise approved or restricted with a conditional use permit.
1113. No retail sales associated with a contractor's yard or shop may occur on the property unless retail sales are approved with a different use that allows retail sales.

~~1214.~~ A building permit may be required for the change in use or occupancy of any existing structure, or portion thereof, used in association with a contractor's yard or shop.

~~1315.~~ For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the Ada County development services department. If a permit holder refuses to allow inspection of the premises by the development service department, the approved zoning certificate or conditional use permit may be revoked.

B. Additional Standards: Additional standards for a contractor's yard or shop permitted as a conditional use:

1. Application Requirements: ~~The following application materials shall be considered as part of the review of an application for a conditional use permit for a contractor's yard or shop~~ include the following documentation:

- a. The proximity of existing dwellings;
- b. The number of employees at the largest shift;
- c. The hours and days of operation;
- d. The number and type of vehicles that will be stored/used on the site;
- de. Dust;
- ef. Noise;
- fg. Outdoor loading area;
- gh. Traffic;
- hi. Landscaping and screening;
- ij. Other.

2. The duration of a conditional use permit for a contractor's yard or shop shall be limited within the RR, RP, RSW, and RUT Districts. The conditional use permit shall expire five (5) years following the approval date, or upon annexation of the subject property into a city, whichever occurs first. Upon expiration of the conditional use permit, all equipment and materials stored outdoors shall be removed within thirty (30) days from the subject property.

8-5-3-~~3132~~: CREMATORY:

- A. The applicant or owner shall obtain written approval from the state of Idaho division of environmental quality.
- B. A crematory, whether lying within or without the limits of a cemetery, shall be a minimum of one hundred feet (100') from any property line. The applicant shall provide written documentation that the crematory structures and equipment shall not create a public nuisance by reason of smoke or odor extending beyond or outside of the property lines of the subject premises.
- C. The site for the crematory shall be maintained in an orderly manner so as not to create a public nuisance.

8-5-3-3233: DANGEROUS OR PROTECTED ANIMALS:

- A. Regulations: The owner or caretaker of dangerous or protected animals shall comply with all state and/or federal regulations regarding the maintaining, raising, harboring, possession, training, or boarding of such animals.
- B. Endangered Or Protected Species Research Facility: Facilities for, as herein defined, are subject to the following standards and processes:
 - 1. Standards: Standards applicable to an “endangered or protected species research facility” as defined herein shall include:
 - a. The facility, which may include more than one structure, must be located within a rural base district on at least forty (40) contiguous acres of land.
 - b. The applicant shall apply for a conditional use permit for approval of a conceptual development plan. The decision making body shall determine the approval period for the conceptual development. The maximum allowable time period shall not exceed twenty (20) years.
 - c. Allowable ancillary uses consistent with the research and educational mission of the endangered or protected species research facility, can be established at the time of conditional use permit approval of a conceptual development plan. These uses may include, but not be limited to: museums, visitor centers, incidental retail, libraries, classrooms, offices, meeting spaces, staff residences, storage buildings and veterinary and laboratory facilities. Additional ancillary uses identified at time of conceptual development plan application may require separate conditional use approval at the time of development.
 - d. Unless specifically exempted or amended as part of an approved conditional use permit, all structures and uses, with the exception of incidental storage or utility structures having a building footprint of more than one thousand five hundred (1,500) square feet, shall be set back two

hundred feet (200') from any property line abutting a residential use. In no case shall setbacks be reduced below the minimum standards for the base zoning district, unless a variance is approved pursuant to section 8-7-4 of this title. Incidental storage or utility structures having a building footprint of less than one thousand five hundred (1,500) square feet shall comply with standard setbacks for the base zoning district.

- e. The facility's water system for potable water and fire suppression shall be provided by a utility regulated by the Idaho public utilities commission.

2. Conceptual Development Plan Approval: At the time of conditional use application for a conceptual development plan, the following items are required in addition to the items outlined on the conditional use checklist:

- a. The conditional use application fee for conceptual plan review shall be based on the area of total proposed disturbed acreage.
- b. A conceptual development plan, in lieu of the master site plan, that shows:
 - (1) Existing structures, uses, parking layout and traffic circulation;
 - (2) Calculations of existing and required parking for each existing structure and/or use;
 - (3) The general location of proposed new structures and/or uses and their required parking facilities in relation to existing or proposed traffic circulation patterns;
 - (4) Any existing easements or rights of way within one hundred feet (100') of the conceptual area of development;
 - (5) The maximum requested level of residential development;
 - (6) The location and capacities of firefighting resources on site; and
 - (7) The location of wells, septic systems, and/or reserve septic systems, if applicable.
- c. A detailed letter describing the nature of the request. The narrative should include:
 - (1) Proposed use(s);
 - (2) List of proposed allowed ancillary use(s);
 - (3) List of proposed ancillary use(s) allowed by conditional use; and

- (4) A written statement describing the off street parking and loading plan.

C. Conceptual Development Plan Terms Of Approval: The terms of approval for the conditional use permit for the conceptual development plan shall include the following:

1. A maximum time frame (of up to 20 years, as established by the decision making body) during which time the conceptual development plan shall be valid. A zoning certificate is not required to be issued within one year, as required per subsection 8-5B-3E of this chapter; however, a zoning certificate is required with every building permit issued under the conceptual development plan.
2. A listing of allowed ancillary use(s) approved as part of the permit.
3. A listing of ancillary use(s) allowed by an additional conditional use permit prior to development of the specific use(s).
4. Written statement regarding the level of modifications and/or expansions to the approved plan to be allowed without additional conditional use approval if it is determined that subsections 8-5B-3G and/or H of this chapter are not applicable.
5. The hours and days of operation for areas open to the general public.
6. The approved parking standards per subsection 8-4G-5D of this title, if applicable.
7. Determination on the waiving or modification of landscaping standards by the commission, as allowed under subsection 8-4F-2B of this title.
8. Residences shall only be for use of employees of the facility, except as specifically allowed under the terms of approval.

D. Allowed Ancillary Uses: At the time of building permit and/or zoning certification for allowed ancillary use(s), the owner and/or applicant shall:

1. Submit a master application for an addendum and the endangered or protected species ancillary use checklist.
2. Payment of the completeness review application fee.
3. Provide an updated table of existing and required parking for the site.
4. Central district health department approval of any proposed facilities under their jurisdiction.

5. Provide a written statement from the applicant that a valid U.S. fish and wildlife service permit for an endangered or protected species research facility remains in effect.
 6. Provide a written statement explaining how the ancillary use conforms to the approved conceptual development plan.
- E. Ancillary Uses Requiring A Conditional Use: At the time of application for ancillary uses requiring a conditional use, the following items are required in addition to the items required on the conditional use checklist:
1. In lieu of a master site plan, a detailed site plan of the affected area(s) showing:
 - a. Existing uses, buildings and parking facilities;
 - b. Proposed uses, buildings and parking facilities;
 - c. Existing easements or rights of way within one hundred feet (100') of the conceptual area of development;
 - d. The maximum square footage requested for the ancillary use(s);
 - e. Location of wells and septic system.
 2. The applicant shall also provide in writing:
 - a. Approval of central district health, if applicable;
 - b. A statement regarding the off street parking and loading plan and conformance to the approved conceptual development plan; and
 - c. Provide a statement explaining how the use conforms to the approved conceptual development plan.
 3. Payment of the conditional use application fee based on the square footage of the proposed structure(s).

**8-5-3-3334: DAYCARES: DAYCARE CENTER, FAMILY DAYCARE HOME, & -
GROUP DAYCARE FACILITY:**

A. Standards For Daycare Centers:

1. There shall be a minimum of thirty five (35) square feet of net floor area indoors per client. This space shall be measured wall to wall in rooms that are regularly used by the clients, exclusive of halls, bathrooms, and kitchen.

2. On site vehicle parking and pick up and turnaround areas shall be provided to ensure safe discharge and pick up of clients.
3. The decision making body shall specify the maximum number of allowable clients as a condition of approval, based on the requirements of this title and Idaho Code.
4. The decision making body shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed daycare center with such uses. The decision making body may require additional conditions as are necessary to protect the public health, safety, and welfare of the clients.
5. No portion of the facilities used by clients may be within three hundred feet (300') of explosive or hazardous material storage including, but not limited to, the following uses: brewery or distillery, explosive manufacturing or storage, flammable substance storage, gasoline, diesel, or alternative fuel sales facility, manufacture or processing of hazardous chemicals or gases, and winery.
6. The daycare center operator shall secure and maintain a daycare center license from the state of Idaho department of health and welfare.
7. The daycare center operator shall provide a minimum outdoor play area of one hundred (100) square feet per child. The minimum play area requirement may be waived if: a) there is greater or equal area of parks that abut the facility that can be used by the children, or b) the program design is such that the number of children using the play area at any one time conforms to the one hundred (100) square foot per child criteria.
8. All outdoor play areas shall be completely enclosed by a minimum of six foot (6') barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.
9. Outdoor play equipment over six feet (6') high shall not be located in any required yard.
10. The proposed use shall be located and designed to protect the health, safety, and welfare of the children.
11. Minimum staff required is one per six (6) children under eighteen (18) months; one per twelve (12) children eighteen (18) months to five (5) years; and one per eighteen (18) children aged five (5) years or older.

12. A fire inspection and a health inspection are required by Idaho Code sections 39-1104, 39-1109 and 39-1110. The daycare operator shall apply to the Idaho department of health and welfare for the inspections.
13. A criminal history check is required by Idaho Code section 39-1105. The daycare operator shall apply for the criminal history check at the Idaho department of health and welfare.
14. Immunizations and staff training are required by Idaho Code sections 39-1118 and 39-1119.
15. A commercial building permit is required for the entire structure(s) used for the daycare center.
16. Hours of operation are limited to ~~seven o'clock~~ six thirty (7:00:30) A.M. to ~~six seven o'clock~~ (67:00) P.M. or as specified in the conditional use permit.

B. Standards For Family Daycare Homes:

1. If any of the children cared for at the family daycare home are younger than seven (7) years of age, a criminal history check of staff shall be obtained from the Idaho department of health and welfare.
2. Hours of operation are limited to ~~seven o'clock~~ six-thirty (7:00:30) A.M. to ~~six seven o'clock~~ (67:00) P.M.
3. If outdoor lighting is to be used, it shall comply with chapter 4, article H of this title as is required for a master site plan.

C. Standards For Group Daycare Facilities:

1. There shall be a minimum of thirty five (35) square feet of net floor area indoors per client. This space shall be measured wall to wall in rooms that are regularly used by the clients, exclusive of halls, bathrooms and kitchen.
2. No overnight parking shall be allowed. On site parking for the group daycare facility shall not use the parking space(s) required for the dwelling unit or other approved uses located on the site.
3. The applicant shall provide a minimum outdoor play area of one hundred (100) square feet per child. The director may waive the minimum play area requirement if there is a park that abuts the property that can be used by the children.
4. All outdoor areas shall be completely enclosed by a minimum of six foot (6') barriers to secure against exit or entry by small children and to screen abutting

properties. The fencing material shall meet the swimming pool barrier requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.

5. Outdoor play equipment over six feet (6') high shall not be located in any required yard.
6. Minimum staff required is one staff person per six (6) children younger than eighteen (18) months and one staff person per twelve (12) children eighteen (18) months old or older.
7. A fire inspection is required. The applicant shall apply to the local fire district, or, if not located within a fire district, to the Idaho fire marshal.
8. If any of the children cared for at the group daycare facility are younger than seven (7) years of age, a criminal history check of staff is required from the Idaho department of health and welfare, per Idaho Code section 39-1114.
9. Hours of operation are limited to ~~seven o'clock~~ six-thirty (7:00-6:30) A.M. to ~~six seven o'clock (67:00)~~ seven o'clock (67:00) P.M.
10. If outdoor lighting is to be used, it shall comply with chapter 4, article H of this title as is required for a master site plan.

~~8-5-3-34 : DAYCARE HOME, GROUP:~~

8-5-3-35 : DRIVE-UP WINDOW SERVICE:

- A. All businesses providing drive-up window service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the master site plan.
- B. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking and depicted on the master site plan showing the car capacity and adequate turning radius for standard vehicles. The stacking lane shall not be located within ten feet (10') of any residential district.
- C. Any outdoor speaker system associated with the drive-up window service shall comply with the noise regulations of section 5-13-3 of this code.

~~8-5-3-36 : DRUG AND ALCOHOL TREATMENT FACILITY:~~

The owner of the facility shall secure and maintain a license from the state of Idaho department of health and welfare mental health and substance abuse division. In areas that are zoned rural preservation (RP) or rural residential (RR), the facility shall only be permitted if it lies within an area of city impact.

8-5-3-37 : DUPLEX, TOWNHOUSE OR SINGLE-FAMILY ATTACHED DWELLING:

There are no additional standards for this specific use.

8-5-3-38 : DWELLING, ADDITIONAL FARM:

- A. The additional farm dwelling shall be located on a “farm” as herein defined.
- B. No more than one permanent additional dwelling (including, but not limited to, caretaker dwelling, additional farm dwelling, or secondary dwelling) shall be permitted on a property.
- C. The additional farm dwelling shall be occupied by households where at least one individual ~~performs a “substantial amount of work”~~ is an “employee” (as herein defined) on the farm.
- D. The location of the additional farm dwelling shall be: 1) on an existing or previously abandoned farmstead, or 2) not on prime agricultural land as herein defined. If such alternatives are not available, the farthest extent of the additional farm dwelling shall be located within one hundred feet (100’) of the existing farm dwelling. The additional farm dwelling shall not conflict with existing or proposed wastewater treatment systems.
- E. The applicant shall demonstrate the need for the additional farm dwelling based on characteristics of the farm and/or farm operation. Such characteristics shall include, but are not limited to:
 - 1. The size of the entire farm including all other property used for such farm operation within the immediate area.
 - 2. The types of farm crops and acreage for each type.
 - 3. The operational requirements for the particular farm activity.
 - 4. The number of other permanent or temporary dwellings on the farm.
 - 5. The numbers of owners/employees/workers on the farm (including permanent and seasonal).

8-5-3-39 : DWELLING, CARETAKER FOR AN APPROVED USE:

- A. The caretaker dwelling is needed to house the owner or the owner’s employee of an approved use.
- B. The caretaker dwelling shall be occupied by households where at least one individual is an “employee” (as herein defined).

BC. Need for the caretaker dwelling shall be justified for reasons of upkeep on the property, supervision of operations, and/or guarding materials stored on site.

ED. No more than one permanent additional dwelling (including, but not limited to, principally permitted dwelling, caretaker dwelling, additional farm dwelling, or secondary dwelling) shall be permitted on a property.

8-5-3-40 : DWELLING, SECONDARY ATTACHED OR DETACHED:

A. General Standards For Attached And Detached Secondary Dwellings:

1. The secondary dwelling shall clearly be incidental and subordinate to the primary dwelling.
2. The allowable footprint (~~including any attached garage~~) for a secondary dwelling shall be a maximum of nine hundred (900) square feet or sixty percent (60%) of the footprint (~~including any attached garage~~) of the primary dwelling, whichever is less.
3. A principal permitted dwelling with a valid certificate of occupancy must be present on the subject property.
4. No more than one permanent additional dwelling (including, but not limited to, an additional farm dwelling, caretaker dwelling, or a secondary dwelling) shall be permitted on a property.
5. Off street parking shall be provided as per section 8-4G-6 of this title in addition to the required off street parking for the dwelling.
6. Either the principal dwelling or the secondary dwelling must be owner occupied at all times. The secondary dwelling must be occupied by the owner of the principal permitted dwelling, a member of the owner's immediate family, or the owner's employee.
7. The applicant or owner shall provide a written statement annually (12 months from date of approval) stating that the use of the secondary dwelling is continuing in compliance with all requirements and conditions of approval.
8. The secondary dwelling shall be architecturally compatible with the principal permitted dwelling and shall use building materials (including, but not limited to, roofing, siding, and finish materials and exterior wall treatments) similar in appearance and color to those on the principal permitted dwelling.

B. Additional Standards For Attached Secondary Dwelling Units: The subject property must be a minimum of six thousand (6,000) square feet in size.

C. Additional Standards For Detached Secondary Dwelling Units:

1. If the principal dwelling is two (2) or more stories in height, the structure that accommodates the secondary dwelling may be two (2) stories; the first story shall be a garage or private storage area and the secondary dwelling shall be on the second story.
2. An existing detached accessory structure may be converted to a secondary dwelling, provided that the structure meets all applicable requirements of the Ada County building code, as set forth in title 7, chapter 2 of this code, and any applicable plumbing or electrical code requirements.

~~8-5-3-41~~ : DWELLING, SINGLE-FAMILY DETACHED:

Only one single-family detached dwelling shall be allowed per property.

~~8-5-3-42~~ : EXPLOSIVE MANUFACTURING OR STORAGE:

The following standards apply to explosive manufacturing or storage as a nonaccessory use. This section shall not apply to gasoline fueling stations or research and development facilities.

- A. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.
- B. The facility shall be enclosed by an eight foot (8') high security fence or wall. Entrance and exit shall be through a gate that shall be locked during nonbusiness hours. See also section 8-5-3-44, "Fence; Barbed Wire, Electric Wire Or Other," of this chapter.
- C. The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.
- D. The application materials shall include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been or shall be eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.
- E. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.

~~8-5-3-43~~ : FARM, GARDEN, LUMBER, OR BUILDING SUPPLY STORE:

Outdoor storage areas shall comply with section 8-5-3-78 of this chapter.

8-5-3-44 : FENCE; BARBED WIRE, ELECTRIC WIRE OR OTHER:

- A. No sight-obscuring fence, hedge, wall, latticework, or screen shall violate the “clear vision triangle,” as defined herein, requirements at a street intersection.
- B. Barbed wire and electric wire fencing shall only be allowed on properties that meet one or more of the following standards:
 - 1. The property is a “farm,” as herein defined;
 - 2. The property is in the RP, RR, or RUT base districts;
 - 3. The property has a livestock confinement facility; or
 - 4. The use of barbed wire and/or electric wire fencing was allowed as part of an approved use where the applicant proposed security fencing.
- C. ~~Within an area of city impact, no fence, wall, latticework, or screen shall be erected over three feet (3’) in height within the required front yard~~ On properties one (1) acre in size or less and located within an area of city impact, no fence, wall, latticework, or screen shall be erected over three feet (3’) in height within the required front yard plane.
- D. No fence, wall, latticework, or screen on the perimeter boundary or within any required setback area shall exceed a height of six feet (6’) above grade, unless approved by a variance by the board or as part of an approved use. Provided that a variance for fences, walls, latticework, or screens for a public facility shall not be required as long as the fence, wall, latticework, or screen does not exceed a height of twelve feet (12’) above grade. Any fence, wall, latticework, or screen over six feet (6’) in height shall also require a building permit with construction drawings prepared by a qualified and licensed engineer or architect.
- E. Where any sight-obscuring fence, ~~or~~ wall, latticework, or screen is required by this title to protect adjacent properties, said fence, ~~or~~ wall, latticework, or screen shall be kept free from advertising and graffiti and maintained in good repair.
- F. Security fencing that is not associated with an agricultural use, public facility, or a livestock confinement facility shall only be used as the top section of the fencing and shall be a minimum of six feet (6’) above grade and shall require approval of a conditional use.

8-5-3-45 : FLAMMABLE SUBSTANCE STORAGE:

The following standards apply to flammable substance storage as a nonaccessory use. This section shall not apply to gasoline fueling stations or research and development facilities.

- A. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.
- B. The facility shall be enclosed by an eight foot (8') high security fence or wall. Entrance and exit shall be through a gate that shall be locked during nonbusiness hours. See also section 8-5-3-44 (fence; barbed wire, electric wire, or other) of this chapter.
- C. The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.
- D. The application materials shall include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been or shall be eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.
- E. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.

8-5-3-46 : FOSTER HOME, GROUP:

- A. Off-street parking shall be provided as per section 8-4G-6 of this title, in addition to the required off-street parking for the dwelling.
- B. If the proposed group foster home results in more than ten (10) persons occupying a dwelling at any one time, the applicant or owner shall concurrently apply for a change of occupancy as required by the Ada County building code as set forth in title 7, chapter 2 of this code.
- C. The applicant shall provide a minimum outdoor play area of one hundred (100) square feet per child. The director may waive the minimum play area requirement if there is a park that abuts the property that can be used by the children.
- D. All outdoor play areas shall be completely enclosed by minimum six foot (6') barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.
- E. The proposed use shall be properly located and designed to protect the health, safety, and welfare of the children.
- F. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.

- G. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.

~~8-5-3-47~~ : FOUNDRY:

All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

~~8-5-3-48~~ : FREIGHT OR TRUCK TERMINAL:

- A. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.
- B. The use shall be located a minimum of three hundred feet (300') from any residential district and a minimum of one thousand feet (1,000') from any hospital.
- C. All outdoor storage of material shall be maintained in an orderly manner so as not to create a public nuisance. Outdoor storage areas shall comply with section 8-5-3-78 of this chapter.
- D. Installation of underground fuel tanks shall require written approval from Idaho division of environmental quality, Idaho department of water resources, and the appropriate fire authority.

~~8-5-3-49~~ : FUEL CELL:

The use shall not be a "power facility" as defined herein.

~~8-5-3-50~~ : GASOLINE, DIESEL OR ALTERNATIVE FUEL SALES FACILITY:

- A. When allowed as an accessory use, gasoline, diesel or alternative fuel sales facilities shall not occupy more than twenty five percent (25%) of the subject property.
- B. Installation of underground fuel tanks shall require written approval from Idaho division of environmental quality, Idaho department of water resources and the appropriate fire authority.
- C. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.
- D. Structures and pump station canopies on corner properties shall observe a minimum setback of thirty five feet (35') from any public street. There shall be a minimum setback of twenty five feet (25') from any residential district.

- E. The total height of any overhead canopy or weather protection device shall not exceed twenty feet (20').
- F. Vehicle stacking lanes shall be available on the property but outside the fueling areas. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within ten feet (10') of any residential district.
- G. All trash, waste materials, and obsolete automobile parts shall be stored within a separate enclosure behind the principal structure of the gasoline, diesel or alternative fuel sales facility.

~~8-5-3-51~~ : GOLF COURSE AND COUNTRY CLUB:

- A. To be eligible for an accessory country club and/or sale of alcoholic beverages, the golf course shall be a bona fide golf course as defined by Idaho Code section 23-903.
- B. Accessory sales and rental of golf equipment shall be allowed.
- C. The golf driving range shall be designed to protect abutting property and roadways from golf balls. See section 8-5-3-9 of this chapter for nonaccessory driving ranges.
- D. All other accessory structures to the golf course shall not be located within one hundred feet (100') of an abutting property within a residential district. No outdoor recreation area associated with the country club shall be located within fifty feet (50') of any property line. If an outdoor swimming pool is proposed on site, the pool shall be enclosed with a six foot (6') barrier that meets the requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.
- E. Any outdoor speaker system associated with the golf course or country club shall comply with the noise regulations of section 5-13-3 of this code.
- F. For reasons of public health, safety and welfare, an accessory country club or clubhouse shall only be allowed as long as the subject property is within a fire district.
- G. Outdoor storage areas shall comply with section 8-5-3-78 of this chapter.

~~8-5-3-52~~ : GRAIN ELEVATOR:

The applicant shall provide written documentation that the design and location of the grain elevator have been approved by the appropriate fire authority.

~~8-5-3-53~~ : HEAVY EQUIPMENT SALES, RENTAL OR SERVICE:

- A. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
- B. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with section 8-5-3-78 of this chapter.
- C. Inoperable or dismantled equipment shall be stored behind a sight obscuring fence, wall or screen or within an enclosed structure, and shall not be visible from any street or private road.

8-5-3-54 : HOME OCCUPATION:

A. Standards For All Home Occupations:

- 1. The home occupation shall not cause the property to differ from its rural or residential character in appearance, or in the emission of noise, dust, fumes, odors, vibrations, or electrical interference.
- 2. No more than twenty five percent (25%) or one thousand feet (1,000') (whichever is less) of the total floor area of the principal permitted dwelling shall be devoted to the home occupation or for storing goods or vehicles associated with the home occupation. Total floor area shall include both habitable and noninhabitable space.
- 3. The structure in which the home occupation is located must have a valid building permit and/or zoning approval. The home occupation and associated storage shall not occupy any space required for off street parking for the principal permitted dwelling.
- 4. No outdoor storage or outdoor loading shall be allowed, except that one work trailer, work vehicle or commercial vehicle may park on the property.
- 5. No home occupation shall discharge any hazardous material into any sewer, drainageway or the ground.
- 6. The following occupations are prohibited as home occupations: service, repair or painting of any vehicle; commercial kennel; adult entertainment; commercial composting; sale, repackaging or use of hazardous materials; or use not consistent with the applicable base district purpose statement.
- 7. Contractor's yard or shop is not a home occupation. Contractor's yard or shop is regulated by specific use standards in this chapter.
- 8. Daycare is not a home occupation. Daycare is regulated by specific use standards found in this chapter.

9. One home sign is allowed, and shall comply with chapter 4, article I of this title. Off premises or off site signage must be separately approved in accordance with chapter 4, article I of this title.
10. No processing of soil or rock shall be allowed.
11. Storage or use of hazardous materials, odor causing materials, or other materials that may cause a nuisance or health or safety problems is prohibited.
12. For the duration of an approved zoning certificate or accessory use permit, the home occupation shall be subject to zoning inspection upon advanced notice and request by the Ada County development services department. If a permit holder refuses to allow inspection of the premises by the department, the approved zoning certificate or accessory use permit may be revoked.
13. Home occupations shall comply with all applicable state and federal regulations.
14. In addition to the requirements set forth on the applicable application forms of the department, home occupation applications shall include the following:
 - a. A site plan drawn to scale, depicting the total square footage and location of all existing and proposed structures located within the property boundaries of the subject property.
 - b. A graphical depiction, such as a floor plan, showing the separation of home occupation space from residential and/or accessory use space.
 - c. A detailed letter indicating:
 - (1) The square footage of the proposed area of the home occupation;
 - (2) The number of employees who do not live on site;
 - (3) If retail sales are planned;
 - (4) The hours and days of operation;
 - (5) If group instruction is planned, the number of students at any one time;
 - (6) The number of off street parking spaces;
 - (7) The number of commercial vehicles;
 - (8) The frequency of pick ups, deliveries and visits by patrons; and

- (9) Any other information relative to the description of the proposed home occupation.

B. Standards For Small Home Occupations:

1. A zoning certificate is required. The resident owner of the home occupation shall continuously comply with the restrictions in this section and the specific use standards found in this chapter.
2. A building permit may be required for the change in use or occupancy of any portion of the principal permitted dwelling, greenhouse, garage, or accessory structure used for the home occupation.
3. The home occupation shall be conducted solely by the residents of the principal permitted dwelling. No employees are allowed.
4. No client, customer, and/or student visits shall be allowed.
5. The property shall have no more vehicle trips per day than average for a residence.
6. The home occupation shall not receive more than two (2) pick ups or deliveries per day.

C. Standards For Large Home Occupations:

1. Administrative approval is required. The owner of the home occupation shall continuously comply with the restrictions in this section and the specific use standards found in this chapter.
2. A building permit may be required for the change in use or occupancy of any portion of the principal permitted dwelling, greenhouse, garage, or accessory structure used for the home occupation.
3. The home occupation shall be conducted by the inhabitants of the principal permitted dwelling, and no more than one nonresident employee shall be permitted to work on site.
4. All visits by the nonresident employee, clients and customers, and deliveries, shall occur between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., Monday through Friday, and ~~between the on Saturday between~~ hours of ten o'clock (10:00) A.M. and ~~two six~~ six o'clock (26:00) P.M. on Saturday and Sunday.
5. Group instruction shall be limited to no more than five (5) students at one time with a maximum of two (2) classes per day. ~~The use of an outdoor swimming~~

~~pool meeting the requirements of the Ada County Building Code set forth in title 7, chapter 2 of this code, may be permitted for swimming instruction.~~

6. The use of an outdoor swimming pool for swimming instruction shall be provided with a barrier which meets the requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.
67. One paved, off street parking space shall be provided for the nonresident employee, plus up to three (3) parking spaces for clients, if applicable, and shall be improved as per section 8-4G-6 of this title, in addition to the required off street parking for the dwelling. No overnight parking of client or employee vehicles shall be allowed on site. On site parking may be reduced by the number of off street parking spaces in the driveway and by on street parallel parking spaces in front of the single-family detached dwelling, if applicable.
78. The property shall have no more than twenty (20) additional vehicular trips per day of ~~combined residential and~~ home occupation traffic.
89. Large home occupations, involving on site visits by clients, customers, and/or students shall not be allowed on private roads unless one of the following can be demonstrated:
- a. The private road does not provide access or frontage to any other property; or
 - b. An existing or updated recorded maintenance/easement agreement addresses and permits nonresidential use of the private road.

~~8-5-3-55~~ : HOSPITAL:

- A. The use shall have frontage on an arterial street.
- B. Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve patrons of the hospital and their visitors only.
- C. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.
- D. No hospital shall be located within one thousand feet (1,000') of the following uses: explosive manufacturing or storage, livestock confinement facility with three hundred one (301) or more animal units, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, centralized power facility, processing plant for agricultural and dairy products, slaughterhouse, soil or water remediation, or tannery.

8-5-3-56 : HOTEL OR MOTEL:

- A. No structure or driveway shall be located within one hundred feet (100') of a property line abutting a residential district.
- B. Accessory retail uses including, but not limited to, restaurants, retail shops, food or beverage service, and personal service shops, may be allowed if such facilities are completely within the hotel or motel structure. A bar or nightclub shall require separate or concurrent approval subject to the regulations of this title.
- C. No outdoor recreation area associated with the hotel or motel shall be within one hundred feet (100') of a residential district. If an outdoor swimming pool is proposed on site, the pool shall be enclosed with a six foot (6') barrier that meets the requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.

8-5-3-57 : JUNKYARD OR AUTOMOBILE WRECKING YARD:

- A. Screening:
 - 1. Outdoor storage areas shall comply with section 8-5-3-78 of this chapter. The fence or wall and screening materials shall be a minimum of ten feet (10') in height.
 - 2. No portion of the junkyard or automobile wrecking yard outdoor storage areas and/or outdoor activity areas may be visible from any "highway," "interstate," "principal arterial," or "minor arterial" as herein defined.
 - 3. All materials or parts shall be stored and located within the fenced or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.
- B. Site Related Standards:
 - 1. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district.
 - 2. The master site plan shall designate an area for processing vehicles as they are brought to the site. The processing area shall be an impermeable surface that has a means to collect and properly dispose of oils and fluids in the vehicles.
 - 3. The applicant shall obtain all necessary permits for the storage of materials on the site, including, but not limited to, oil, hazardous waste, and tires.
 - 4. No person shall establish, operate, or maintain a junkyard or automobile wrecking yard, any portion of which is within one thousand feet (1,000') of the nearest edge

of the right of way and visible from any “highway,” “interstate,” “principal arterial,” or “minor arterial” as herein defined. See Idaho Code section 40-313.

5. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.
6. The applicant shall submit review comments from the Boise regional office of the Idaho division of environmental quality with the conditional use permit application.

8-5-3-58 : KENNEL, COMMERCIAL:

- A. The owner and/or operator shall have an obligation to comply with all county and state regulations relative to the operation of the commercial kennel.
- B. The owner and/or operator shall maintain sanitary practices so as not to create a public nuisance and to reduce noise and odor.
- C. If applicable, the facility shall meet the specific use standards for animal boarding with outside runs in section 8-5-3-10 of this chapter.

8-5-3-59 : KENNEL, HOBBY:

- A. A maximum of ten (10) dogs shall be allowed as a hobby kennel. For the purposes of this section, a litter of puppies together with the mother, shall count as one dog until the litter reaches six (6) months of age. Each puppy over six (6) months of age shall be counted as one dog.
- B. The owner shall maintain a valid Ada County dog license for each dog as required by section 5-7-3 of this code. The owner shall comply with section 5-7-4 of this code regarding limitations on dogs.
- C. Facilities in which dogs are housed and the designated location for feeding and watering shall be in the rear yard and a minimum of fifty feet (50’) from any property line. In residential districts and properties under 2.5 acres in the rural base districts, all dogs shall be housed indoors during the night.
- D. The dogs shall be physically restrained from running at large. In residential districts, visual screening shall be required to buffer adjacent land uses.
- E. No commercial dog boarding shall be allowed.
- F. The owner shall have a continuing obligation to maintain adequate housekeeping and sanitation practices designed to prevent the creation of a public nuisance and to reduce to a minimum the factors of noise and odor.

- G. If located within airport influence area B-1, B, or C, the dogs shall not spend more than two (2) hours each day outside a soundproofed structure as set forth in chapter 3, article A of this title.

~~8-5-3-60~~ : LAUNDROMAT:

If abutting a residential district, the hours of operation shall be seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

~~8-5-3-61~~ : LAUNDRY OR LINEN SUPPLY:

There are no additional standards for this specific use.

~~8-5-3-62~~ : LIVESTOCK CONFINEMENT FACILITY:

A. Definitions: For the purposes of this section, the following definitions shall apply:

1. The term "existing facility" shall apply to any livestock confinement facility that was legally in existence prior to the effective date of this title.
2. The term "existing development" shall refer to uses and activities that are nonagricultural or nonindustrial in nature including, but not limited to: dwelling on a property less than ten (10) acres in size and that is under construction, occupied, or listed for rent or sale; amusement or recreation facility; outdoor auction establishment; bed and breakfast establishment; boarding house; children's treatment facility; campground; church; club or lodge or social hall; daycare facility; drug and alcohol treatment facility; golf course; skilled nursing facility; racetrack; residential care facility; and/or school. However, the term shall not include dwellings and/or establishments associated with the AFO operation.
3. For information on "grandfather rights" for existing uses, see chapter 1, article B, "Nonconforming Property, Use, Or Structure," of this title.

B. Applicability:

1. A new livestock confinement facility or expansion of an existing facility that has three hundred (300) animal units or fewer shall not require Master Site Plan approval.
2. A new livestock confinement facility or expansion of an existing facility that will have more than three hundred (300) animal units shall be deemed an animal feeding operation (AFO) and shall require Master Site Plan approval.
3. A new AFO or expansion of an existing AFO that will have more than one thousand (1,000) animal units shall require conditional use approval.

4. Existing facilities with more than two hundred thirty (230) animal units shall have the option to register their facility with the Ada County Development Services Department by one year after the effective date of this title. The purpose of the registration is to establish the property boundaries and the operating capacity of the livestock confinement facility. Operating capacity shall be either the historic maximum animal units or the maximum design capacity (in animal units) of the facility, whichever number is greater. Existing facilities that register shall be allowed up to a thirty percent (30%) increase in the registered operating capacity without Master Site Plan or conditional use approval.
 5. Aquaculture AFOs are exempt from the regulations in this section, except for manure storage setback as set forth in table 8-5-1 of this section.
- C. Standards: Livestock confinement facilities shall be located within an RP, RR, RUT, RSW, R1, R1M, R2, R4, R6, R8, or R8M Base District.
- D. Additional Standards For AFOs: In addition to the livestock facility standards of subsection C of this section, the following standards shall apply:
1. Compliance: The AFO must comply with and not be in violation of any Federal, State, or local law including, but not limited to, all applicable State of Idaho Department of Agriculture, State of Idaho Department of Environmental Quality, State of Idaho Department of Water Resources, and/or Central District Health Department regulations and specifications.
 2. Lighting: All proposed lighting shall comply with the provisions of chapter 4, article H of this title.
 3. Siting Standards: For expansions of existing facilities that require Master Site Plan or conditional use approval, the location standards shall only apply to proposed expansions.
 - a. Lagoons and manure storage shall not be located within a Flood Hazard Overlay District.
 - b. All lagoons and manure storage areas shall maintain a minimum separation distance, as set forth in table 8-5-1 of this section.

Table 8-5-1: AFO Setback

Use	Setback (In Feet)
Another AFO lagoon or manure storage area where existing development is within either AFO sphere of influence	2,500

Another AFO lagoon or manure storage area where there is no existing development within either AFO sphere of influence	1,250
Existing development <u>outside an area of city impact</u>	1,000
Existing development <u>inside an area of city impact</u>	2,500
Public water intakes ¹	300
Domestic well ²	300
Streets and roadways	200
Property lines not fronting a street or roadway	300

Notes:

1. Public water intakes shall include, but not be limited to, wells, springs, lakes, and/or streams used as a potable water source.
 2. This does not include any domestic well of the AFO owner and/or operator.
- c. Silage, haylage, potatoes, or any feed product resulting from the ensilage process shall be stored no closer than three hundred feet (300') from any property line.
- d. Each existing facility with three hundred (300) or more animal units and each proposed AFO shall have a one mile radius sphere of influence from the lagoons and/or manure storage areas. The sphere of influence of a proposed AFO may overlap the sphere of another AFO if no existing development is within more than two (2) AFO spheres of influence.
- E. **Alternative Design:** The Director may approve, or recommend approval of, alternative site development when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this section and shall not be detrimental to the public health, safety, and welfare.

8-5-3-63 : MANUFACTURE OF ELECTRONIC OR ELECTRICAL PRODUCTS:

There are no additional standards for this specific use. See Boise Air Terminal Airport Influence Areas Overlay District, chapter 3, article A of this title.

8-5-3-64 : MANUFACTURE OR PROCESSING OF HAZARDOUS CHEMICALS OR GASES:

The following standards shall apply to the manufacture or processing of hazardous chemicals or gases as a principal permitted use. The standards shall not apply to research and development facilities.

- A. All structures shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.
- B. All hazardous chemicals or gases shall be stored and/or used within an enclosed structure.
- C. The facility shall be enclosed by a minimum eight foot (8') high security fence or wall. Entrance and exit shall be through a gate that shall be locked during nonbusiness hours.
- D. The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.
- E. The application materials shall include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been, or shall be, eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.
- F. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.

8-5-3-65 : MANUFACTURED HOME:

A “manufactured home,” as herein defined, is a principal permitted use in the rural districts and in the R1M and R8M districts. A manufactured home shall meet the standards of a manufactured home, not the standards for a single-family dwelling as herein defined. Unless otherwise provided for in this title, only one manufactured home shall be allowed per property.

8-5-3-66 : MANUFACTURED HOME PARK:

- A. Definitions: For the purposes of this section, the following definitions shall apply:

COMMON PLAY AREA: Shall refer to the play area required in subsection F3 of this section. The term common play area shall not refer to the outdoor living area required in subsection D4 of this section.

DRIVE: A privately owned roadway that provides internal circulation for vehicles within the manufactured home park and/or access to manufactured home spaces within the manufactured home park.

MANUFACTURED HOME SPACE: Shall refer to the area that is for lease or rent as a site to place a manufactured home, including the required outdoor living area. The

manufactured home space shall be delineated on an approved master site plan for a manufactured home park.

SERVICE AREA: Shall refer to areas necessary for the management of the manufactured home park. Such areas may include, but shall not be limited to: storage and collection areas for trash and garbage, loading and unloading areas other than passenger vehicles, and outdoor storage areas.

- B. **Density:** The maximum density of a manufactured home park shall not exceed the maximum density of the corresponding base district.
- C. **Use Standards:**
 - 1. Accessory uses shall be in conformance with the accessory uses of the corresponding base district.
 - 2. A single-family detached dwelling or a manufactured home may be allowed for the sole use of a caretaker.
 - 3. A recreational center and clubhouse may be allowed for the use of park residents. ~~(Any sale, manufacturing, or distribution of alcoholic beverages shall require approval for a bar, brew pub, or nightclub as set forth in this title.)~~
 - 4. Manufactured home parks shall accommodate only manufactured homes _ not vacation trailers or other recreational vehicles except when stored within a designated storage area. A manufactured home shall not remain overnight in a manufactured home park unless it is parked in a manufactured home space. Not more than one manufactured home shall be parked at one time in a manufactured home space.
 - 5. Manufactured home parks approved subject to the regulations of this section may be expanded or altered after approval is obtained from the decision making body. The application, filed by the owner or other party in interest, shall be filed and processed in the same manner as an application for a new manufactured home park.
- D. **Manufactured Home Space Design Standards:**
 - 1. No manufactured home space shall contain less than two thousand (2,000) square feet. The gross average areas of all spaces in the park shall not be less than three thousand (3,000) square feet. No drives, common play area, or service area shall be considered as providing any part of the required manufactured home space.
 - 2. No manufactured home space shall be less than thirty feet (30') in width and/or depth.

3. The boundaries of each manufactured home space shall have an approved fence, wall, planting, or other permanent marker defining the perimeter of the space.
 4. An outdoor living area shall be provided in each manufactured home space. Such outdoor living area shall be a minimum of ten percent (10%) of the individual space, but in no case shall such area be less than three hundred (300) square feet nor required to be more than five hundred (500) square feet. The minimum dimension of such area shall not be less than fifteen feet (15').
- E. Drives: Drives shall comply with the following standards and are subject to plan review, field inspection, and approval by the county engineer:
1. The following construction standards apply to all drives in manufactured home parks:
 - a. A minimum of one drive shall originate at a public street and terminate at a public street. This standard is not intended to require two (2) access points to the manufactured home park.
 - b. Drives shall have rolled concrete curb and gutter sections along both sides of the drive and extending the length of the drive.
 - c. Drives shall be a minimum of thirty feet (30') wide from back of curb to back of curb. The entire width of the drive shall be improved.
 - d. ~~Drive slope to or from centerline (perpendicular to the drive centerline) shall be a minimum of two percent (2%), and runoff shall be disposed of in a manner that protects life and property~~ Drive shall have a crown or transverse slope a minimum of two percent (2%) to drain water away from the travelway and shall be disposed of in a manner that protects life and property.
 - e. The improved surface shall include 2.5 inches of asphalt plant mix paving on top of the base course of six inches (6") of ~~compacted crushed gravel no larger than 1.5 inch. Compaction shall be to ninety percent (90%) of maximum density at optimum moisture. All soft or unstable subgrade material shall be removed before the base course is placed. Where the subgrade has an R-value of less than sixty (60), the base course thickness and asphalt thickness shall be designed by a professional engineer registered in the state of Idaho, and the design approved by the county engineer~~ three-fourths inch (3/4") minus crushed gravel or other materials approved by the county engineers over a stable compacted subbase. As an alternative to asphalt plant mix, concrete shall be allowed with the approval of the county engineer.

- f Bridge and culvert crossings shall be designed for a minimum H-16 loading.
 - g The maximum allowable grade shall be ten percent (10%) slope.
 - h The minimum center line curve radius shall be fifty feet (50’).
 - i The minimum curb radius at intersections shall be twenty feet (20’).
2. The county engineer may approve, or recommend approval of, alternative drive designs when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this article and shall not be detrimental to public health, safety, and welfare.
 3. Sidewalks shall be constructed along one side of the drive and constructed to the standards for local streets in the most current edition of the development policy manual as adopted by the Ada County highway district.

F. Park Design Standards:

1. Two (2) off-street parking spaces shall be provided for each manufactured home space. All off-street parking shall be improved to the same standards as drives as noted in subsection E of this section. Parking areas for accessory uses shall be paved in a like manner. For the purposes of this section, off-street parking spaces shall mean off-drive parking spaces.
2. Outdoor lighting shall be provided to illuminate drives and sidewalks. Lighting shall be subject to the regulations of chapter 4, article H of this title.
3. Manufactured home parks that accommodate children less than fourteen (14) years of age shall provide a common play area restricted to that use. Parks that qualify as housing for older persons subject to the federal fair housing act are exempt from this regulation.
 - a. A minimum of one hundred (100) square feet of common play area shall be provided per manufactured home space; provided, however, that no such common play area, regardless of the number of manufactured home spaces, shall be less than two thousand five hundred (2,500) square feet.
 - b. The common play area shall be protected from all streets, drives, driveways, and parking areas by a minimum thirty six inch (36”) barrier. The fencing material shall meet the swimming pool barrier requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.

4. All manufactured home parks shall comply with the Americans with disabilities act accessibility guidelines.
 5. Manufactured home parks shall provide a side and rear yard of a minimum of twenty feet (20').
 - a. Where the neighboring property is in a residential base district, such yard may be used for open space but shall not contain carports, storage structures, or any other structures.
 - b. Where the neighboring property is in a rural, commercial, or industrial base district such yard may be used for open space, group or individual parking, recreational facilities, carports, or storage structures.
- G. Screening: The following standards shall be in addition to the landscaping and screening standards in chapter 4, article F of this title.
1. Along the perimeter of the manufactured home park, fences, walls, and/or vegetative screening shall be provided to screen off-street parking areas with more than five (5) spaces and service areas.
 2. Fences, walls, and/or vegetative screening along the perimeter of the manufactured home park shall be provided to protect park residents from undesirable views, lighting, noise, or other off-site influences, or to protect occupants of neighboring residential districts from potential adverse influences within the manufactured home park including, but not limited to, undesirable views, lighting, and/or noise.
 3. Off-street parking areas with five (5) or more parking spaces and service areas shall be screened from view of park residents.
- H. Manufactured Home Placement Standards:
1. Carports, cabanas, awnings, and all other structures, whether herein defined or not, that are attached to the manufactured home shall be considered as a portion of the manufactured home. Such additions and structures shall conform to the requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.
 2. Trailer hitches shall not project beyond the manufactured home space.
 3. The minimum distance between a manufactured home (exclusive of trailer hitches) and:
 - a. Any other manufactured home shall be ten feet (10').

- b. Any structure shall be ten feet (10’).
 - c. Any property line (excluding manufactured home space boundaries), shall be equal to or greater than the required setback for the base district.
 - d. Any public street shall be equal to the required setback for the base district.
 - e. Any common drive or walkway shall be five feet (5’).
4. Not more than sixty percent (60%) of a manufactured home space may be occupied by a manufactured home and any other accessory structures.

~~8-5-3-67~~ : MANUFACTURED HOME STORAGE:

- A. Manufactured homes shall not be stored within the required yards. Outdoor storage areas shall comply with section 8-5-3-78 of this chapter.
- B. The site shall not be used as a “junkyard” or “automobile wrecking yard” as herein defined.
- C. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.

8-5-3-68 : MANUFACTURED HOME SUBDIVISION OR PARK IN A MANUFACTURED HOME DISTRICT (R1M, R8M):

- A. Where an M district boundary abuts any district without an M designation that does not have an intervening street, alley, or other permanent open space a minimum of twenty feet (20’) in width, a yard of twenty feet (20’) in minimum dimension shall be provided.
 - 1. Where the neighboring district is residential, such yard may be used for open space but shall not contain carports, storage structures, or any other structures.
 - 2. Where the neighboring district is rural, commercial, or industrial, such yard may be used for open space, group or individual parking, recreational facilities, carports, or storage structures.
- B. Along the perimeter of an M district, fences, walls, and/or vegetative screening shall be provided to screen off-street parking areas with more than five (5) spaces and service areas.
- C. Subdivision of property within an M district shall be approved by the board subject to the regulations of chapter 6 of this title.

- D. Manufactured home parks shall meet the standards listed in section 8-5-3-66 of this chapter.

~~8-5-3-69~~ : MEATPACKING FACILITY:

- A. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.
- B. The application materials shall include written documentation that the proposed facility meets any applicable federal, state, or local standards regarding such use including, but not limited to, those of the environmental protection agency, the U.S. department of agriculture, central district health department, and Idaho department of water resources.

~~8-5-3-70~~ : MORTUARY:

A mortuary may be allowed as an accessory use to a cemetery when located within a fire district and/or when fire flow is available.

~~8-5-3-71~~ : MULTI-FAMILY DEVELOPMENT:

- A. The minimum roadway frontage shall be fifty feet (50') for multi-family developments in the R12 and R20 districts.
- B. The minimum dedicated open space requirement shall be thirty percent (30%) for multi-family developments in the R12 and R20 districts.
- C. Dedicated open space shall abut multi-family development within a planned unit development.
- D. Multi-family site development shall comply with the design standards specified in section 8-4E-4 of this title.
- E. The applicant may request an indoor amusement or recreation facility as an accessory use to the multi-family development.

~~8-5-3-72~~ : NURSERY, WHOLESALE OR RETAIL:

- A. Outdoor mechanical equipment (including, but not limited to, heaters and fans) shall not be located within fifty feet (50') of a property line. To reduce noise, permanently mounted mechanical equipment shall be enclosed to the maximum extent possible.
- B. Outdoor storage areas for materials shall comply with section 8-5-3-78 of this chapter. The following nursery materials shall be exempt from this requirement:
 - 1. Growing plants in ground or in containers; and

2. Wood chips, bark, rock, gravel, or similar ground cover material where such storage piles do not exceed six feet (6') in height.
- C. Any outdoor speaker system associated with the nursery shall comply with the noise regulations of section 5-13-3 of this code.
 - D. The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the nursery use.
 - E. Additional standards for wholesale and/or retail nursery within a residential district or adjoining a residential district:
 1. All proposed lighting shall comply with the provisions of chapter 4, article H of this title.
 2. Any storage area for material in the process of being converted into compost shall be located a minimum of one hundred feet (100') from any property line.
 3. No aerial spraying of the property shall be allowed.
 - F. Retail nurseries in the RUT (rural-urban transition) district shall also comply with the following:
 1. The total amount of enclosed retail space shall not exceed five thousand (5,000) square feet. Greenhouses (as defined by this title) shall not be considered retail space.
 2. The property shall have frontage to an arterial street.

8-5-3-73 : NURSING FACILITY, SKILLED:

- A. The owner and/or operator of the facility shall secure and maintain a license from the state of Idaho department of health and welfare facility standards division.
- B. Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve residents only.
- C. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.

8-5-3-74 : OFFICE BUILDING:

No additional standards are required for this specific use.

8-5-3-75 : OFFICE, RELATING TO AN APPROVED USE:

An accessory office shall be allowed for an approved use. The office shall not occupy more than twenty five percent (25%) of the gross floor area of the approved use. If the approved primary use is not located in a structure, the office structure shall not occupy more than five percent (5%) of the property area on which the primary use is located or five thousand (5,000) square feet, whichever is less.

8-5-3-76 : OFFICE, TEMPORARY CONSTRUCTION:

Any offices or accessory structures shall be removed from the property within thirty (30) days of completion of the construction project.

8-5-3-77 : OFF STREET PARKING FACILITY:

Ground level parking areas (i.e., not in parking structures) shall be subject to the landscape and screening requirements in section 8-4F-7 of this title.

8-5-3-78 : OUTDOOR STORAGE AREA, FOR AN APPROVED USE:

- A. Screening: Outdoor storage areas shall be screened according to the regulations of section 8-4F-5 of this title. As required by section 8-4A-16 of this title, outdoor storage of chemicals and/or fertilizers shall be prohibited.
1. All outdoor storage areas shall be completely fenced and screened from public view. The fencing shall be at least six feet (6'), but not greater than ten feet (10') in height. One side of the outdoor storage may be left unenclosed, provided that the materials stored in the area shall not be visible from a public roadway or an abutting property.
 2. Cyclone or chainlink fencing (with or without slats) shall not be deemed a screening material.
 3. The landscaping plan shall incorporate vegetative materials along the length of the screening to soften the appearance of such features.
- B. Prohibited Locations: Materials shall not be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.
- C. Use Of Site: The site shall not be used as a "pit, mine, or quarry" or "contractor's yard" as herein defined unless such use has been approved.
- D. Prohibited Uses: The site shall not be used as a "junkyard," "automobile wrecking yard," or vehicle impound yard as herein defined.

- E. Compliance: The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.
- F. Additional Standards For Outdoor Storage As An Accessory Use: Accessory outdoor storage shall be allowed for approved uses subject to the following standards:
 - 1. The location of the outdoor storage area shall be noted on the master site plan and reviewed as part of that application.
 - 2. Storage areas shall not be rented, leased, let, or otherwise used as a commercial business.
 - 3. Outdoor storage for commercial or industrial uses shall be limited to those items owned or used by the business.
 - 4. Outdoor storage for a multi-family development, recreational vehicle park, or manufactured home park, shall be only for recreational vehicles or personal recreation items of the tenants.

~~8-5-3-79~~ : PACKAGE AND LETTER DELIVERY SERVICE:

- A. No structure, facility, drive lane, parking area, nor loading area shall be located within twenty feet (20') of a residential district unless a six foot (6') sound reduction wall is provided.
- B. If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- C. All outdoor storage of material shall be maintained in an orderly manner so as not to create a public nuisance. Outdoor storage areas shall comply with section 8-5-3-78 of this chapter.

~~8-5-3-80~~ : PERSONAL, BUSINESS, OR PROFESSIONAL SERVICE:

No additional standards are required for this specific use.

~~8-5-3-81~~ : PIT, MINE, OR QUARRY:

A pit, mine, or quarry that meets the standards of subsection C of this section shall be reviewed as a temporary use. Any other pit, mine, or quarry shall be reviewed as a conditional use.

- A. General Use Standards:
 - 1. All operations shall be subject to accepted safety conditions for the type of excavation being performed.

2. Asphalt mixing and concrete batching may only be allowed as accessory uses to a pit, mine, or quarry in an industrial or rural district. See standards in section 8-5-3-12 of this chapter.
3. Extraction, movement, or stockpiling within the required yards shall be prohibited. The tops and toes of cut and fill slopes shall remain outside the required yards.
4. Areas where equipment is stored shall be deemed outdoor storage areas and shall meet the standards of section 8-5-3-78 of this chapter. Such storage areas shall be constructed and maintained to prevent chemicals from discharging into surface or ground waters. Such chemicals shall include, but not be limited to, petroleum products, antifreeze, and lubricants.
5. The extraction area shall be watered daily to reduce dust impacts to surrounding properties. Haul roads shall have a durable and dust free surface, and shall be graded to drain all surface water from the haul roads.
6. The pit, mine, or quarry shall comply with the regulations of chapter 3, article F of this title, if applicable.
7. For any pit, mine, or quarry requiring an administrative or conditional use approval, the director shall notify all property owners within one thousand feet (1,000') of any property boundary of the proposed site and any additional area that may be substantially impacted by the use, as determined by the director.
8. In accord with title 5, chapter 2 of this code, the storage and/or disposal of solid waste on the proposed site shall be prohibited.
9. Upon reclamation of the final phase, all temporary structures shall be removed from the property, except for property line fences or walls. Any contaminated soils shall be properly recycled or disposed.

B. General Design And Reclamation Standards:

1. The applicant shall provide documentation (from the appropriate agency) that the proposed pit, mine, or quarry operation and reclamation plan comply with federal and state regulations in regard to air and water quality and site reclamation.
2. For a pit, mine, or quarry where the excavation area results in a pond, the following standards shall apply:
 - a. The extraction areas shall be designed to create a meandering edge.

- b. The applicant shall provide written documentation from Idaho fish and game that the proposed pond is designed to create viable fish and/or wildlife habitat.
 - c. The applicant shall provide documentation from Central District health department that the proposed pond shall not cause septic leach fields on abutting properties to fail.
 - d. For the purposes of this section, a “pond” shall be defined as any pit, mine, or quarry area where the rehabilitation plan results in an area that contains water to within six feet (6’) of the surface year round.
- 3. Any riparian vegetation disturbed as part of the operation shall be replaced at a ratio of two to one (2:1). Replacement vegetation shall be native plant materials and shall meet the requirements of table 8-4F-1, “Minimum Plant Size Standards,” of this title.
 - 4. The applicant or owner shall comply with all requirements of “Best Management Practices For Mining In Idaho,” published by the Idaho department of lands.

C. Standards For Temporary Use Approval:

- 1. The property has not received previous approval for a pit, mine, or quarry as a temporary use.
- 2. The maximum area of the extraction site shall be six (6) acres.
- 3. The proposed extraction activities shall be completed within five (5) years.
- 4. The pit, mine, or quarry shall meet the standards in subsections A and B of this section.
- 5. Stockpiles shall be a maximum of fifteen feet (15’) in height.
- 6. All extraction and hauling activities shall take place between seven o’clock (7:00) A.M. and dusk or six o’clock (6:00) P.M. (whichever is earlier) Monday through Friday.
- 7. Haul roads shall not pass through existing residential neighborhoods. For the purpose of this subsection C, the term “residential neighborhood” shall be any residential subdivision development at a density of one or more units per acre. This standard shall not apply to a pit, mine, or quarry that is located in R1, R1M, R2, R4, R6, R8, R8M, R12, or R20 base district.
- 8. Additional standards for a pit, mine, or quarry located in an R1, R1M, R2, R4, R6, R8, R8M, R12, or R20 base district:

- a. The maximum extraction area shall be limited to the equivalent of the maximum allowed coverage (see section 8-2B-4 of this title).
- b. Stockpiles shall be a maximum of six feet (6') in height.
- c. No rock crushing shall be done on site.
- d. The proposed extraction activities shall be completed within one year.

D. Standards For Conditional Use Approval:

1. The pit, mine, or quarry shall meet the standards in subsections A and B of this section.
2. The approved site plan shall include adequate parking and loading areas to accommodate the peak number of vehicles. Such areas shall not be within the required yards.
3. Rock crushing may be allowed as an accessory use.
4. The applicant shall show the extraction and reclamation phasing plan on the master site plan.
5. The reclamation plan for each phase shall be implemented as soon as the subject area is depleted of resources or when the allowed time has ended (whichever occurs first).
6. The conditional use approval shall consider and/or establish a time frame for the extraction of material. For any proposal where the applicant requests an extraction period greater than five (5) years, the commission shall review the status of the pit, mine, or quarry after 2.5 years and consider amendments or additions to the approval.

~~8-5-3-82~~ : PORTABLE CLASSROOM:

Portable classrooms that are not indicated on an approved conditional use shall require administrative approval. If the proposed use cannot meet all of the following specific use standards, the use shall require conditional use approval:

- A. A school site shall be allowed a maximum of three (3) portable classrooms as an accessory use.
- B. The portable classroom shall not be located in the front yard of the principal school structure.

- C. The portable classroom shall not be located in any required yard.
- D. The placement of the portable classroom shall not reduce the number of required off street parking spaces.
- E. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.

8-5-3-83 : POWER FACILITY, CENTRALIZED POWER FACILITY, DISTRIBUTED POWER FACILITY, ELECTRIC DISTRIBUTION LINE, ELECTRIC SUBTRANSMISSION LINE, AND ELECTRIC TRANSMISSION LINE AND SUBSTATIONS:

A. General Standards:

1. Electric Distribution Line:

- a. Electric distribution line shall be a principal permitted use. Master site plan approval shall not be required.
- b. Electric distribution line rights of way shall be exempt from the landscaping regulations of chapter 4, article F of this title.
- c. Electric distribution line shall comply with section 8-4A-20 of this title.

2. Electric Subtransmission Line:

- a. Electric subtransmission line shall be a principal permitted use. Master site plan approval shall be required. A parking plan is not required with the master site plan application unless a parking area is proposed with the subtransmission line.
- b. Electric subtransmission line rights of way shall be exempt from the landscaping regulations of chapter 4, article F of this title.
- c. Electric subtransmission line shall comply with section 8-4A-20 of this title.

3. Electric Transmission Line And Substation:

- a. Electric transmission line and substations shall require conditional use approval.
- b. All electric transmission line rights of way shall be exempt from the landscaping regulations of chapter 4, article F of this title.

- c. Electric substations and other utility structures shall be deemed outdoor storage areas and shall meet the standards in section 8-5-3-78 of this chapter.
- d. Towers for the purpose of communicating from the substation to remote devices shall be deemed an accessory use to an approved substation, provided that the pole and antenna are no taller than the existing towers.
- e. Electric transmission line and substations shall comply with section 8-4A-20 of this title.

4. Centralized Or Distributed Power Facilities:

- a. No power facility shall be used for displaying any advertising except for reasonable identification of the manufacturer or operator.
- b. The power facility shall comply with section 8-4A-21 of this title.
- c. The power facility shall comply with all local, state, and federal regulations.
- d. Installation of an anemometer or similar devices shall be reviewed as a temporary use. See chapter 4, article L of this title for governing regulations.

B. Specific Standards Applicable To Centralized Power Facilities:

1. Standards Applicable To All Centralized Power Facilities:

- a. The minimum property size shall be forty (40) acres.
- b. The centralized power facility shall not be located within an area of city impact.
- c. The applicant may be required to obtain approval from the appropriate agency, including, but not limited to, the following: federal energy regulatory commission, federal aviation administration, national guard, Mountain Home military base, Idaho bureau of aeronautics, Boise Airport director, IPUC, Idaho Power Company compliance, Idaho fish and game, U.S. department of fish and wildlife, Idaho department of water resources, IDEQ, Ada County emergency communications division, Idaho bureau of homeland security public safety communications, and the appropriate fire authority as a condition of approval.

- d. The master site plan for the proposed centralized power facility shall include a map of the proposed transmission line corridors and any proposed or existing substations, if any.
2. Additional Standards For Certain Centralized Power Facilities:
- a. Biomass Facility:
 - (1) The applicant shall identify the specific location and type of all fuel sources for the biomass facility, and the method of gathering and delivering the fuel to the site.
 - (2) Mass burn facilities shall not use waste containing hazardous materials as a fuel source.
 - b. Hydroelectric Facility:
 - (1) Major earthwork associated with construction and maintenance shall be scheduled to minimize soil disturbance between December 1 and April 15.
 - (2) Any removal of riparian vegetation along watercourses shall be replaced at a ratio of two to one (2:1).
 - (3) A master site plan approval is not required for a hydroelectric facility, relating to a seasonal irrigation canal.
 - c. Solar Facility:
 - (1) Solar equipment shall meet the required setbacks of the rural preservation (RP) district.
 - (2) All solar panels shall be non-reflective.
- C. Specific Standards For Certain Distributed Power Facilities:
- 1. Geothermal Resources: Direct use of geothermal resources for heating spas, greenhouses, and other similar uses shall not constitute a distributed power facility.
 - 2. Solar Facility:
 - a. All solar panels shall be non-reflective.

- b. Roof mounted solar equipment shall not exceed five feet (5') above the roof surface and in no case shall the equipment exceed the maximum height of the base district.
- c. Ground and pole solar equipment shall be prohibited in the required front or side yard.
- d. Pole solar equipment shall not exceed a maximum height of fifteen feet (15').
- e. Pole solar equipment shall be set back 1.5 feet from the property line for every one foot (1') of maximum height or the minimum setback for the district, whichever is greater.
- f. Ground solar equipment shall meet the minimum setback for the district in which it is located.

3. Wind Facility:

a. Specific Standards For Rooftop Or Freestanding Wind Tower:

- (1) The applicant may be required to obtain approval from the appropriate agency, including, but not limited to, the following: federal energy regulatory commission, federal aviation administration, national guard, Mountain Home military base, Idaho bureau of aeronautics, Boise Airport director, IPUC, Idaho Power Company compliance, Idaho fish and game, U.S. department of fish and wildlife, Idaho department of water resources, IDEQ, Ada County emergency communications division, Idaho bureau of homeland security public safety communications, and the appropriate fire authority as a condition of approval.
- (2) Documentation shall be submitted that describes the expected maximum noise level that will be generated by the facility. If the noise level exceeds the applicable standard set forth below, the applicant shall submit an acoustical study prepared by a licensed professional that demonstrates how the facility will comply with the maximum allowed noise level.
- (3) No experimental, homebuilt, or prototype wind turbines shall be allowed.

b. Rooftop Wind Facilities:

- (1) A minimum property size shall be one acre.

- (2) One rooftop wind facility requires an accessory use; see article A of this chapter.
- (3) Two (2) or more rooftop wind facilities require a conditional use; see article B of this chapter.
- (4) Rooftop wind equipment shall not exceed the maximum height of the base district in which it is located.
- (5) The maximum diameter of the blades shall not exceed five feet (5').
- (6) Roof mounted wind equipment shall be located so that in the event of failure, no part of the equipment will fall across any property line.
- (7) Noise emitted from a rooftop wind facility shall not exceed thirty five (35) decibels (dBA) measured from all external property lines of the subject property.

c. Freestanding Wind Facilities:

- (1) Minimum Property Size: The minimum property size shall be forty (40) acres.
- (2) Number Of Towers Allowed Per Acre: One wind tower per forty (40) acres shall be allowed.
- (3) Restriction On Number Of Towers: A property owner shall only be allowed to construct a maximum of two (2) wind towers on their property, including all of their abutting properties.
- (4) Maximum Height: The maximum height shall be one hundred twenty feet (120') including the tip height of the blade.
- (5) Location From Property Lines: All wind tower facilities shall be located a minimum of 1.5 feet from all property lines for every one foot (1') of tower height, including the tip height of the blade as illustrated in section 8-1A-2, figure 7, of this title.
- (6) Fall Zone: In addition to the setback requirements in subsection C3c(5) of this section, a fall zone for each wind tower facility shall be delineated and permanently restricted from future development, as follows:

- (A) The fall zone shall consist of the land area centered beneath the wind facility and circumscribed by a circle with a radius equal to the maximum height including the tip height of the blade plus ten feet (10') as illustrated in section 8-1A-2, figures 7 and 8, of this title.
 - (B) All future development with the exception of agricultural structures shall be prohibited within the fall zone.
- (7) **Minimum Setback From Overhead Utility Lines:** The minimum required setback distance from all overhead utility lines shall be no less than the tower height including the tip height of the blade plus ten feet (10') unless extended by an easement from the overhead utility line company for the fall distance.
 - (8) **Maintenance And Removal:**
 - (A) **Maintenance:** All wind facilities and their identification tags, supports, braces, mechanical and electrical equipment, and associated apparatus must be kept fully operable and maintained in a safe, neat, and clean condition.
 - (B) **Removal:** Any wind facility that is not operated for a continuous period of twelve (12) months or more or that is in an obvious state of disrepair and a threat to public safety will be deemed abandoned and must be removed within sixty (60) days.
 - (9) **Shadow Flicker:** The facility owner and operator shall make reasonable efforts to minimize shadow flicker to any nonparticipating landowner's property.
 - (10) **Color:** Wind facilities shall be a neutral, non-reflective color designed to blend with the surrounding environment. This shall not preclude towers requiring FAA painting and/or marking from meeting those standards.
 - (11) **Minimum Distance From Ground To Blade:** Minimum distance between the ground and the tip of the blade closest to the ground in a resting position shall not be less than twenty feet (20').
 - (12) **Landscaping:** All wind facilities shall be exempt from the landscaping regulations of chapter 4, article F of this title.
 - (13) **Lighting:** No lighting is allowed, except as required by the federal aviation administration.

- (14) Uncontrolled Rotation Prevention: All wind turbines must have an automatic braking, governing, or feathering system to prevent uncontrolled rotation creating excessive pressure on the tower structure, rotor blades, and turbine components.
- (15) Emergency Shutdown: Procedures for emergency shutdown of power generation units shall be established and posted prominently and permanently within three feet (3') of the meter panel.
- (16) Director's Review: The conditional use permit shall require a director's review every five (5) years upon issuance of a zoning certificate. The director shall review the conditions of approval for compliance.
- (17) Noise: Noise emitted from a freestanding wind facility shall not exceed forty five (45) decibels (dBA) as measured from all external property lines of the subject property.

8-5-3-84 : PROCESSING PLANTS FOR AGRICULTURAL OR DAIRY PRODUCTS:

- A. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.
- B. The application materials shall include written documentation that the proposed facility meets any applicable federal, state, or local standards regarding such use including, but not limited to, those of the environmental protection agency, the U.S. department of agriculture, Central district health department, and Idaho department of water resources.

8-5-3-85 : PRODUCT FABRICATION, ASSEMBLY, OR PACKAGING:

No additional standards are required for this specific use.

8-5-3-86 : PRODUCE STAND, AGRICULTURAL OR ROADSIDE:

- A. Standards for both agricultural and roadside produce stands:
 - 1. One stand per property under one ownership is allowed, subject to approval as set forth in this chapter.
 - 2. The applicant shall submit a site plan drawn to scale showing all existing and proposed structures, parking and signage.
 - 3. The applicant shall submit a detailed letter addressing the type of produce that shall be sold from the stand.

4. Display and sale of produce shall be allowed from May 1 to October 31 each year.
 5. Access to a stand shall be from a roadway and shall be approved by the Ada County highway district or Idaho department of transportation.
 6. A stand shall not be allowed on private roads unless one of the following can be demonstrated:
 - a. The private road does not provide access or frontage to any other property;
or
 - b. An existing or updated recorded maintenance/easement agreement addresses and permits nonresidential use of the private road.
 7. The stand shall have an off street parking and loading area that is consistent with chapter 4, article G, "Off Street Parking And Loading Facilities," of this title.
 8. Hours of operation shall be limited between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.
 9. One on premises business sign for the stand may be placed, which shall not exceed thirty two (32) square feet, and must be removed when the operation closes for the season. There shall be no flashing or intermittent lighting.
 10. A building permit may be required for the change in use or occupancy of any portion of structures used for the stand.
 11. A stand that is a membrane covered structure under the IBC shall require a building permit if it is erected for one hundred eighty (180) days or longer.
- B. Additional standards for agricultural produce stands:
1. The agricultural produce stand shall only be located on a "farm" as defined in this title.
 2. The agricultural produce stand shall only sell produce grown on the premises.
 3. A zoning certificate is required.
 4. The area dedicated to the sale, display and storage of produce shall not exceed four hundred (400) square feet.
- C. Additional standards for roadside produce stands:

1. Administrative approval and zoning certificate is required.
2. Sales at the roadside produce stand shall be limited to produce, the majority of which must be grown on the premises.
3. The area dedicated to the sale, display and storage of produce shall not exceed six hundred (600) square feet.

8-5-3-8687: PUBLIC OR QUASI-PUBLIC USE:

- A. Minimum Setbacks; Compatibility: All structures shall meet the minimum required setbacks for the applicable base district, except within a residential district where there shall be a minimum setback of thirty five feet (35') from any public street and twenty five feet (25') from any other property line. Structures shall be designed and constructed to be compatible with the surrounding properties including, but not limited to, building materials and building mass.
- B. Public Recreation Facilities: The standards as set forth for amusement and recreation facilities shall apply for all public recreation facilities.
- C. Storm Drainage And Storm Detention Facilities: A storm drainage facility and/or storm detention facility that are an accessory use to a roadway on the same property shall be exempt. For the purposes of this standard, the contiguous parcel regulations of section 8-4A-8 of this title shall not apply.
- D. Underground Utilities: Underground utilities within an easement or within a public street right of way shall not require additional approval.
- E. Correctional Facilities: Any privately owned correctional facility designed for residence by incarcerated individuals shall meet the following standards:
 1. No structure or outdoor recreation area shall be located within one thousand feet (1,000') of a property line that abuts a residential district.
 2. No structure or outdoor recreation area shall be located within one thousand feet (1,000') of a public or private school, daycare center, or church.

8-5-3-8788: RACETRACK, VEHICLE OR ANIMAL:

- A. If the racetrack provides animal boarding, such facilities shall be subject to the regulations of section 8-5-3-10, "Animal Boarding With Outside Runs," of this chapter. If the racetrack provides horse boarding, such facilities shall be subject to the regulations in section 8-5-3-108, "Stable Or Riding Arena, Commercial," of this chapter.

- B. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district.
- C. Any outdoor speaker system associated with the racetrack shall comply with the noise regulations of section 5-13-3 of this code.
- D. Lighted facilities shall maintain a three hundred foot (300') setback from any property line abutting a residential district and shall comply with the lighting standards set forth in chapter 4, article H of this title. Setback requirements may be reduced at time of master site plan approval when conditions warrant a reduction. Possible conditions include, but are not limited to, building orientation, topography, distance to off site improvements, and physical obstructions.
- E. Accessory retail uses including, but not limited to, retail shops and food or beverage service, may be allowed if designed to serve patrons of the facility only, and is approved by the Central district health department and the applicable fire authority.

8-5-3-8889: RADIO AND TELEVISION BROADCASTING STATION:

No additional standards are required for this specific use.

8-5-3-8990: RAILROAD SWITCHING YARD:

All structures shall be located a minimum of one hundred feet (100') from any residential district. No outdoor storage of material shall be permitted.

8-5-3-9091: RECREATIONAL VEHICLE PARK:

- A. Use Of Spaces: Spaces may be used by recreation vehicles, tents, or other shelter arrangements or devices.
- B. Accessory Uses: Accessory uses including, but not limited to, management headquarters, recreational facilities, caretaker dwelling, coin operated laundry facilities, toilets, and showers may be allowed, subject to the following restrictions:
 - 1. Such uses shall be restricted in their use to occupants of the park.
 - 2. The structures housing such uses shall not be located closer than one hundred feet (100') to any public street and shall not be directly accessible from any public street, but shall be accessible only from a drive within the park.
- C. Design Standards:

1. The park shall have direct access to a collector or arterial street. No entrance or exit to the park shall be permitted ~~which moves traffic from the park~~ through a residential district.
2. ~~Internal drives shall meet the drive standards required for a manufactured home park.~~ Drives: Drives shall comply with the following standards and are subject to plan review, field inspection, and approval by the county engineer:
 - a. A minimum of one drive shall originate at a public street and terminate at a public street. This standard is not intended to require two (2) access points to the recreational vehicle park.
 - b. Drives shall have rolled concrete curb and gutter sections along both sides of the drive and extending the length of the drive.
 - c. Drives shall be a minimum of thirty feet (30') wide from back of curb to back of curb. The entire width of the drive shall be improved.
 - d. Drive shall have a crown or transverse slope a minimum of two percent (2%) to drain water away from the travelway and shall be disposed of in a manner that protects life and property.
 - e. The improved surface shall include 2.5 inches of asphalt plant mix paving on top of the base course of six inches (6'') of three-fourths inch (3/4'') minus crushed gravel or other materials approved by the county engineers over a stable compacted subbase. As an alternative to asphalt plant mix, concrete shall be allowed with the approval of the county engineer.
 - f. Bridge and culvert crossings shall be designed for a minimum H-16 loading.
 - g. The maximum allowable grade shall be ten percent (10%) slope.
 - h. The minimum center line curve radius shall be fifty feet (50').
 - i. The minimum curb radius at intersections shall be twenty feet (20').
3. The applicant shall indicate the specific location of each proposed space on the master site plan.
 - a. All recreational vehicle spaces shall have an all weather surface and be drained to prevent standing water.
 - b. Spaces shall be a minimum size of one thousand five hundred (1,500) square feet.

- c. Recreational vehicles shall not be located closer than ten feet (10') to any other recreational vehicle, structure, manufactured home, public street, or property line.
 - d. Recreational vehicle spaces shall not be located in any required off street parking space or required yard.
4. Any outdoor speaker system associated with the recreational vehicle park shall comply with the noise regulations of section 5-13-3 of this code.
 5. A dump station for discharging wastewater holding tanks shall be provided unless each space is equipped with a sewer connection. Such discharge facilities shall be approved by the central district health department.

8-5-3-9192: RECYCLING CENTER:

- A. Outdoor storage areas shall comply with section 8-5-3-78 of this chapter. No storage, excluding truck trailers, shall be visible above the required screening material.
- B. Except for after hours donation containers, no unsorted material shall be stored outdoors.
- C. Any container provided for after hours donation of recyclable materials shall be a minimum of fifty feet (50') from a residential district, shall be of sturdy, rustproof construction, and shall have sufficient capacity to accommodate materials collected.
- D. Power driven processing (including, but not limited to, aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of materials) may be allowed when located within an enclosed structure.
- E. All recycling center grounds and facilities shall be maintained in an orderly manner so as not to create a public nuisance.

8-5-3-9293: RECYCLING PLANT:

All recycling plant grounds and facilities shall be maintained in an orderly manner so as not to create a public nuisance.

8-5-3-9394: RESEARCH AND DEVELOPMENT FACILITY:

No additional standards are required for this specific use.

8-5-3-9495: RESIDENTIAL CARE FACILITY:

- A. The owner of the facility shall secure and maintain a license from the Idaho department of health and welfare, facility standards division.

- B. Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve residents and/or staff only.
- C. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.

8-5-3-9596: RESTAURANT OR EATING PLACE:

- A. In a commercial district, no additional standards are required for this specific use.
- B. An eating place within an industrial district shall be subject to the following regulations:
 - 1. The eating place shall not qualify as a “restaurant” as herein defined.
 - 2. If located on the ground level, the gross square footage of the area devoted to the eating place shall not exceed twenty five percent (25%) of the gross floor area on the ground level.
 - 3. The eating place shall be completely enclosed within the structure housing the industrial use.
 - 4. No sign advertising the eating place shall be visible from a public right of way or private road.

8-5-3-9697: RETAIL SALES, RELATING TO AN APPROVED USE:

Accessory retail sales shall be allowed for an approved commercial or industrial use, excluding uses within the M3 district. The area devoted to retail sales shall not occupy more than twenty five percent (25%) of the gross floor area of the approved use. Unless otherwise permitted in this title or as a condition of approval, no accessory retail sales shall be permitted in the rural base districts.

8-5-3-9798: RETAIL STORE:

No additional standards are required for this specific use.

~~8-5-3-98 : PRODUCE STAND:~~

~~A. Standards for agricultural and roadside produce stands:~~

- ~~1. One stand per property under one ownership is allowed, subject to approval as set forth in this chapter.~~

2. ~~The applicant shall submit a site plan drawn to scale showing all existing and proposed structures, parking and signage.~~
 3. ~~The applicant shall submit a detailed letter addressing the type of produce that shall be sold from the stand.~~
 4. ~~Display and sale of produce shall be allowed from May 1 to October 31 each year.~~
 5. ~~Access to a stand shall be from a roadway and shall be approved by the Ada County highway district or Idaho department of transportation.~~
 6. ~~A stand shall not be allowed on private roads unless one of the following can be demonstrated:~~
 - a. ~~The private road does not provide access or frontage to any other property;~~
~~or~~
 - b. ~~An existing or updated recorded maintenance/easement agreement addresses and permits nonresidential use of the private road.~~
 7. ~~The stand shall have an off street parking and loading area that is consistent with chapter 4, article G, "Off Street Parking And Loading Facilities," of this title.~~
 8. ~~Hours of operation shall be limited between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.~~
 9. ~~One on premises business sign for the stand may be placed, which shall not exceed thirty two (32) square feet, and must be removed when the operation closes for the season. There shall be no flashing or intermittent lighting.~~
 10. ~~A building permit may be required for the change in use or occupancy of any portion of structures used for the stand.~~
 11. ~~A stand that is a membrane covered structure under the IBC shall require a building permit if it is erected for one hundred eighty (180) days or longer.~~
- B. ~~Additional standards for agricultural produce stands:~~
1. ~~The agricultural produce stand shall only be located on a "farm" as defined in this title.~~
 2. ~~The agricultural produce stand shall only sell produce grown on the premises.~~
 3. ~~A zoning certificate is required.~~

4. ~~The area dedicated to the sale, display and storage of produce shall not exceed four hundred (400) square feet.~~

C. ~~Additional standards for roadside produce stands:~~

1. ~~Administrative approval and zoning certificate is required.~~

2. ~~Sales at the roadside produce stand shall be limited to produce, the majority of which must be grown on the premises.~~

3. ~~The area dedicated to the sale, display and storage of produce shall not exceed six hundred (600) square feet.~~

8-5-3-99 : SANITARY LANDFILL, RESTRICTED:

A. All structures shall be located a minimum of three hundred feet (300') from any property line. Active landfill disposal sites shall be located a minimum of one thousand feet (1,000') from any residential district.

B. The use shall comply with all applicable overlay districts as set forth in chapter 3 of this title.

C. The decision making body may specify definite time limits for daily operation and for termination of such use.

D. The applicant shall comply with all applicable regulations pertaining to designation, licensing and maintenance of restricted sanitary landfills and disposal sites as set forth in title 5, chapter 2 of this code; Idaho Code title 31, chapter 44; and title 39, chapters 65, 70, and 74.

E. All structures shall comply with the height limit per the applicable base district unless specifically exempt under section 8-4A-10 of this title.

F. All off street parking shall be provided as per chapter 4, article G of this title.

G. All outdoor lighting shall comply with chapter 4, article H of this title.

8-5-3-100 : SAWMILL OR PLANING MILL:

A. The use shall be conducted within an enclosed structure.

B. There shall be a one thousand foot (1,000') separation from the mill structure and any residential district.

C. Outdoor storage areas shall comply with section 8-5-3-78 of this chapter.

~~8-5-3-101~~ : SCHOOL, PUBLIC OR PRIVATE:

- A. Locations for public school sites shall be determined in conformance with the applicable comprehensive plan. The following location criteria shall apply unless in conflict with the applicable comprehensive plan:
 - 1. Elementary schools shall take access off a local street.
 - 2. Middle schools, junior high schools, and senior high schools shall take access off a designated arterial or urban collector street.
 - 3. No elementary, middle, or junior high schools shall abut a commercial or industrial district.
 - 4. No school shall be located in a floodplain or adjacent to a hazardous land use.
- B. All structures shall meet a minimum setback of forty feet (40') from any public street and thirty feet (30') from any other property line.
- C. Accessory uses including, but not limited to, daycare centers, community services, social services, meeting facilities for clubs and organizations, and administrative offices for the individual school facility may be allowed.

~~8-5-3-102~~ : SCHOOL, VOCATIONAL OR TRADE:

- A. Schools within the TI district shall have major curriculum relating to technological industrial research and processes.
- B. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.

~~8-5-3-103~~ : SEASONAL FARMWORKER HOUSING:

- A. The applicant shall specify the season and crop for which the housing is required. The facility shall not be occupied or otherwise used as dwelling units other than during the specifically permitted period.
- B. All dwellings or dormitories within the facility shall have adequate sewage and water facilities as provided in section 8-4A-22 of this title. If recreational vehicles are proposed as dwelling units, such recreational vehicles shall have power, water, and sewer hookups.
- C. Accessory uses including, but not limited to, management headquarters, recreation areas, coin operated laundry facilities, and communal toilets and showers, may be allowed if such facilities are designated on the facility master site plan and are to be used only by residents of the facility.

- D. No structure shall be closer than one hundred feet (100') from an abutting property within a residential district. No structure shall be closer than ten feet (10') from any other structure.
- E. Access drives and parking areas shall have a durable and dust free surface, and the area shall be graded so as to drain all surface water from the driveways.
- F. If the applicant and/or owner are found to be in violation of any of the standards listed in this section, the facility approval shall be revoked. Upon revocation of a permit, the owner may not reapply for a facility for any location in the county for a period of three (3) years following the date of revocation.

8-5-3-104 : SEPTAGE TREATMENT AND DISPOSAL FACILITY, PRIVATE:

The following standards apply to establishments that import septage from septic tanks for treatment and disposal.

A. General Use Standards:

1. Minimum Property Size: The minimum property size shall be forty (40) acres.
2. Written Approval: The applicant or owner shall obtain written approval for the acceptance, treatment and disposal of septage from the state of Idaho department of environmental quality. The approval shall make specific reference to the location of the facility, type of facility, the substance(s) being treated and its sources, the method(s) of treatment, the method(s) and location(s) of disposal of solids, monitoring methods, and the ability of the site to support the proposed use.
3. Security Fencing: Security fencing shall be provided to prevent access to the facility by animals and unauthorized persons as required by DEQ.
4. Prohibited Locations: The proposed use shall not be located in any city area of impact, the Snake River birds of prey national conservation area, airport overlay district, or wildlife habitat area as depicted in the Ada County comprehensive plan.
5. Minimum Distance From Property Line/Residential District: All structures, ponds/lagoons, and waste storage areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district.
6. Compliance With Flood Hazard Overlay Zone: The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.

7. Zoning Inspection: For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the Ada County development services department. If a permit holder refuses to allow inspection of the premises by the development services department, the approved zoning certificate or conditional use permit may be revoked.
8. Operator Licensed And Qualified: The applicant shall submit written approval that the operator of the private septage disposal facility is licensed and qualified as required by DEQ.
9. Private Roads Prohibited: Private septage treatment and disposal facilities shall not be allowed on a private road.
10. Odor Management Plan: The applicant shall submit an odor management plan for the septage disposal facility as required by DEQ.

B. Application Requirements:

1. The application materials shall include the following written documentation:
 - a. Description of the surrounding area within one mile of the subject site including the proximity of existing residential dwellings;
 - b. The number and frequency of anticipated deliveries from outside companies dumping septage;
 - c. The anticipated quantity (in gallons) of septage to be accepted;
 - d. Parking: One spot for every one employee and one for every one thousand (1,000) square feet of gross floor area;
 - e. The hours and days of operation;
 - f. Description of the disposal method(s), including, but not limited to: evaporative lagoon(s), land application, or subsurface discharge (interment), and proposed location of disposal;
 - g. Description of the proposed substance(s) being treated and its source(s), the method(s) of treatment, monitoring methods, and the ability of the site to support the proposed use;
 - h. Storage and screening method for materials to be used to process solid waste (i.e., woodchips) and location of storage goods.

~~8-5-3-105~~ : SHOOTING RANGE:

- A. Written Approval: The applicant or owner shall obtain written approval from the federal bureau of alcohol, tobacco, and firearms.

- B. Outdoor Range:
 - 1. The proposed use shall be within a rural district, but outside the Snake River birds of prey national conservation area or wildlife habitat area as depicted in the Ada County comprehensive plan.
 - 2. The master site plan shall designate the layout of the range including, but not limited to, shooting platforms, targets, target backstops, and berms.
 - 3. The range shall be designed and located so no ammunition travels off site.
 - 4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for outdoor ranges in “The NRA Range Source Book” published by the National Rifle Association.

- C. Indoor Range:
 - 1. All related activities shall be housed totally within an enclosed structure and designed with full consideration for safety and noise factors involved in the type of use.
 - 2. If located on the ground level, accessory uses such as gun sales, gun repair, and training courses may be allowed when such uses take up no more than twenty five percent (25%) of the gross floor area on the ground level.
 - 3. If gun sales or gun repair are conducted within the facility, the owner of the indoor shooting range shall secure and maintain a valid federal firearms license from the bureau of alcohol, tobacco, and firearms.
 - 4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges in “The NRA Range Source Book” published by the National Rifle Association.

- D. Alternative Development Proposal: The director may approve, or recommend approval of, an alternative development proposal when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this chapter and shall not be detrimental to public health, safety, and welfare.

8-5-3-106 : SLAUGHTERHOUSE:

- A. The applicant or owner shall obtain written approval of the state of Idaho department of health and welfare for elimination of waste materials.

- B. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.
- C. A meatpacking facility may be an accessory use to the slaughterhouse.

~~8-5-3-107~~ : SOIL OR WATER REMEDIATION:

The following standards apply to establishments that import soil and/or water for remediation. The standards do not apply to in situ remediation of soil and/or water.

- A. The minimum property size shall be forty (40) acres.
- B. The proposed use shall not be located in the Snake River birds of prey national conservation area or wildlife habitat area as depicted in the Ada County comprehensive plan.
- C. The applicant or owner shall obtain written approval from the state of Idaho division of environmental quality. The approval shall make specific reference to the location, substance being treated, method of treatment, monitoring methods, and ability of the site to support the proposed use.
- D. The applicant or owner shall obtain written approval from Central district health department.
- E. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.
- F. All structures shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.

~~8-5-3-108~~ : STABLE OR RIDING ARENA, COMMERCIAL:

- A. Any establishment that meets one or more of the following criteria shall be deemed a commercial use and shall require conditional use approval:
 - 1. The riding arena is open to the general public, a homeowners' association or a club.
 - 2. The riding arena is for private use, but is enclosed within a structure that exceeds twenty four feet (24') in height and/or the total area of the structure exceeds two thousand (2,000) square feet.
 - 3. The riding arena can be rented by an individual or group.

4. Spectator seating for more than fifty (50) people is provided at the arena.
 5. Retail sales accessory to the stable or riding arena are conducted on site.
 6. Group lessons are provided to the general public for a fee.
- B. All commercial riding arenas and commercial stables shall provide sufficient parking and turnaround areas for horse trailers. Such areas shall be designed to preclude vehicles from backing out into a roadway.
- C. The minimum property size for commercial stables or commercial riding arenas shall be five (5) acres.
- D. Only off site catering is permitted, and must be approved by the Central district health department.

~~8-5-3-109~~ : STORAGE FACILITY, SELF-SERVICE AND STORAGE FACILITY, SELF-SERVICE - OUTDOOR ONLY:

- A. Storage Facility, Self-Service: Specific standards for storage facilities, self-service, shall be as follows:
1. Storage areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at a self-service storage facility is specifically prohibited.
 2. The maximum size of individual storage areas shall be five hundred (500) square feet.
 3. The distance between structures shall be designed to allow a twelve foot (12') travel lane for emergency vehicles to pass while tenant's vehicles are parallel parked (9 foot width) at the entrance to their storage areas.
 4. The perimeter of the storage facility shall be completely fenced, walled, or enclosed and screened from public view. Fencing materials shall complement the exterior building materials.
 5. No structure, facility, drive lane, parking area, nor loading area shall be located within twenty feet (20') of a residential district unless a six foot (6') sound reduction wall is provided.
 6. If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
 7. Storage of any hazardous materials as defined by title 40 code of federal regulations part 261, or subsequent amendments thereto, shall be prohibited.

B. Storage Facility, Self-Service - Outdoor Only: Specific standards for storage facilities, self-service - outdoor only, shall be as follows:

1. Parcel Size; Site Coverage: A minimum parcel size of five (5) acres shall be required for any proposed outdoor only storage facility. Any eligible property shall be limited to an overall maximum site coverage of twenty percent (20%), and no facility shall be greater than fifteen (15) acres in size.
2. Frontage: The property shall have frontage to an arterial street.
3. Distance Between Stored Vehicles: The distance between stored vehicles, including RVs and trailers, shall be a minimum of ten feet (10') side to side, while maintaining a minimum of twenty feet (20') access aisle on at least one end or as approved by the local fire authority. The distance between parking rows shall be a minimum of twenty feet (20') of travel lane for emergency vehicle access or as approved by the local fire authority. Each space shall have access from an access aisle that is a minimum of twenty feet (20').
4. Screening: The perimeter of the storage facility shall be completely fenced, walled, or enclosed and screened from the public right of way, and comply with chapter 4, article F of this title. For the purpose of perimeter landscaping and screening, property lines, as described in section 8-4F-6 of this title, shall refer to the specific facility boundaries.
5. Location: No boundary of the facility shall be located within one hundred feet (100') of a residential property line, with the exception of a boundary adjacent to a public roadway.
6. Dwellings; Places Of Business: Stored vehicles, including RVs and trailers, shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at an outdoor only self-service storage facility is specifically prohibited.
7. Storage Of Hazardous Materials: Storage of any hazardous materials as defined by title 40 code of federal regulations part 261, or subsequent amendments thereto, shall be prohibited.
8. Design Standards: Minimum design standards for the facility shall include the following:
 - a. The storage facility shall be screened year round and comply with chapter 4, article F of this title. This article provides for the minimum required screening. The commission may require additional or modified screening and/or buffering in order to prevent or enhance the blocking of views of

existing adjacent residences and to maintain the rural and residential character of the RUT district.

- b. Access locations into the facility shall be approved by the applicable transportation jurisdiction.
 - c. All parking, storage and drive aisles within the facility shall be improved with a compacted gravel base, not less than four inches (4") thick, surfaced with asphaltic concrete or some comparable all weather dustless material.
 - d. All storage stalls shall be clearly defined on the site plan. The facility shall designate and maintain storage stall locations on site at all times.
 - e. Outdoor storage areas shall further comply with the requirements for outdoor storage, as set forth in section 8-5-3-78 of this chapter.
- 9. Use As A Junkyard Prohibited: The site shall not be used as a "junkyard" or "automobile wrecking yard" as herein defined.
 - 10. Storage: The storage of any items and materials other than vehicles, RVs, or trailers is prohibited unless otherwise approved by the commission; provided, that items and materials contained within a vehicle, RV or trailer are permitted.
 - 11. Maintenance, Repair, Or Rebuilding: Maintenance, repair, or rebuilding of vehicles or machinery on the property is prohibited.
 - 12. Noise: Use of the property shall comply with title 5, chapter 13, "Noise," of this code.
 - 13. Hours Of Operation: Unless otherwise approved or restricted through the conditional use, hours of operation shall be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. Facilities abutting residential uses (section 8-1A-2, figure 5 of this title) shall be limited to the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.
 - 14. Prohibited Locations: Vehicles shall not be stored within the required yards.
 - 15. Use Of Site: The site shall not be used as a "contractor's yard" as herein defined unless such use has been approved.
 - 16. Compliance: The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.
 - 17. Zoning Inspection: For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the Ada County

development services department. If a permit holder refuses to allow inspection of the premises by the development services department, the approved zoning certificate or conditional use permit may be revoked.

18. On Site Office Prohibited: An on site office within the confines of the storage facility is prohibited. If the facility owner has a dwelling located on the remaining property, and if that dwelling will be used by the owner to administer the facility, or if the owner intends to administer the facility from an off site dwelling, then the owner shall obtain a home occupation permit and comply with the requirements of section 8-5-3-54 of this chapter.

19. Additional Standards:

a. The following shall be considered as part of the review of an application:

- (1) The proximity of existing dwellings;
- (2) The number of vehicles anticipated to be stored upon the property;
- (3) The hours of operation;
- (4) Dust;
- (5) Noise;
- (6) Traffic and circulation;
- (7) Landscaping and screening;
- (8) Other.

b. The duration of a conditional use permit for an outdoor only storage facility shall be limited. The conditional use permit shall expire five (5) years following the approval date, or upon annexation of the subject property into a city, whichever occurs first. If the applicant wishes to continue the use beyond the five (5) year period, a new conditional use permit shall be submitted prior to expiration of the original conditional use permit and approved by the commission. Upon expiration of the conditional use permit, all stored vehicles shall be removed within thirty (30) days from the subject property.

~~8-5-3-110~~ : STRUCTURE GREATER THAN TEN THOUSAND SQUARE FEET:

~~8-5-3-111~~ : STUDIO:

No additional standards are required for this specific use.

~~8-5-3-112~~ : SWIMMING POOL, PRIVATE:

All swimming pools shall be provided with a barrier which meets the requirements of the Ada County building code as set forth in title 7, chapter 2 of this code.

~~8-5-3-113~~ : TANNERY:

- A. The applicant or owner shall obtain written approval of the state of Idaho department of health and welfare for elimination of waste materials.
- B. All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district or approved hospital use.
- C. The tannery shall have adequate sewer and water facilities as provided in section 8-4A-22 of this title.

~~8-5-3-114~~ : TOWER OR ANTENNA STRUCTURE, COMMERCIAL:

A. Applicability:

- 1. The following regulations shall apply to tower structures and associated equipment for the purpose of commercial radio, television, telephone, paging, or satellite reception and/or transmission.
- 2. A facility that meets the following standard shall be reviewed as an accessory use. Any other facility shall be reviewed as a conditional use.
 - a. Collocation of new antenna and/or equipment for an approved tower structure, commercial shall be deemed an accessory use and shall require a zoning certificate prior to installation.
 - b. Small Wireless Facilities shall be deemed an accessory use and shall require a zoning certificate prior to installation.
 - c. Small Wireless Support Structures located outside of the Ada County Highway District and Idaho Department of Transportation rights-of-way shall require a zoning certificate and building permit prior to ~~building~~ installation.

B. General Standards For Commercial Tower Structures And Associated Equipment:

- 1. Radio Frequency Emissions: The facility shall comply with FCC standards regarding radio frequency (RF) emissions.

2. Approval Required: The facility shall have approval from the federal aviation administration and the chief of the Idaho bureau of aeronautics prior to operation.
3. Additional Approval: The facility shall have approval from the Boise Airport director prior to operation. The approval shall include specific reference to the site location, height of the facility, lighting, and issuance of an avigation easement.
4. Permits Required: The applicant or owner shall be required to obtain all necessary permits, as may be required under federal, state or local statutes, regulations, or ordinances including, but not limited to, building permits.
5. Maintenance of Facility: The facility shall be maintained in compliance with all federal, state, and local regulations and the construction standards set forth in this section.
6. Public Nuisance Prohibited: The owners of the facility shall have a continuous obligation to ensure the maintenance and upkeep and to prevent the creation of a public nuisance.
7. Outdoor Storage Areas: The proposed facility shall meet the standards for outdoor storage areas in section 8-5-3-78 of this chapter.
8. Conditional Use Approval: For any facility requiring conditional use approval, the director shall notify all property owners within a minimum of one thousand feet (1,000') of any property boundary (~~or lease boundary lines, if applicable~~) of the proposed site.
9. Removal: ~~The tower and associated facilities shall be removed within sixty (60) days of cessation of use.~~
 - a. Any tower that has had no antenna mounted upon it for a period of 120 consecutive days, or if the antennas mounted thereon are not operated for a period of 120 successive days, shall be considered abandoned. The tower owner or landowner thereof shall:
 - (1) Remove any such tower and any accompanying equipment enclosure within ninety (90) days of abandonment; and
 - (2) Bring the location of the removed facility back to its original state, or better.
 - b. The Director, upon determining that a tower has been abandoned, shall serve notice of its determination of abandonment upon the owner of the tower.

- (1) The notice shall contain the reasons why the tower has been deemed abandoned, the owner's obligation to remove the tower and the owner's right to appeal the determination of abandonment.
- (2) If the structure and equipment enclosure are not removed within 90 days, then the County has the right without further notice to enter upon the land and remove and abate such structures at the expense of the tower owner or landowner.

10. Tower Construction, Setback, And Fall Zone Standards:

- a. The tower shall be constructed to the Telecommunications Industry Association/Electronic Industries Association (TIA/EIA) 222 revision F standard entitled "Structural Standards For Steel Antenna Supporting Structures," or as hereinafter may be amended.
- b. Within the Boise air terminal airport influence areas overlay district, the height limit on the tower or antenna structure shall be as required by the code of federal regulations 14 CFR 77.
- c. Towers over twenty feet (20') in height must be designed to allow for future arrangements of antennas upon the tower. Such towers must also be designed to accept antennas mounted at varying heights.
- d. If the tower does not exceed the height limitations of the applicable base district, the tower shall meet the setback requirements of the district. If the tower exceeds the height limitation of the applicable base district, the tower shall meet the setback requirements of the district or it shall be set back one foot (1') for every ten feet (10') of total tower height from all property lines, whichever is greater.
- e. In addition to the setback requirement noted in the preceding paragraph, a fall zone for each tower shall be delineated and permanently restricted from future development, as follows:
 - (1) The fall zone shall consist of the land area centered beneath the tower and circumscribed by a circle with a radius equal to a length of one foot (1') for every ten feet (10') of tower height.
 - (2) If the fall zone does not lie completely within the subject property, the applicant must obtain a nonevocable easement from all owners of property within the fall zone that prohibits the construction or placement of new structures within the fall zone, except as may be specifically permitted through the conditional use process. If an easement is utilized, a copy of the fully executed easement agreement shall be submitted as part of the application.

- f. Towers shall be architecturally and visually compatible with the existing structures, vegetation, and/or uses in the area or likely to exist in the area under the terms of the applicable base district and/or comprehensive plan. The decision making body shall consider, but shall not be limited to, the following factors: similar height, color, bulk, and/or shape, or camouflage techniques to disguise the facility. This shall not preclude towers requiring FAA painting and/or marking from meeting those standards.
- g. This section shall not apply to Small Wireless Facilities that meet the standards found in Sections 8-5-3-114(C) and (D).

C. General Standards for Small Wireless Support Structures and Small Wireless Facilities

1. Small Wireless Support Structures

- a. Small Wireless Support Structures shall not exceed the height limitation of ~~thirty-five feet (35')~~ forty five feet (45').
- b. Small Wireless Support Structures that are over twenty feet (20') in height and located within a utility easement or Public Right of Way must be designed to allow for future arrangements of antennas and to accept antennas mounted at varying heights upon the Small Wireless Support Structure, to the extent reasonably feasible based upon construction, engineering and design standards.
- c. Small Wireless Support Structures shall be permitted within utility easements or Public Rights of Way in accordance with the requirements of this Section.
- d. Single carrier Small Wireless Support Structures may be used within utility easements and Public Rights of Way due to the height restrictions imposed by this Section.
- e. The replacement of pre-existing Small Wireless Support Structures shall be subject to all the same requirements as the construction of new Small Wireless Support Structures.

2. Small Wireless Facilities

- a. Small Wireless Facilities located within utility easements or Public Rights of Way are exempted from setback requirements.
- b. Small Wireless Facilities may extend up to ten feet (10') above the height of a Small Wireless Support Structure.

- c. Small Wireless Facilities may be mounted on a roof of a building only if the height of the Small Wireless Facility at the highest point does not exceed the horizontal distance from the Small Wireless Facility to the edge of the roof.
 - d. The Small Wireless Facilities shall be architecturally and visually compatible with regard to similar height, color, bulk, and/or shape, and/or use of camouflage techniques.
- D. Application Requirements: The application materials shall include the following written documentation:
- 1. Suitability Analysis Of The Proposed Site: The analysis shall include, but is not limited to, the following:
 - a. Description of the surrounding area within one mile of the subject site including topography; and
 - b. For towers and/or associated facilities that do not meet the definition of Small Wireless Support Structures and Small Wireless Facilities. Propagation charts showing existing and proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be placed at the chosen location.
 - c. For towers and/or associated facilities that meet the definition of Small Wireless Support Structures and Small Wireless Facilities. A map and written analysis describing existing and proposed transmission coverage.
 - 2. For towers and/or associated facilities that do not meet the definitions of Small Wireless Support Structures and Small Wireless Facilities: if applicable, a signed lease agreement, relevant portions of which require the applicant to remove the tower and/or associated facilities upon cessation of use.
 - 3. For towers and/or associated facilities that meet the definitions of Small Wireless Support Structures and Small Wireless Facilities: if applicable, a signed lease agreement, master lease agreement or letter of authorization from the property owner or controlling entity that requires the applicant to remove the tower and/or associated facilities upon cessation of use.
 - 4. Before construction of a Small Wireless Support Structure or Small Wireless Facility commences in a utility easement or Public Right of Way, the applicant shall provide written evidence of a permit, license, or legal right or approval to use such structure or facility by the Ada County Highway District, other controlling entity, or the owner.

5. Applicants may submit consolidated applications for up to ~~255~~ Small Wireless Facilities being installed, modified, replaced, or collocated ~~in the same zone~~.

E. Additional Application Requirements For Facilities That Require A Conditional Use Approval:

1. Engineering data showing that the tower is designed structurally, electrically, and in all other respects to accommodate both the applicant's equipment and comparable equipment for a minimum of one additional user if the tower is over twenty feet (20') in height. If the tower is over one hundred ten feet (110') in height, it shall be designed structurally, electrically, and in all other respects to accommodate both the applicant's equipment and comparable equipment for a minimum of two (2) additional users.
2. A report from a qualified and licensed professional engineer that describes the facility height and design (including a cross section and elevation); documents the height above grade for the recommended mounting position for collocated antennas and the minimum separation distances between antennas; describes the facility's capacity; and any other information necessary to evaluate the request. The report must include the engineer's stamp and registration number.
3. A letter of intent committing the facility owner and successors to allow the shared use of the facility, as required by this title, if additional users agree in writing to meet reasonable terms and conditions for shared use.
4. A map and Written analysis demonstrating that the facility cannot be accommodated on an existing or approved tower within a two (2) mile radius:
 - a. ~~A two (2) mile radius for towers with a height over one hundred ten feet (110')~~;
 - b. ~~A one (1) mile radius for towers with a height over eighty feet (80'), but not more than one hundred ten feet (110')~~;
 - e. ~~A one half (1/2) mile radius for towers with a height over fifty feet (50'), but not more than eighty feet (80')~~;
 - d. ~~A one fourth (1/4) mile Radius for towers with a height of fifty feet (50') or less.~~
5. It shall be the burden of the applicant to demonstrate that the proposed facility cannot be accommodated on an approved tower or structure within the required two (2) mile search radius due to one or more of the following reasons:
 - a. Unwillingness of a property owner, or tower or facility owner to entertain shared use.

- b. The planned equipment would exceed the structural capacity of the existing tower or structure, as documented by a qualified and licensed professional engineer, and the existing tower or facility structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - c. The planned equipment would cause radio interference with material impacting the usability of other existing or planned equipment at the tower or structure, and the interference cannot be prevented at a reasonable cost as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.
 - d. Existing or approved towers or other structures within the search radius cannot accommodate the planned equipment at a height necessary to be commercially functional as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.
 - e. The proposed collocation with an existing tower or structure would be in violation of a local, state, or federal law.
 - f. Any other unforeseen reasons that make it unfeasible to collocate upon an existing or approved tower or structure as documented by a qualified and licensed professional engineer, or other professional qualified to provide necessary documentation.
6. It shall be the burden of the applicant to demonstrate that a good faith effort has been made to solicit the location of the proposed tower on federal, state, county or city property when such property exist within the 2 mile radius. Evidence of this shall include, at a minimum, copies of notices sent by certified mail, return receipt requested, to all federal, state, county or city property managers asking the possibility of locating the proposed tower on said property and requesting a written response within fifteen business days.
7. It shall be the burden of the applicant to demonstrate that a good faith effort has been made to solicit additional users for the proposed tower. Evidence of this shall include, at a minimum, copies of notices sent by certified mail, return receipt requested, to all other providers of cellular and wireless communications services within Ada County, advising of the intent to construct a new tower, identifying the location, inviting the joint use and sharing the costs, and requesting a written response within fifteen business days.

8-5-3-115 : TOWER OR ANTENNA STRUCTURE, PRIVATE:

A. Applicability: The following regulations shall apply to tower structures for the purpose of private radio, television, or satellite reception and antennas for amateur radio. Towers shall not be subject to the accessory structures regulations of section 8-5-3-1 of this chapter.

B. General Standards:

1. The tower or antenna structure is only for private, not commercial, use.
2. The tower or antenna structure is accessory to a permitted or approved use.
- ~~3. If the tower structure is less than six feet (6') in height and/or does not exceed the height limit for the applicable base district, it shall not require administrative approval.~~
- ~~4. Any tower over six feet (6') in height shall not be located in the front yard or in any required yard.~~
53. The applicant shall provide verification of compliance with the regulations and requirements of the following agencies, as applicable:
 - a. Federal aviation administration.
 - b. Idaho transportation department (bureau of aeronautics).
 - c. The city of Boise airport commission.
64. An amateur radio tower for a licensed amateur radio operator that exceeds the height limit for structures in the applicable base district shall require accessory use approval by the director. The applicant must be a licensed amateur radio operator. Any other tower that exceeds the height limit for structures in the applicable base district shall require conditional use approval.

C. Tower Construction Standards:

1. Within the Boise air terminal airport influence areas overlay district, the height limit on the tower shall be as required by the code of federal regulations 14 CFR 77.
2. If the tower does not exceed the height limitations of the applicable base district, the tower shall meet the setback requirements of the district.
3. If the tower exceeds the height limitation of the applicable base district, the following standards shall apply:

- a. The tower shall meet the setback requirements of the district or it shall be set back one foot (1') for every ten feet (10') of total tower height from all property lines, whichever is greater.
 - b. The applicant shall submit a report from a qualified and licensed professional engineer and installed in accord with the manufacturer's specifications that describes the facility height and design (including a cross section and elevation). The report must include the engineer's stamp and registration number.
 - c. The applicant shall provide a copy of the notice of construction filed with the federal aviation administration (FAA).
 - d. A fall zone for each tower shall be delineated and permanently restricted from future development, as follows:
 - (1) The fall zone shall consist of the land area centered beneath the tower and circumscribed by a circle with a radius equal to a length of one foot (1') for every ten feet (10') of tower height.
 - (2) If the fall zone does not lie completely within the subject property, the applicant must obtain a nonrevocable easement from all owners of property within the fall zone that prohibits the construction or placement of new structures within the fall zone, except as may be specifically permitted through the conditional use process. If an easement is utilized, a copy of the fully executed easement agreement shall be submitted as part of the application.
4. Towers not requiring FAA painting and/or marking shall have either a galvanized finish or shall be painted a noncontrasting blue, gray, or black finish. Alternative colors or finish materials may be approved by the director.

8-5-3-116 : TRANSIT FACILITY:

The master site plan shall designate sufficient areas to accommodate the maximum number of buses, vans, or other transit vehicles anticipated at any one time. No queuing areas shall be located within the required yards.

8-5-3-117 : TRUCK STOP:

- A. The use shall be located on a principal arterial that is within one thousand three hundred twenty feet (1,320') of an interstate interchange.
- B. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.

- C. Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and the appropriate fire authority.
- D. If the truck stop has been designated a safe haven facility by the board for trucks transporting hazardous materials, accessory sleeping quarters may be allowed.
- E. Other accessory uses including, but not limited to, office, restaurant, and convenience retail, may be allowed if such facilities are completely within the truck stop facility.

8-5-3-118 : VEHICLE IMPOUND YARD:

A. Screening:

- 1. Outdoor storage and outdoor activity areas shall comply with section 8-5-3-78 of this chapter. The fence or wall and screening materials shall be a minimum of ten feet (10') in height.
- 2. No portion of the vehicle impound yard outdoor storage areas and/or outdoor activity areas may be visible from any "highway," "interstate," "principal arterial," or "minor arterial" as herein defined.
- 3. All materials or parts shall be stored and located within the fenced or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.

B. Site Related Standards:

- 1. ~~All structures or outdoor activity areas shall be located a minimum of three hundred feet (300') from any property line.~~ The use shall be located a minimum of one thousand feet (1,000') from any residential district.
- 2. No person shall establish, operate, or maintain a vehicle impound yard, any portion of which is within one thousand feet (1,000') of the nearest edge of the right of way and visible from any "highway," "interstate," "principal arterial," or "minor arterial" as herein defined.
- 3. The use shall comply with the flood hazard overlay district as set forth in chapter 3, article F of this title.

8-5-3-119 : WAREHOUSE:

No additional standards are required for this specific use.

8-5-3-120 : WINERY:

A. Standards For Wineries:

1. The winery shall comply with all applicable state, federal, and local regulations.
2. The property shall have access and frontage on a public road.
3. ~~A tasting room is only allowed on property when part of a winery. In zoning districts where a winery is a conditional use, a tasting room may be allowed as part of the conditional use.~~ In zoning districts where a winery is a conditional use, tasting rooms and promotional events, such as but not limited to wine club events and winemakers dinners, may be allowed as part of the conditional use. A tasting room is only allowed on a property when part of a winery. Promotional events shall be limited to not more than twenty-four small (fifty guest maximum) events per year.

SECTION 22: Ada County Code Table 8-5A-1 “Accessory Uses And Required Approval” is amended as follows:

<u>Accessory Use</u>	Required	
	<u>Zoning Certificate</u>	<u>Administrative Approval</u>
Accessory structure, 200 square feet or less	No	No
Accessory structure, >200 <1,500 square feet	Yes	No
Accessory structure, >1,500 square feet	Yes	Yes
Agricultural produce stand	Yes	Yes
Agricultural structure	Yes	No
Automotive, hobby	No <u>Yes</u>	No
<u>Daycare, Family Daycare Home</u>	<u>Yes</u>	<u>No</u>
<u>Daycare, Group Daycare Facility</u>	<u>Yes</u>	<u>Yes</u>
Distributed power facility, solar rooftop, solar ground, solar integrated, or solar pole	Yes	No
Distributed power facility, wind rooftop (1 accessory only)	Yes	Yes

Dwelling, additional farm	Yes	Yes
Dwelling, caretaker for an approved use	Yes	Yes
Dwelling, secondary attached or detached	Yes	Yes
Family day care home	Yes	No
Fence, barbed wire, electric wire, or other	No	No
Flag Pole	Yes	No
Fuel cell	Yes	No
Gasoline, diesel, or alternative fuel sales	Yes	No
Group day care facility	Yes	Yes
Home occupation, large	Yes	Yes
Home occupation, small	Yes	No
Kennel, hobby	Yes	Yes
Livestock confinement facility, 300 AU <u>or fewer</u>	No	No
<u>Mortuary</u>	<u>No</u>	<u>No</u>
Office, relating to an approved use	No	No
Office, temporary construction	No <u>Yes</u>	No
Outdoor storage	No	No
Pit, mine, or quarry	Yes	Yes
Portable classroom	Yes	Yes
<u>Produce stand, agricultural</u>	<u>Yes</u>	<u>No</u>
<u>Produce stand, roadside</u>	<u>Yes</u>	<u>Yes</u>
Retail sales, relating to an approved use	No	No
Sign, administrative approval not required	No	No
Sign, administrative approval required	Yes	Yes
<u>Small Wireless Facilities</u>	<u>Yes</u>	<u>No</u>

Swimming pool, private	Yes	No
Temporary living quarters	Yes	Yes
Temporary use	See chapter 4, article L of this title	
<u>Tower or antenna structure, private, 6-feet or less</u>	<u>Yes</u>	<u>No</u>
<u>Tower or antenna structure, private, > 6-feet</u>	Yes	Yes

SECTION 23: Ada County Code 8-5A-3 “Process” is amended as follows:

8-5A-3: PROCESS:

An administrative approval shall be subject to review by the director subject to the regulations of subsection 8-7-2A of this title. The approval process shall be as follows:

- A. ~~Any accessory use requiring administrative approval shall submit an application and fees, as set forth in chapter 7, article A of this title, to the director on forms provided by the development services department. The applicant shall submit an application and fees on forms provided by the Development Services Department as set forth in Chapter 7, Article A of this title.~~
- B. The director shall apply the specific use standards listed in section 8-5-3 of this chapter and the findings listed in section 8-5A-5 of this article to review the accessory use.
- C. The applicant and/or owner shall have one (1) year to obtain all necessary permits and obtain a zoning certificate.
- ~~CD. Upon determination by the director that the accessory use is in conformance with this section, a zoning certificate shall be issued. The director shall determine that all conditions of approval have been met and that the accessory use is in conformance with this section before a zoning certificate is issued.~~

SECTION 24: Ada County Code 8-5A-5 “Required Findings” is amended as follows:

8-5A-5: REQUIRED FINDINGS:

- A. The proposed use shall not be detrimental to the public health, safety, or welfare. The proposed use shall not adversely impact the health and safety of surrounding residents, nor shall it create undue adverse impacts on surrounding properties;
- B. The proposed use is consistent with the applicable comprehensive plan;

- C. The proposed use complies with the purpose statement of the applicable base district and with the specific use standards as set forth in this chapter;
- D. The proposed use complies with the dimensional standards of the applicable base district;
- DE. The proposed use complies with all applicable county ordinances;
- EF. The proposed use complies with all applicable state and federal regulations;
- FG. The proposed use and facilities shall not adversely affect or conflict with abutting uses or impede the normal development of surrounding property;
- GH. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed use;
- HI. For private tower structures, the proposed tower complies with any applicable federal communications commission decisions and regulations;
- IJ. For signs, the sum of the area of all building and freestanding signs on the property conforms to the standards specified in chapter 4, article I of this title. The size, characteristics, location, and number of signs on the property conform to the standards specified in chapter 4, article I of this title.

SECTION 25: Ada County Code 8-5B-3 “Process” is amended as follows:

8-5B-3: PROCESS:

A conditional use shall be subject to a public hearing, review, and approval subject to the regulations of subsection 8-7-2D of this title. The approval process shall be as follows:

- A. ~~An application and fees, as set forth in chapter 7, article A of this title, shall be submitted to the director on forms provided by the development services department. The applicant shall submit an application and fees on forms provided by the development services department as set forth in chapter 7, article A of this title.~~
- B. The applicant shall concurrently submit and obtain approval for a master site plan subject to the regulations of chapter 4, article E of this title, unless specifically exempt under the regulations of that article. Any accessory buildings or facilities and any outdoor storage areas shall be noted on the master site plan and reviewed as part of the conditional use.
- C. The decision making body shall apply the specific use standards listed in section 8-5-3 of this chapter, the general conditional use standards in section 8-5B-4 of this article, and the findings listed in section 8-5B-5 of this article to review the conditional use.

- D. ~~Prior to issuance of a zoning certificate, the applicant shall provide written documentation indicating the facility has been approved by all applicable public agencies.~~ The applicant shall provide written documentation indicating the facility has been approved by all applicable public agencies before a zoning certificate is issued.
- E. ~~The approval shall be limited to a two (2) year period in which the applicant or owner must obtain all necessary permits and obtain a zoning certificate. The applicant has two (2) years to obtain all necessary permits and obtain a zoning certificate.~~
- F. ~~Upon determination by the director that all conditions of approval have been met and the conditional use is in conformance with this section, a zoning certificate shall be issued. The director shall determine that all conditions of approval have been met and that the conditional use is in conformance with this section before a zoning certificate is issued.~~
- G. The minor modification provisions set forth for approved master site plans in subsections 8-4E-3F and G of this title shall also apply to approved conditional uses.
- H. All other modifications to an approved conditional use shall be considered in accordance with section 8-5B-2 of this article.

SECTION 26: Ada County Code 8-5B-4 “Conditional Use Standards” is amended as follows:

8-5B-4: CONDITIONAL USE STANDARDS:

In addition to the specific use standards set forth in this chapter, the following standards shall apply:

- A. The applicant shall guarantee to comply with the approved plans and specifications.
- B. The applicant shall have a continuous obligation to maintain adequate housekeeping practices so as not to create a nuisance.
- C. The site plan for the conditional use shall ~~indicate the~~ address firefighting resources. Such resources shall include, but are not limited to, proper access for firetrucks, water for fire flow hydrants, pumper access stations, and/or defensible space.
- D. No structure or facility (excluding signs) shall be located within twenty feet (20’) of a residential district unless a sound wall is provided. See also section 8-4F-6 of this title.
- E. A sound wall shall be included in the landscape plan for any parking areas abutting a residential district. See also section 8-4F-7 of this title.
- F. The owner and/or operator shall maintain sanitary practices so as not to create a public nuisance and to reduce noise and odor.

- G. The owner and/or operator shall ~~furnish~~ provide evidence that any dangerous characteristics of the proposed use have been or shall be eliminated or minimized so as not to create a nuisance or be detrimental to the public health, safety, or welfare.
- H. If abutting or within a residential district, the facility hours may be limited by the decision making body.
- I. If abutting or within a rural district, the proposed use shall not cause detrimental impacts to agriculture.
- J. The decision making body may require additional conditions to mitigate impacts. The conditions may include, but not be limited to, any or all of the following:
 - 1. Standards related to the emission of noise, vibration, and other potentially objectionable impacts.
 - 2. Limits on time of day for the conduct of the specified use.
 - 3. The period within which the permit shall be exercised or otherwise lapse.
 - 4. Other standards necessary to protect the public health, safety, and welfare and mitigate adverse effects on surrounding property.

SECTION 27: Ada County Code 8-7A-5 “Notice to the Public” is amended as follows:

- A. Legal Notice: At least fifteen (15) days prior to the public hearing, the director shall publish a notice of the time and place and a summary of the application in the official newspaper of general circulation in the county.
- B. Site Notice: At least ten (10) days prior to the public hearing, the applicant shall post a notice on the property which is the subject of the application, except for zoning ordinance text amendments or comprehensive plan amendments. The notice shall comply with the signposting requirements as set out in this section.
- C. Radius Notice: At least seven (7) days prior to the public hearing, the director shall send a notice of the time and place, and a summary of the application to property owners or purchasers of record (as listed in the current records of Ada County) owning property within three hundred feet (300’) of the external boundaries of the property upon which the application is being considered. The director may determine, or other applications provided for in this title may require, that notices be sent to property owners or purchasers of record whose properties are farther than the required minimum radius.
 - 1. Any application located in a rural district shall require notice within one thousand feet (1,000’) of the property being considered.

2. The following uses shall also require notice within one thousand feet (1,000') of the property being considered:

Adult entertainment establishment.

Aircraft landing field (private ownership).

Airport (public ownership).

Bar, brewpub, or nightclub.

Distributed power facility, wind rooftop.

Explosive manufacturing or storage.

Flammable substance storage.

Foundry.

Junkyard or automobile wrecking yard.

Manufacture or processing of hazardous chemicals or gases.

Meatpacking facility.

Pit, mine, or quarry requiring administrative or conditional use approval.

Processing plant for agricultural and dairy products.

Public or quasi-public use, public or private correctional facility.

Racetrack, vehicle or animal.

Sanitary landfill, restricted.

Sawmill or planing mill.

Slaughterhouse.

Soil or water remediation.

Tannery.

Tower or antenna structure, commercial.

Vehicle impound yard.

3. The following uses shall require notice within two thousand six hundred forty feet (2,640') of the property being considered:

Centralized power facility.

Distributed power facility, wind freestanding tower.

Livestock confinement facilities with three hundred one (301) or more animal units.

4. Requests for exceptions to height limitations proposed as part of a conditional use application shall require compliance with the following additional notification distances along with any additional area that may be substantially impacted as determined by the commission:

- a. If the proposed architectural feature height and/or structure is greater than one hundred feet (100') and less than four hundred feet (400'), all property owners or purchasers of record within one thousand two hundred feet (1,200') shall be notified.

- b. If the proposed architectural feature height and/or structure is four hundred feet (400') or greater, all property owners and purchasers of record within five thousand two hundred eighty feet (5,280') shall be notified, and the feature location and proposed height shall be identified on the radius notice.

- D. Alternate Forms Of Notice: When notice is required of two hundred (200) or more property owners or purchasers of record, alternate forms of notice may be provided as follows:

1. In lieu of mailed notice, one additional notice of the time and place of the hearing and summary of the proposal shall be published in a newspaper of general circulation within the county, not less than seven (7) days prior to the hearing.

2. At least ten (10) days prior to the hearing, the applicant shall post a hearing notice on the property following the signposting requirements of this section.

3. At least seven (7) days prior to the hearing, a notice shall be made available to other newspapers, radio, and television stations servicing the county for use as a public service announcement.

- E. Public Service Announcement: In the case of amendments to this title and the comprehensive plan, the director shall issue a notice to other newspapers and radio and television stations serving the jurisdiction for use as a public service announcement prior to the public hearing.

F. Signposting Requirements Of Applicant:

1. Posting Of Hearing Notice On Property: Not less than ten (10) days prior to the scheduled Ada County planning and zoning commission and/or the board of Ada County commissioners hearing(s), the applicant shall post a sign containing the notice of hearing of the application on the property under consideration. The posting of the property must be in substantial compliance with the following requirements:
 - a. Signage Requirements: All signs shall be installed in accordance with the following standards:
 - (1) Number Of Signs:
 - (A) General Standards: One sign shall be posted on the subject property so as to be visible from each roadway that is adjacent to it, excluding Interstate 84. In the event that the property being considered has roadway frontage of one thousand two hundred fifty feet (1,250') or more, a sign shall be placed at each end of the property roadway frontage.
 - (B) Standards For Electric Transmission Line Corridors/Substations: For electric transmission line corridors running parallel to a roadway, a sign shall be posted at each end of the corridor along the roadway frontage and at each arterial intersection. For electric transmission line corridors not running parallel to a roadway, signs shall be posted on both sides of the roadway where the corridor intersects a roadway. For electric substations, signs shall be posted on site.
 - (2) Placement: Where the property fronts an intersection of two (2) roadways, then the sign(s) shall not be posted in the clear vision triangle as set forth in this title. The sign(s) shall be located on the property, outside of the public right of way. If the sign(s) cannot be placed on the property and still be clearly visible, the sign(s) may be placed within the right of way if the applicant can obtain the consent of the owner of the right of way. In the case of an appeal by a person, other than the original applicant, of an administrative or commission decision, the appellant may place the sign on the right of way with the permission of the owner of the right of way.

- (3) Size And Materials: Except as noted herein, the sign(s) shall consist of four foot by four foot (4' x 4') plywood or other hard surface mounted on two (2) four inch by four inch (4" x 4") posts, or attached to another director approved support and the bottom of the sign shall be a minimum of three feet (3') above the grade elevation at the base of the sign structure or street elevation to which the sign(s) is oriented whichever is higher. Provided, however, for an application for a subdivision plat, variance, rezone, vacation for property less than three (3) acres in size, any application where the applicant is a federal, state, county or municipal government, a utility company or corporation under the jurisdiction of the Idaho public utilities commission, or an appeal of an administrative or a commission decision to the board, the sign(s) may consist of an eleven inch by seventeen inch (11" x 17") yellow laminated paper or other similar material mounted to a rigid surface of equal size and attached to a director approved support and the bottom of the sign shall be a minimum of three feet (3') above the grade elevation at the base of the sign structure or street elevation to which the sign(s) is oriented whichever is higher.
- (4) Wording: Centered at the top of the four foot by four foot (4' x 4') sign(s), or the eleven inch by seventeen inch (11" x 17") laminated yellow paper sign(s), shall be the words "ADA COUNTY PUBLIC HEARING NOTICE." In addition, each sign will state whether it is for the Ada County planning and zoning commission or the board of Ada County commissioners, the date, time and address of the hearing location, a summary of the proposal to be considered, the property size and location of the development, the name of the applicant, project number, planner name and phone number. Each four foot by four foot (4' x 4') sign shall be white on both sides and the letters shall be black and shall appear on both sides.

An example of the required sign specification is set forth below with the letter size required for a four foot by four foot (4' x 4') sign:

Size = 6 inches:	<i>ADA COUNTY PUBLIC HEARING NOTICE</i>
Size = 2 inches:	<i>Ada County Planning and Zoning Commission</i>
Size = 1.5 inches:	<i>WHEN: ADA COUNTY will hold a public hearing on September 28, 2008 at 6:00 p.m. in the Commissioners Main Hearing Room #1235, on the first floor,</i>

	<i>200 W. Front Street, Boise, ID.</i>
Size = 1.5 inches:	<i>PURPOSE: A Preliminary Plat for (You-Name-It-Subdivision) to include 28 residential lots and 4 common lots, a Zoning Ordinance Map Amendment from Southwest Community Residential (RSW) District to Medium Low Density (R4) District, a Property Boundary Adjustment, and a Development Agreement.</i>
Size = 1.5 inches:	<i>PROPERTY SIZE/LOCATION: The property contains approximately 14.50 acres and is located on the south side of W. Any Where Drive, approximately 1/2 mile south of E. You Tell Us Road, Boise, ID; Section 26, T. 3N., R. 1E.</i>
Size = 1.5 inches:	<i>APPLICATION BY: Average citizen, USA, Inc.</i>
Size = 1.5 inches:	<i>PROJECT NUMBER/PLANNER NAME/PLANNER PHONE NUMBER: 200801123-S-ZC-PBA-DA/Jane Doe/287-0000.</i>

- (5) Separation Requirements From Utility Power Lines: Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with national electrical safety code specifications, as reviewed and determined by the local power company. Applicants are required to contact the local electric company before erecting a sign nearer than twenty five feet (25') of electric power lines. No sign shall be placed within a power line easement without approval of the holder of such easement.
- (6) Sign Maintenance And Repair: All signs shall be continually maintained in a state of good appearance, security, safety and repair during the hearing process.
- (7) Proof Of Posting: The applicant shall submit a certification of signposting and dated photograph of each sign(s) posted to the director no later than seven (7) days prior to the public hearing. The certification shall be on the form provided by the development services department and contain all the information required therein. Unless such certification and photograph(s) are received by such date, the hearing may be tabled.
- (8) Sign Removal And Punishment Of Violation: No later than three (3) days after the applicant receives a final decision on the application, the sign(s) must be removed. Failure to remove the

sign(s) shall be deemed a violation of this title with an applicant subject to the penalties in section 8-7-8 of this chapter.

SECTION 28: Ada County Code 8-7E-4 “Record” is amended as follows:

8-7E-4: RECORD:

The staff report shall automatically become part of the record as shall any documents submitted by the close of business on the Thursday before the hearing date by the applicant/appellant and the public, as shall all testimony given at the hearing. At the conclusion of the hearing, the board or the commission shall close the record unless the board or the commission determines, in its discretion, additional evidence is required, in which event, it may proceed as follows: close the record with the exception of allowing the submission of specifically requested information, leave the entire record open for the submission of additional evidence to a date certain at which time it will automatically be closed without further action of the board or the commission, or continue the hearing to a date certain for the purpose of receiving additional evidence and conducting such further proceedings as may, in its discretion, be advisable.

SECTION 29: Ada County Code 8-7E-5 “Reconsideration” is amended as follows:

8-7E-5: RECONSIDERATION:

- A. Every applicant or affected person seeking judicial review of the board’s final decision must first ~~file~~ submit with the ~~board~~ director ~~an motion~~ application and the fee as set forth in chapter 7, article A of this title for reconsideration of the board’s decision, specifying deficiencies in the decision within fourteen (14) days of the date of the decision, along with the applicable fee. The deficiencies identified must be based on the record and not based on information that is not part of the record.
- B. The board will consider the reconsideration motion as scheduled on an open business meeting agenda and determine whether to grant or deny the request. If the board grants reconsideration in whole or in part, a hearing before the board will be scheduled to address the specific deficiencies identified by the applicant or affected person and to allow interested persons to have an opportunity to be heard.
- C. Notice of the public hearing on the reconsideration, identifying the specific deficiencies alleged in the reconsideration request, will be provided as follows, including:
 - 1. Notice To Agencies And Political Subdivisions: At least fifteen (15) days prior to the public hearing, the director shall send notice to all political subdivisions providing services with the planning jurisdiction, including school districts and the manager or person in charge of the local public airport.
 - 2. Legal Notice: At least fifteen (15) days prior to the public hearing, the director shall publish a notice of the time and place in the official newspaper or paper of general circulation in the county.

3. Radius Notice: Will be provided in the same manner as originally provided on the application.
 4. Public Service Announcement: The director shall issue a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement.
- D. ~~Following the hearing on the reconsideration, the board may affirm, reverse or modify its prior decision and shall provide a written decision to the applicant and the affected person(s) within sixty (60) days of receipt of the request for reconsideration. If the Board grants the request to hold a hearing on the reconsideration, it must be held within sixty (60) days of receipt of the request for reconsideration.~~ If the board fails to timely decide, the request for reconsideration is deemed denied.
- E. Following the hearing on the reconsideration, the board may affirm, reverse, or modify its prior decision and shall provide a written decision to the applicant and the affected person(s).

SECTION 30: Amending Ada County Code § 8-21A-9-35 “Sheriff, Fire and Emergency Medical Services” as follows:

8-21A-9-35: SHERIFF, FIRE AND EMERGENCY MEDICAL SERVICES:

Sheriff: Police protection will be provided to the residents of Hidden Springs through the Ada County sheriff's ~~department~~ office. All services and operations of the ~~department~~ office will be coordinated through the main office at the city/county law enforcement building. It is anticipated that services for Hidden Springs will be through an agreement that is similar to the ~~departmental~~ contract with the city of Eagle. The ~~department~~ office will be encouraged to provide a sheriff station outpost at the fire station described below.

Fire Services: Fire services will be provided by north Ada fire and rescue district. The district will operate out of the fire station presently under construction in the village center.

Emergency Medical Services: Emergency medical services will be provided by aid units from Ada County. The closest station to Hidden Springs is at the headquarters station, adjacent to the north Ada fire and rescue district headquarters. This facility will adequately serve the community without the need for additional facilities.

ADOPTED this 2nd day of October, 2019.

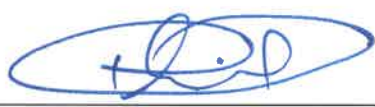
Board of Ada County Commissioners

By: 
Kendra Kenyon, Commissioner

By: 
Diana Lachiondo, Commissioner

By: 
Rick Visser, Commissioner

ATTEST:


Phil McGrane, Ada County Clerk

SUMMARY OF ORDINANCE NO. 902

AN ORDINANCE AMENDING TITLE 8 OF THE ADA COUNTY CODE AS FOLLOWS: AMENDING ADA COUNTY CODE 8-1A-1 TO AMEND OR DELETE CERTAIN EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; AMENDING ADA COUNTY CODE TABLE 8-2A-1 AS TO USES ALLOWED IN RURAL BASE DISTRICTS; AMENDING ADA COUNTY CODE 8-2A-5 AS TO REGULATIONS FOR A FARM DEVELOPMENT RIGHT; DELETING ADA COUNTY CODE HEADING FOR SECTION 8-2A-6; AMENDING ADA COUNTY CODE 8-2B-1 AS TO THE PURPOSE REGULATIONS FOR RESIDENTIAL BASE DISTRICTS; AMENDING ADA COUNTY CODE 8-2B-2 AS TO GENERAL REQUIREMENTS FOR RESIDENTIAL BASE DISTRICTS; AMENDING ADA COUNTY CODE TABLE 8-2B-1 AS TO USES ALLOWED IN RESIDENTIAL BASE DISTRICTS; AMENDING ADA COUNTY CODE TABLE 8-2C-1 AS TO USES ALLOWED IN COMMERCIAL BASE DISTRICTS; AMENDING ADA COUNTY CODE TABLE 8-2D-1 AS TO USES ALLOWED IN INDUSTRIAL BASE DISTRICTS; AMENDING ADA COUNTY CODE 8-4A-11 AS TO DRAINAGE REGULATIONS; AMENDING ADA COUNTY CODE 8-4A-21 AS TO UTILITY REGULATIONS; AMENDING ADA COUNTY CODE 8-4B-3 AS TO ONE TIME DIVISION REGULATIONS; AMENDING ADA COUNTY CODE 8-4C-3 AS TO PROPERTY BOUNDARY ADJUSTMENT REGULATIONS; AMENDING ADA COUNTY CODE 8-4D-3 AND 8-4D-4 AS TO PRIVATE ROAD REGULATIONS; AMENDING ADA COUNTY CODE 8-4E-3 AND 8-4E-4 AS TO MASTER SITE PLAN REGULATIONS; AMENDING ADA COUNTY CODE 8-4L-2, 8-4L-3, AND 8-4L-4 AS TO STANDARDS FOR TEMPORARY USE REGULATIONS; AMENDING ADA COUNTY CODE 8-5-3 ENTITLED "SPECIFIC USES STANDARDS" BY ADDING NEW SPECIFIC USES AND STANDARDS AND AMENDING AND/OR DELETING SPECIFIC USE STANDARDS AND REGULATIONS FOR THE FOLLOWING SPECIFIC USES AND RENUMBERING THE USES AS REQUIRED: ADULT ENTERTAINMENT ESTABLISHMENT; ADULT RESPITE CARE FACILITY; AGRICULTURE STRUCTURE; AIRCRAFT LANDING FIELD, PRIVATE; AMUSEMENT OR RECREATIONAL FACILITY, OUTDOOR; CAR WASH; CEMETERY; CONTRACTOR'S YARD; DAYCARE CENTER, FAMILY DAYCARE HOME AND GROUP DAYCARE FACILITY; DRIVE-UP WINDOW SERVICE; DUPLEX, TOWNHOUSE OR SINGLE FAMILY ATTACHED DWELLING; DWELLING-ADDITIONAL FARM; DWELLING, CARETAKER FOR AN APPROVED USE; DWELLING, SECONDARY ATTACHED OR DETACHED; FENCE-BARBED, ELECTRIC OR OTHER WIRE; HEAVY EQUIPMENT SALE, RENTAL OR SERVICE; HOME OCCUPATION; KENNEL, HOBBY; MANUFACTURED HOME PARK; OUTDOOR STORAGE AREA FOR AN APPROVED USE; PRODUCE STAND, AGRICULTURAL OR ROADSIDE; RECREATIONAL VEHICLE PARK; PRODUCE STAND; TOWER OR ANTENNA STRUCTURE, COMMERCIAL; TOWER OR ANTENNA STRUCTURE, PRIVATE; VEHICLE IMPOUND YARD; AND WINERY; AMENDING ADA COUNTY TABLE 8-5A-1 AS TO ACCESSORY USE REQUIREMENTS; AMENDING ADA COUNTY CODE 8-5A-3 AND 8-5A-5 AS TO ACCESSORY USE REGULATIONS; AMENDING ADA COUNTY CODE 8-5B-3 AND 8-5B-4 AS TO CONDITIONAL USE REGULATIONS; AMENDING ADA COUNTY CODE 8-7A-5 AS TO PUBLIC NOTICE REGULATIONS; AMENDING ADA COUNTY CODE 8-7E-4 AS TO DOCUMENT SUBMITTAL FOR PUBLIC HEARING; AMENDING ADA COUNTY CODE 8-7E-5 AS TO

REGULATIONS FOR REQUESTING RECONSIDERATION OF A DECISION; AMENDING ADA COUNTY CODE 8-21A-9-35 TO RENAME ADA COUNTY SHERIFF'S DEPARTMENT TO ADA COUNTY SHERIFF'S OFFICE.

ORDINANCE NO. 902 SHALL BE EFFECTIVE UPON PUBLICATION. A FULL TEXT OF THE ORDINANCE IS AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE ADA COUNTY CLERK, 200 W. FRONT STREET, BOISE, IDAHO.

APPROVED BY THE BOARD OF ADA COUNTY COMMISSIONERS THIS 2nd DAY OF October, 2019.

Board of Ada County Commissioners

By: 
Kendra Kenyon, Commissioner

By: 
Diana Lachiondo, Commissioner

By: 
Rick Visser, Commissioner

ATTEST:


Phil McGrane, Ada County Clerk

PUBLISHED: 10/10/2019

STATEMENT OF APPROVAL

I, Phil McGrane, Ada County Clerk, do hereby declare that the attached summary of the Ada County Ordinance No. 902 is true and complete and provides adequate notice to the public, pursuant to Idaho Code § 31-715A.

[SEAL]



A handwritten signature in blue ink, appearing to be "Phil McGrane", written over a horizontal line.

Phil McGrane
Ada County Clerk

SUMMARY OF ORDINANCE NO. 902 AN ORDINANCE AMENDING TITLE 8 OF THE ADA COUNTY CODE AS FOLLOWS: AMENDING ADA COUNTY CODE 8-1A-1 TO AMEND OR DELETE CERTAIN EXISTING DEFINITIONS AND ADD NEW DEFINITIONS; AMENDING ADA COUNTY CODE TABLE 8-2A-1 AS TO USES ALLOWED IN RURAL BASE DISTRICTS; AMENDING ADA COUNTY CODE 8-2A-5 AS TO REGULATIONS FOR A FARM DEVELOPMENT RIGHT; DELETING ADA COUNTY CODE HEADING FOR SECTION 8-2A-6; AMENDING ADA COUNTY CODE 8-2B-1 AS TO THE PURPOSE REGULATIONS FOR RESIDENTIAL BASE DISTRICTS; AMENDING ADA COUNTY CODE 8-2B-2 AS TO GENERAL REQUIREMENTS FOR RESIDENTIAL BASE DISTRICTS; AMENDING ADA COUNTY CODE TABLE 8-2B-1 AS TO USES ALLOWED IN RESIDENTIAL BASE DISTRICTS; AMENDING ADA COUNTY CODE TABLE 8-2C-1 AS TO USES ALLOWED IN COMMERCIAL BASE DISTRICTS; AMENDING ADA COUNTY CODE TABLE 8-2D-1 AS TO USES ALLOWED IN INDUSTRIAL BASE DISTRICTS; AMENDING ADA COUNTY CODE 8-4A-11 AS TO DRAINAGE REGULATIONS; AMENDING ADA COUNTY CODE 8-4A-21 AS TO UTILITY REGULATIONS; AMENDING ADA COUNTY CODE 8-4B-3 AS TO ONE TIME DIVISION REGULATIONS; AMENDING ADA COUNTY CODE 8-4C-3 AS TO PROPERTY BOUNDARY ADJUSTMENT REGULATIONS; AMENDING ADA COUNTY CODE 8-4D-3 AND 8-4D-4 AS TO PRIVATE ROAD REGULATIONS; AMENDING ADA COUNTY CODE 8-4E-3 AND 8-4E-4 AS TO MASTER SITE PLAN REGULATIONS; AMENDING ADA COUNTY CODE 8-4L-2, 8-4L-3, AND 8-4L-4 AS TO STANDARDS FOR TEMPORARY USE REGULATIONS; AMENDING ADA COUNTY CODE 8-5-3 ENTITLED "SPECIFIC USES STANDARDS" BY ADDING NEW SPECIFIC USES AND STANDARDS AND AMENDING AND/OR DELETING SPECIFIC USE STANDARDS AND REGULATIONS FOR

10/10/2019

Notice Details -

THE FOLLOWING SPECIFIC USES AND
RENUMBERING THE USES AS REQUIRED: ADULT
ENTERTAINMENT ESTABLISHMENT; ADULT
RESPITE CARE FACILITY; AGRICULTURE
STRUCTURE; AIRCRAFT LANDING FIELD, PRIVATE;
AMUSEMENT OR RECREATIONAL FACILITY,
OUTDOOR; CAR WASH; CEMETERY; CONTRACTOR'S
YARD; DAYCARE CENTER, FAMILY DAYCARE HOME
AND GROUP DAYCARE FACILITY; DRIVE-UP
WINDOW SERVICE; DUPLEX, TOWNHOUSE OR
SINGLE FAMILY ATTACHED DWELLING; DWELLING-
ADDITIONAL FARM; DWELLING, CARETAKER FOR
AN APPROVED USE; DWELLING, SECONDARY
ATTACHED OR DETACHED; FENCE- BARBED,
ELECTRIC OR OTHER WIRE; HEAVY EQUIPMENT
SALE, RENTAL OR SERVICE; HOME OCCUPATION;
KENNEL, HOBBY; MANUFACTURED HOME PARK;
OUTDOOR STORAGE AREA FOR AN APPROVED USE;
PRODUCE STAND, AGRICULTURAL OR ROADSIDE;
RECREATIONAL VEHICLE PARK; PRODUCE STAND;
TOWER OR ANTENNA STRUCTURE, COMMERCIAL;
TOWER OR ANTENNA STRUCTURE, PRIVATE;
VEHICLE IMPOUND YARD; AND WINERY;
AMENDING ADA COUNTY TABLE 8-5A-1 AS TO
ACCESSORY USE REQUIREMENTS; AMENDING ADA
COUNTY CODE 8-5A-3 AND 8-5A-5 AS TO
ACCESSORY USE REGULATIONS; AMENDING ADA
COUNTY CODE 8-5B-3 AND 8-5B-4 AS TO
CONDITIONAL USE REGULATIONS; AMENDING ADA
COUNTY CODE 8-7A-5 AS TO PUBLIC NOTICE
REGULATIONS; AMENDING ADA COUNTY CODE 8-
7E-4 AS TO DOCUMENT SUBMITTAL FOR PUBLIC
HEARING; AMENDING ADA COUNTY CODE 8-7E-5
AS TO REGULATIONS FOR REQUESTING
RECONSIDERATION OF A DECISION; AMENDING
ADA COUNTY CODE 8-21A-9-35 TO RENAME ADA
COUNTY SHERIFF'S DEPARTMENT TO ADA COUNTY
SHERIFF'S OFFICE. ORDINANCE NO. ____ SHALL BE
EFFECTIVE UPON PUBLICATION. A FULL TEXT OF
THE ORDINANCE IS AVAILABLE FOR PUBLIC
INSPECTION AT THE OFFICE OF THE ADA COUNTY

10/10/2019

Notice Details -

CLERK, 200 W. FRONT STREET, BOISE, IDAHO.
APPROVED BY THE BOARD OF ADA COUNTY
COMMISSIONERS THIS 2nd DAY OF October, 2019.
Board of Ada County Commissioners By: Kendra Kenyon,
Commissioner By: Diana Lachiondo, Commissioner By:
Rick Visser, Commissioner ATTEST: Phil McGrane, Ada
County Clerk PUBLISHED: 10/10/2019 **Publish Dates:**
10/10/2019-10/24/2019