Bear Lake County Land Use Ordinances

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Chapter 1 GENERAL PROVISIONS:

Section 1 Title:

This Ordinance shall be known and cited as "The Bear Lake County Land Use Ordinance." This Ordinance hereby repeals and replaces any and all previous land use ordinances or amendments. Ordinances involving the division of land are found in ordinance 2019-1 and are not contained in this ordinance.

Section 2 Authority:

This ordinance is adopted pursuant to the authority granted by chapter 65, title 67 of the Idaho Code, and article 12, section 2 of Idaho constitution, as amended or subsequently codified.

Section 3 Purpose:

The purpose of this Ordinance shall be to promote the health, safety and welfare of the people of the county. More specifically, it is the intent of this Ordinance to regulate the use of land and guide development in the county in harmony with the policies and guidelines of the officially adopted Bear Lake County Comprehensive Plan and to achieve the following objectives:

A. To promote and protect the health, safety, comfort, and general welfare of the public.
B. To support and implement the stated goals of the County as expressed in the Comprehensive Plan.
C. To provide for and protect agricultural lands and sensitive natural resource areas.
D. To mitigate the effects of incompatible land uses upon adjacent uses.
E. To encourage variety, excellence and creativity in the design of, development, and preservation of critical open space areas and preservation of the natural beauty of the area.
F. To preserve and enhance the value of land and buildings throughout the County.

G. To protect and improve the County's quality of life so that the County will be increasingly valued by residents and nonresidents as a desirable place for recreation, living and working.
H. To encourage orderly growth and development of land that results in reducing the unnecessary imposition of an excessive expenditure of public funds for the delivery of public services.

Section 4 Consistency with Comprehensive Plan:

It is the intent of Bear Lake County that the Zoning Ordinance shall be consistent with the Bear Lake Comprehensive Plan and with any applicable provisions of state law.

Section 5 Applicability:

The Zoning Ordinance shall apply to all of the unincorporated areas of the County. The use of all land and any buildings or structures located upon the land, and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all provisions of this ordinance and to all regulations applicable to the district in which the land is located except as otherwise provided. No land, building, structure or premises shall be used for any purpose or in any manner other than as permitted in this ordinance and in the district in which such land; building, structure or premise is located except as provided.

Section 6 Conflicting Provisions:

The Zoning Ordinance shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not the intent of these regulations to interfere with, abrogate or annul any easement, covenant or other more restrictive agreement between parties. When these regulations impose a greater restriction upon the use of buildings or land, upon the height of buildings, or require larger open spaces than are imposed or required by other ordinances, rules, regulations, easements, covenants or agreements, the provisions of this ordinance shall control.

Section 7 Severability of Provisions:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations, it being hereby expressly declared that this Ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 8 Transportation:

The transportation activities, facilities, services, and improvements listed below are not subject to provisions of this Ordinance .

A. Normal operation, maintenance, and repair of existing transportation facilities identified within the Transportation Element of the Comprehensive Plan including road, bicycle, pedestrian, airport, and rail facilities, and major regional pipelines and terminals;

B. Installation of culverts, pathways, medians, guardrails, lighting, and similar types of improvements within the right-of-way;

C. Landscaping as a part of a transportation facility;

D. Emergency measures necessary for the safety and protection of property;

E. Acquisition or dedication of right-of-way for public road, highways, and other transportation improvements;

F. Reconstruction of existing transportation facilities and improvements consistent with the associated roadway construction standard specified in this Code;

G. Construction of a street or road as part of an approved subdivision or lot split;

H. Changes in the frequency of transit, rail and airport facilities;

I. Improvements to existing County road and State highway facilities such as maintenance yards, weigh stations, and rest areas.

J. Addition of capacity to existing roads by the addition of passing lanes and deceleration lanes, or the construction of general purpose travel lanes not requiring right-of-way acquisition;

K. Temporary public roads and highway detours that will be abandoned and restored to original condition or use when they are no longer needed; and

L. The construction or relocation of roads on new alignments, or the addition of general purpose travel lanes requiring new right-of-way adjacent to existing roads, “conditional use” is required.

Chapter 2 DEFINITIONS:

For the purpose of this Ordinance, certain words and phrases are defined as follows:

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

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

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

ADT: Average Daily Traffic

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

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

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

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

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

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

ANIMAL, FARM: See "Livestock"

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

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

APPLICANT: The applicant for a WCF shall include the property owner, all personal wireless or broadcast service providers that will locate on the WCF, and the owner of the mount if different than the service providers or property owner.

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

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

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

BIOSWALE. A low-gradient, vegetated open channel through which surface runoff is directed. The bioswale decreases the speed of flows, acts as a stormwater detention facility, and allows suspended solids and other pollutants to settle out.

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

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

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

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

"CAFO," also referred to as "concentrated animal feeding operation "or "confined animal feeding operation," means a lot or facility where the following conditions are met:

(a) Animals have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days or more in any twelve-month period;
(b) Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility; and
(c) The lot or facility is designed to confine or actually does confine as many as or more than the number of animals specified in any of the following categories: seven hundred (700) mature dairy cows, whether milked or dry; one thousand (1,000) veal calves; one thousand (1,000) cattle other than mature dairy cows or veal calves; two thousand five hundred (2,500) swine each weighing fifty-five (55) pounds or more; ten thousand (10,000) swine each weighing less than fifty-five (55) pounds; five hundred (500) horses; ten thousand (10,000) sheep or lambs; or eighty-two thousand (82,000) chickens.

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

(2) "CAFO site advisory team" shall mean representatives of the Idaho state department of agriculture, Idaho department of environmental quality and Idaho department of water resources who review a site proposed for a CAFO, determine environmental risks and submit a suitability determination to a county. The department of agriculture shall serve as the lead agency for the team;

(3) "Environmental risk" shall mean that risk to the environment deemed posed by a proposed CAFO site, as determined and categorized by the CAFO site advisory team and set forth in the site advisory team's suitability determination report;

(4) "Suitability determination" shall mean that document created and submitted by the CAFO site advisory team after review and analysis of a proposed CAFO site that identifies the environmental risk categories related to a proposed CAFO site, describes the factors that contribute to the environmental risks and sets forth any possible mitigation of risk.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DE FACTO SUBDIVIDING: The creation of an illegal lot without having been formally reviewed by the Bear Lake County Planning and Zoning Commission submitted to the Bear Lake County Board of County Commissioners and subsequently approved by County Commissioners.

DEFACTO SUDIVISION: The creation of an illegal subdivision through means other than those approved by the ordinances.

DENSITY: A unit of measurement; the number of dwelling units per acre of land.
Density, Gross: The number of dwelling units per acre of the total land to be developed including land dedicated to public use.
Density, Net: The number of dwelling units per acre of the land devoted to residential uses only and excluding land dedicated to public use.

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

DISGUISE: See Camouflage.

DRIVEWAY: A nondedicated vehicular access constructed on private property which provides vehicular and/or pedestrian access to not more than two (2) dwelling units (excluding accessory

dwelling units) and is constructed in conformance with the applicable adopted street standards and International Fire Code. Travel surface will be a minimum of 12' wide with a minimum 4" of pit run, gravel or other hardened surface.

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

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

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

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

DWELLING UNIT: means one or more rooms including a bathroom and single kitchen designed for or occupied as a unit by a person or family for living purposes and located in a one-family, duplex, or multiple family dwelling.

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

ELEVATION: The measurement of height above mean sea level.

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

EXTRACTION: See Mining.

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

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

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

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

FLOODPLAIN: The relatively flat area or low land adjoining the channel of a stream or river, lake or other body of water which is subject to the hazards and inundation on a one hundred (100) year frequency, as identified and defined in the Flood Insurance Study and Flood Boundary and Floodway Map prepared by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development in conjunction with the U.S. Army Corps of Engineers.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, as identified and defined in the Flood Insurance Study and Flood Boundary and Floodway Map prepared by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development in conjunction with the U.S. Army Corps of Engineers.

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

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

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

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

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

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

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

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

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

HIGHWAY: See Road.

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

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

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

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

1. Large impervious area. An area of impervious surface including, but not limited to, a parking lot of any size, large building, street, cul-de-sac, large amenities complex and other similar impervious area.
2. Small impervious area. An area of impervious surface such as a small swimming pool, or one small basketball court, or one tennis court, or a small maintenance building, or an historic home site, or an existing or new trail system, or some other similar impervious area.

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

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

KENNEL: Any place on which more than three dogs (except for agricultural use by animal owner) or cats kept for the purpose of sale, placement, boarding, care, or breeding, for which any fee is exchanged. See also, ordinance 2006-01 for Kennel regulations in Bear Lake County.

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

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

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

LOT: means the parcel, plot, tract, or other area of real property intended for sale, transfer, lease, or encumbrance.

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

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

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

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

LOT LINE: The lines bounding a lot.

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

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

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

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

LUMBERYARD: An area where lumber is stored for sale.

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

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

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

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

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

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

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

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

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

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

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

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

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

NONCONFORMING USE: A land use or activity, which was lawful prior to the adoption, revision, or amendment of this Ordinance but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of this Ordinance.

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

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

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

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

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

OPEN SPACE: An area substantially open to the sky that may be on the same lot with a building. The area may include along with the natural landscape features, water areas, agricultural lands, golf courses and other recreational facilities that the Commission deems permissible. Street, parking area, structures for habitation are not included. Lawns, yards, gardens, or similar outdoor features associated with homes, condominiums, apartments, or businesses when such features are held in common.

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

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

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

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

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

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

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

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

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

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

PRIVATE ROAD: See Road.

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

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

PUBLIC ROAD: See Road.

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

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

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

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

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

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

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

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

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

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

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

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

A. "Road" or "Roadway" includes the terms highway, thoroughfare, parkway, lane, avenue, boulevard, highways, alley, place or other such terms.
B. Related structures such as tunnels, culverts, or similar structures; and,
C. Structures that provide for continuity of the roadway such as bridges.
D. The following are specific types of Roads:

1. State Highways: a public Road, including its entire right-of-way, under the jurisdiction of the State of Idaho.
   Contact: Idaho Transportation Department,
2. County Roads: a public Road, including its entire right-of-way, under the jurisdiction of Bear Lake County.
   Contact: Bear Lake County Road and Bridge Department.
3. Private: means a street constructed on private property, which provides vehicular and pedestrian access to multiple family dwelling units or four (4) or less dwelling units (excluding accessory dwelling units) and constructed to International Fire Code, however, not accepted for dedication or maintenance by the County. A minimum 30' public access easement will be required. Travel surface will be a minimum of 14 feet and constructed using ¾" minus gravel to a depth of 6".
4. U.S. Forest Service Road: A federally owned easement or right-of-way which provides access to federally owned land.

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

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

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

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

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

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

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

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

SIGN: A lettered board, name, emblem, identification, trade name, trademark, illustration or the like which is affixed to, painted on or represented, directly or indirectly upon a building, structure or land which relates to a person, activity, facility, organization, or business located on the premises.

SIGN, FREESTANDING: A sign, which stands on the ground and is not attached to a building.

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

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

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

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

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

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

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

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

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

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

STREET**: See Road.**

STRUCTURE: Anything constructed which requires permanent location above or below the ground or attached to something having a permanent location on the ground, including but not limited to: buildings, bridges or culverts across streams, tennis courts, swimming pools, garden sheds, etc.

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

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

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

TRAVEL TRAILER: See Recreational Vehicle.

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

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

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

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

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

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

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

A. A public utility pole,
B. A tree trimmed (to the trunk) of all branches to a height of at least ten (10) feet above the curb (if present) or the height of the center of the adjacent roads,
C. Plant species with an open growth habit that do no form a hedge and are so planted and trimmed as to not diminish a clear and unobstructed cross-view at anytime or season of the year,
D. A supporting member or appurtenance to a permanent building lawfully existing on (date of adoption),
E. An official traffic sign or signal,
F. The natural contour of the ground when it limits cross-visibility at an intersection.

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

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

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

WIRELESS COMMUNICATION FACILITY (WCF): A facility that transmits and/or receives electromagnetic signals for voice, data, image, graphic and other information, including antennas, microwave dishes, parabolic antennas, directional antennas and other types of equipment for the transmission or receipt of such signals; towers or other structures supporting the equipment; equipment buildings, shelters, cabinets, parking area, and other accessory development. WCFs include, but are not limited to, personal wireless services and facilities as defined by Section 704 of the Telecommunications Act of 1996, and broadcast service facilities.

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

Chapter 3 ZONING DISTRICT REGULATIONS:

Section 1 Zoning Districts-Designated:

The following base zoning districts and overlay districts are hereby established. Unless, otherwise provided for in this ordinance, no building or structure shall be built or materially altered, nor shall land be used except in conformance with the zoning district in which it is located. These designations have been made to implement policies of the Bear Lake County Comprehensive Plan. For the purpose of promoting the health, safety and welfare of Bear Lake County, all lands within the unincorporated areas of the county shall be designated within one of the base zoning districts and, where appropriate, one or more of the overlay districts listed below. If any lands are not labeled with a zoning district symbol by inadvertence or change in municipal boundary, they shall be considered Agricultural (A) until expressly redesignated. To further the purposes stated in this section the following names shall apply to Zoning Districts created by this Ordinance:

District Name	Symbol
Agricultural District	A
Rural Community District	RC
Community Expansion District/impact area	CE
Multiple Use District (Public Lands)	MU
Recreation District	REC
Rural Conservation District	RUC
Lakeshore (Beach Development) District	LS
Commercial District	C
Industrial District	I

Section 2 Zoning Districts- Establishment of Zoning Map:

In order to separate land uses and comply with the Comprehensive Plan the County is divided into Zoning Districts as shown on the Official Zoning Map of the County which is adopted and made a part of this Ordinance as fully set forth herein. The zones shown on the Official Zoning Map shall correspond to the zones described in the text of this Ordinance. All land within the unincorporated areas of Bear Lake County shall be subject to the restrictions contained in this Ordinance, unless otherwise provided for pursuant to areas of city impact as adopted by Bear Lake County.

Section 3 Zoning Map Requirements and District Boundaries:

A. The Official Zoning Map shall serve as the true record of zoning district boundaries. The county staff shall have the authority to interpret the map. Any interpretation by the county staff may be appealed to the Commission, and then the Board, according to the procedures and time requirements of this ordinance.

Section 4 Agricultural District – A:

Purpose: To provide for agricultural land use, a significant economic activity within Bear Lake County, and to provide for other uses that can exist in harmony with surrounding agricultural activities, consistent with the County Comprehensive Plan.

Gross Residential Density - This amounts to one dwelling unit for every forty (40) acres. Individually owned parcels of 40 acres or larger may be excluded from subdivision platting requirements.

Section 5 Rural Community District – RC:

Purpose: To provide for the growth and development of existing unincorporated communities such as, but not limited to; Bern, Bennington, Dingle, Geneva, Fish Haven, and Raymond. A set of mixed uses is provided for in this district with agricultural and residential having priority, with commercial being secondary.

Gross Residential Density – One (1) dwelling unit per acre or one dwelling unit per one-half (½) acre with community water and sewer, otherwise one acre or what is consistent with the zoning and/or existing use (if unzoned) within the adjacent city.

Section 6 Community Expansion District/impact area – CE:

Purpose: To provide for and encourage growth and development on land adjacent to incorporated cities where municipal services could be extended. It is expected that these lands would eventually be annexed into cities. A set of mixed uses including agriculture, residential, commercial, recreational and industrial is provided for in this district provided that the mix of uses is consistent with the existing zoning and/or desired use within the adjacent city.

Gross Residential Density-- One (1) dwelling unit per one-half (½) acre with community water or sewer, otherwise one acre or what is consistent with the zoning and/or existing use (if unzoned) within the adjacent city.

Section 7 Multiple Use District (Public Lands) – MU:

Purpose: This district includes federal and state lands. It is the intent that these lands continue as multiple use including agricultural, recreational, timber, and mining.

Gross Residential Density - The same as Agricultural District.

Inholdings - Private land holdings surrounded by public lands, such as national parks or forests, on all sides. (Inholdings) shall have a gross residential density of one (1) unit per

five (5) acres. Roads within these inholdings shall be considered, for the sake of road standards, as private driveways. These driveways shall be a minimum of twelve (12) feet wide with a turnaround (if needed) and connect directly to all lots.

Section 8 Recreation District – REC:

Purpose: To provide special management of lands whose natural resource values include Bear Lake, its watershed and the mountains so that these values are not destroyed. At the same time provide residential housing.

Gross Residential Density - One (1) dwelling unit per acre.

Recreation District Standards:

A. Development shall be by site design or evaluation of natural resource issues as identified in the comprehensive plan land capabilities process.

B. Transportation facilities, both on and off the site, have the capability to handle additional traffic or can be expanded to service the area.

C. All additional run-off created as a result of the development will be contained on site. Erosion control plans during and after construction.

D. Slope failure is a hazard and will be mitigated with measures ranging from retaining walls to revegetation of the disturbed site. Cut slopes and fill areas not feasibly reshaped will be required to install soil retention techniques.

E. Placement of residences/dwelling units are encouraged to be kept off the ridgeline.

Section 9 Lakeshore (Beach Development)-LS:

Purpose: To provide for a compatible blend of uses for residential and water oriented recreation along the shoreline of Bear Lake.

Gross Residential Density - one (1) dwelling unit per one-half (½) acre with sewer service provided by a public agency where reasonable.

A. Additional Requirements
   1. Agencies with jurisdiction are to be contacted for any disturbance below (5923.65 A.S.L. per PacifiCorp)
   2. Where reasonable, sewer hook-up required.

Section 10 Commercial District – C:

Purpose: To provide areas for shopping facilities and other commercial uses for residents and travelers including business offices.

Commercial Standards:
Performance standards in a Commercial district shall be as follows:

A. Landscaping shall be provided in parking lots, buffers and setback areas.

B. Building shall be handicap accessible according to State or Federal requirements.

C. Application shall include signing plan, area for snow removed from parking lot, emergency vehicle access, screened & wind protected garbage storage area, and storm-water retention plan.

Section 11 Industrial District – I:

Purpose: To provide areas that allow the establishment and grouping together of industrial, manufacturing, distribution and warehousing uses. Buffering will be required to reduce impacts on adjacent zoning districts and their uses.

Industrial Performance Standards:

A. Application shall include signing plan, area for snow removed from parking lot, emergency vehicle access, screened & wind protected garbage storage area, and storm-water retention plan.

B. Screening plan of yard and storage areas. On-site landscaping shall be provided on areas which are open to the public.

C. Any proposed use shall meet Idaho Air and Water Quality Standards and comply with appropriate State and Federal environmental regulations.

D. To minimize the effects of industrial land use on nearby uses additional screening or other site requirement may be required.

Section 12 Rural Conservation District – RUC:

Purpose:

The intent of the Rural Conservation District is to specially encourage preservation of the high value agricultural lands, land rich in natural resources, and areas which contain environmental hazards such as wet lands and floodplains.

Open Space Utilization and Protection: 70% Open Space - 30% Disturbed Space

Housing Density Determination: The maximum number of lots in the Rural Conservation Districts shall be as follows:

Conservation – Total acreage times .3 or 30% divided by .5 or ½ acre. For example, for a 40 acre parcel the density would be 30% or 12 acres divided by ½ acre or 24 lots. The minimum area shall be ½ acre.

Rural Conservation Overlay District Design Standards – See Rural Conservation Subdivision Ordinance as adopted by the Bear Lake County Commission.

Chapter 4 ZONING DISTRICT LAND USE TABLE AND PLACEMENT STANDARDS:

Section 1 Land Use Table:

The Key for the districts is as follows

A - AGRICULTURE
RC - RURAL COMMUNITY
CE - COMMUNITY EXPANSION
MU - MULTIPLE USE (PUBLIC LANDS)
REC - RECREATION AND HOUSING
RUC – RURAL CONSERVATION
LS – LAKESHORE (BEACH DEVELOPMENT)
C - COMMERCIAL
I - INDUSTRIAL

CODE FOR USES IS LISTED
P = PERMITTED USE
C = CONDITIONAL USE
R=Rezone
(BLANK) = NOT PERMITTED
(1) Footnote or special provision

Table 1-- Land use in Bear Lake County

Uses	**A**	**RC**	**CE**	**REC**	**RUC**	**LS**	**C**	**I**
RESIDENTIAL USES								
Construction or relocation of roads on new alignments, or the addition of general purpose travel lanes to an existing road requiring new right-of-way.	C	C	C	C	C	C	C	**C**
Planned unit developments	C	C	C	C		C	C	C
Large Scale Planned Unit Developments	C	R	R	C	R	R	R	R
Dwelling, Single Family Detached	P	P	P	P	P	P		
Dwelling, Two Family	P	P	P	P	P	C	C	
Dwelling, Single Family Attached	C	C	C	C	P	C	C	
Dwelling, Multiple Family – Condos		C	C	C		C	C	
Home Business	C	C	C	C	P	C	C	
Lot Split	P	P	P	P		P	P	P

Manufactured Home (meeting Performance Standards)	P	P	P	P	P	C		
Mobile Home Park		C	C				C	
Mobile Home Single								
Other Residential Accessory and Incidental Uses	P	P	P	P	P	P	P	
Uses	**A**	**RC**	**CE**	**REC**	**RUC**	**LS**	**C**	**I**
Private Swimming Pool/Tennis Court	P	P	P	P	P	C	C	
Secondary Residential or Caretaker housing (Meet Performance Standards)	P	P	P	P	P		P	
Shelter Homes with 8 or less clients	C	C	C				C	
Subdivision	C	C	C	C	P	C	C	C
AGRICULTURAL USES								
Agriculture general (farming & ranching	P	P	P	P	P	P		P
Beekeeping	P				C			
Breeding or raising domestic animals for sale, food or pleasure	P	P	P	C	P		P	P
Chicken / Turkey Farm	P	C	C		C			
Commercial Feedlot	P	C	C					
Confined Animal Feeding Operation (CAFO)	C							
Dairy Business	P	C	C					
Dude Ranch	P	C	C	C				
Uses	**A**	**RC**	**CE**	**REC**	**RUC**	**LS**	**C**	**I**
Gardens and orchards home use	P	P	P	P	P	P	P	P
Hog Farm	C				C			
Kennel	C	C	C		C			
Orchard Commercial	P	P	P	P		P	P	P
Orchard Home business	P	P	P	P	P	P	P	
Raising of fur-bearing animals	P	C	C		P			C
Sales stands for produce grown on premises	P	P	P	P	P	P	P	P
Stables, Riding academies	C	C	C	C			C	
Wildlife reserve	C			C				
Wildlife game farm	P							
Uses	**A**	**RC**	**CE**	**REC**	**RUC**	**LS**	**C**	**I**
COMMERCIAL USES AND SERVICES								

Administration & Business Offices							P	P
Animal Clinic or pet hospital			C				P	P
Antique/Collectable/Handicraft/Hobby Sales			C				P	P
Auto/truck wash			C				P	P
Auto/truck Salvage (junkyard) & metal, rag, glass, paper, and plastic recycling operation							C	C
Auto/truck parts, tires & Accessories							P	P
Auto/truck used parts and/or rebuilding							C	C
Auto/truck repair, towing							P	P
Auto/truck/trailer/farm equipment Sales							P	P
Bakery/confectionery/Deli		C					P	P
Bank/ Financial institutions		C					P	P
Barber/Beauty Shop		C					P	P
Bed & Breakfast Facilities (Inn)less than 6 rooms	C	C	C	C			P	
Uses	**A**	**RC**	**CE**	**REC**	**RUC**	**LS**	**C**	**I**
Billboards (Outdoor Advertising)							P	P
Boat/Recreation Vehicle Sales, Service and rental							P	P
Book/Stationery/print shop/Music store							P	
Building Material/Home Improvement/Hardware Sales							P	P
Building/yard maintenance Service		C					P	P
Cabinet / Furniture Sales/Repair							P	P
Commercial parking							P	P
Contractor, Pump and Well Drilling							P	P
Contractor, General							C	P
Contractor, Excavation/ Heavy Equipment/ storage yard							C	P
Contractor , Building							P	P
Convenience Store w/o gasoline sales		C	C				P	P
Uses	**A**	**RC**	**CE**	**REC**	**RUC**	**LS**	**C**	**I**
Convenience Store with gasoline sales		C	C				P	P
Day Care Center		C	C				C	

Day Care Home 1-6 Children	P	P	P	P	P			
Department Store							P	
Garden/Nursery Store							P	P
Gasoline Service Station							P	P
Grocery Store							P	C
Hotel/Motel							P	
Laundry/dry cleaning/Laundromat							P	C
Leather Goods Sales/Repairs							P	P
Liquor Sales							C	
Uses	**A**	**RC**	**CE**	**REC**	**RUC**	**LS**	**C**	**I**
Medical/Dental Clinic-Offices			C				P	
Mini/Self Storage Units			C				P	P
Mobile Home/Manufactured Home Sales							C	C
Mortuary							P	P
New/Use Vehicle Sales							P	P
Adult Material sales/rental								C
Pawn Shop							P	P
Pet Shop							P	P
Pharmacy							P	
Restaurant/ Quick food establishment							P	C
Retail Sales							P	C
Small Appliance/Computer sales and Repair							P	C
Sporting Goods							P	C
Storage of Boats/RV's/Autos/Trucks	C						P	P
Studio - Health, Exercise, Massage							P	
Uses	**A**	**RC**	**CE**	**REC**	**RUC**	**LS**	**C**	**I**
Studio - Art/photo/drama/dance							P	
Tavern, Dance Hall, Night Club							C	C
Theater, outdoor							C	
Theater, indoor							P	C
Truck Stop							C	P
Variety Store							P	
Railroad Car/cargo containers as storage	P	P	P	C		C	P	P
Buses and truck trailers as storage								
<u>INSTITUTIONAL / SPECIAL USES</u>								
Airport/Heliport , Private							C	C

Airport/Heliport, Public								C
Cemetery	C	C	C					
Church/ Religious Assembly	C	C	C	C	C	C		
Fire Station	C	C	C	C	C	C	P	P
Preschool (See Day Care Center)								
Private School							C	
Uses	**A**	**RC**	**CE**	**REC**	**RUC**	**LS**	**C**	**I**
Public Park	P	P	P	P	P	C	P	
Public School	C	C	C	C	C	C		
Public Building	C	C	C	C	C	C	P	P
Trade , Vocational or commercial schools							P	P
Zoo								
INDUSTRIAL USES								
Chemical storage distribution								C
Component assembly								**C**
Concrete Batch Plant								C
Contractor, Landscape/Fencing								P
Freight Terminal							C	P
Fuel / coal/ firewood/propane dealer							C	P
General Warehousing							C	P
Lumber/sawmill plant/ Lumber yard								P
Uses	**A**	**RC**	**CE**	**REC**	**RUC**	**LS**	**C**	**I**
Manufacturing plants								P
Petroleum bulk plants								P
Processing plant for agricultural products								P
Quarry/gravel pit/rock crushing/mining	C		C					C
Sheet metal/roofing/sign/fabrication shop							C	P
Welding/ Machine Shop							C	P
Wholesale outlets/storage and sales							P	P
UTILITY & RELATED SERVICE USES								
Hospital , Ambulance garage					C		C	
Irrigation Canals and facilities	P	P	P	P	P	P	C	C
Railroad tracks, right-of-way related facilities	C	C	C	C	C		C	C

Recycle bin for collection					C		P	P
Sewage, pumping, treatment	C	C	C	C	C	C	C	C
Water facilities, pumping , treatment, storage , well	C	C	C	C	C	C	C	C
Utilities Transmission line	P	C	C	C	C	C	P	P
Uses	**A**	**RC**	**CE**	**REC**	**RUC**	**LS**	**C**	**I**
Utilities, public or private other than listed	C				C		C	P
Utility Shops, Storage Yards and buildings	C				C		C	P
Utility Installation & Public Service Facility/power substation/gas metering-pumping station/Telephone switching- relay and Transmitting equipment	**C**				C		C	C
Wireless communication facilities and tower/ Radio, Television or Microwave towers	**C**	C	C	C	C	C	C	C
RECREATIONAL USES								
Campground	C						C	
Golf Course							P	
Hunting lodge and rental cabins	C	C		C	C		P	
Indoor Entertainment, Sports and Recreation							P	
Marina							C	
Noise Park/ Dirt Bike track/ Outdoor Entertainment, Sports and Recreation							C	C
Uses	**A**	**RC**	**CE**	**REC**	**RUC**	**LS**	**C**	**I**
Public Beaches						C		
Public Swimming pool							**P**	
Public Riding stables							C	
Recreational Vehicle Park							C	
Shooting Preserve/ Hunting Farm	C						C	
Snowmobile rental							P	C
Theatrical shows, wagon rides, dinner theater indoor or outdoor							P	
Watercraft rental							P	
Winter sports facilities							P	
TEMPORARY USES								
Carnival or Circus								
Christmas Tree Sales							P	P

Contractor's Office and construction equipment sheds and staging area		C	C	C		C	C	C
Fireworks Stand								
Uses	**A**	**RC**	**CE**	**REC**	**RUC**	**LS**	**C**	**I**
Real Estate sales office on land for sale	C	C	C	C	C	C	C	**C**
Religious tent meeting								

Section 2 Uses Not Listed:

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

Section 3 Bulk and Placement Standards:

TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:
The following table sets forth building bulk and placement standards for the base zoning districts;

Table 2--Setback restrictions for Bear Lake County (ft)

	Ag.	**RC**	**CE**	**REC**	**RUC**	**LS**	**C**	**I**
Min. front yard on Collector/arterial street(locale dependent)	50	50	50	50	50	25	10	10
Min. front yard on local road meeting county standards	30	30	30	30	30	25	10	10
Min. front yard on existing local road not meeting county standards (Includes 30 foot right of way easement from centerline of road)	60	60	60	60	60	55	60	60
Min. rear yard	5	5	5	5	5	5	10	10
Min. side yard	5	5	5	5	5	5	10	10
Min. lake setback						25		
Bear River (ord. High Water) All other tributaries	75 25	75 25	75 25	75 25	75 25	7 25	75 25	100 25
Min. irrigation ditch/canal setback	15	15	15	15	15	15	15	15
Min. lot width	100	100	100	100	100	75	30	30
Max height	35	35	35	35	35	35	35	35

Max. sign height							25	25

** Except barns, silos and windmills

Section 4 Measurement Procedures:

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

B. YARD, FRONT: The depth of the yard shall be the minimum distance between the front lot line and the part of a building closest to the front lot line or to the required setback from the street if development is not present.

C. YARD, REAR: The depth of the required rear yard shall be measured from the nearest point of the rear lot line toward the nearest part of a main building.

D. YARD, SIDE: The width of the required side yard shall be measured from the nearest point of the side lot line toward the nearest part of a main building.

Chapter 5 Zoning District Performance Standards:

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

Section 1 Transportation System Capacity:

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

Section 2 Transportation Impact Study:

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

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

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

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

Section 3 Access-Generally:

A. Access Required--All developments and all lots and parcels within a development shall abut and have safe direct access to a road for a distance of at least 25 feet and conform to the access standards specified in Section 6(J). All roads serving as access, pursuant to this section, shall meet the design and construction standards of the Bear Lake County Road and Bridge Department or Idaho Transportation Department, consistent with roadway jurisdiction. Roadway improvements, as may be required by Bear Lake County and/or the Idaho Transportation Department, and the provision of access, including but not limited to

driveway improvements, street extensions and street improvements shall be the responsibility of the developer.

B. The County may approve building permits for lots and parcels for the following reasons:
   1. The proposed improvement would be solely for nonresidential use on a parcel or lot zoned for Agriculture/Natural Resource, and
   2. When the proposed permit would support the use of the parcel or lot for forestry, mining, or agricultural purposes, or
   3. The parcel or lot will be exclusively used for public utility facility purposes.

C. Alternative access is subject to the following additional standards:
   1. The County Commission finds, based upon evidence included in the application that the use and access needs are limited and road standards of this Ordinance are not warranted.
   2. A restrictive covenant is recorded with the County Clerk as a deed restriction on the existing and future use of the property consistent with the "proposed use" stated in the application.
   3. Such restriction is submitted as a part of the application and is approved by the County Board. The County Board may review, modify, approve, or disapprove the proposed restriction.

Section 4 County Road Extension or Creation:

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

A. The tax revenues generated by the proposed development and directly received by Bear Lake County will be equal to or greater than the costs associated with roadway maintenance, including winter maintenance, and

B. If the development includes the construction of dwelling unit(s), the tax revenues generated by the proposed development and directly received by the Bear Lake School District less the average annual educational service cost per pupil, exclusive of transportation services, times the number of proposed dwelling units, will be equal to or greater than the costs associated with the operation of school transportation services based upon:

   1. The additional mileage required to serve the area considering the existing bus routes at the time of the proposal, and
   2. The school district's cost of student transportation based upon the district-wide operations cost per vehicle mile of travel.

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

Section 5 Extension of Winter Maintenance:

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

A. A study prepared by competent professionals, at the developer's expense, clearly demonstrating that the tax revenues generated by the proposed development and directly received by Bear Lake County will be equal to or greater than the costs associated with extending winter maintenance, and

B. Written evidence that the study has been reviewed and accepted by the Bear Lake County Road and Bridge Department. The Department may establish standards concerning the content, format, and methodology of such studies.

Section 6 Detailed Performance Standards For Access Management:

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

A. Ingress and Egress Permit Required. The modification, location, or relocation of driveways on State highways shall be subject to the standards specified within this Section, and Idaho Transportation Department review and approval. Development subject to Chapter 1 Section 8 of this Ordinance, as well as any change in use that creates a significant change in trip generation, shall conform to the standards specified in this Section. Existing driveways as of (date of adoption) that do not conform to the standards herein are considered nonconforming.

B. Driveways shall be sited consistent with Table 3, Driveway Spacing Standards. If performance standards specified elsewhere in this Appendix are more restrictive, than the most restrictive shall apply.

Table 3--General Driveway Spacing Standards

Street Classification [1]	Minimum Driveway Spacing	Minimum Driveway Separation from Public Street Intersection
Arterial Street	500 [2]	190
Collector Street	300 [2]	150
Local Street	150	75

1. Street classification is detailed within the Comprehensive Plan.
2. Limited to a maximum of three driveways per mile per side.

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

D. The number of driveways shall be the minimum number necessary to provide reasonable access to the property (ies), not the maximum available for the frontage. Adjacent developments under the same ownership, group of owners, or consolidated for the purposes

of development and comprise more than one building site shall be reviewed as a single property for purposes of determining the number of access points. For single family and multi-family developments, one driveway is permitted per lot. Larger developments generating 250 vehicle trips per day, commercial, and industrial developments may require more than one driveway but shall be limited to the minimum feasible number.

E. The County shall require, at a minimum, that driveways be located outside the functional area of the intersection even if such a distance would be greater than set forth in Table 3.

F. The County may attach conditions to any access to the public roadway system. Additionally, the approval may be temporary including time limits based upon the availability of an alternative access that meets or more closely satisfies the access management policies and standards.

G. Driveways shall be constructed consistent with the widths specified in Table 4 based upon the posted speeds on the adjacent roadway. If not posted, the approach widths specified for roadways with speeds greater than 35 MPH shall be used.

Table 4--Approach Widths & Radii

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

H. The grade of the driveway shall not exceed eight (8%) percent at any point along its length. The following additional minimum standards apply:
   1. Driveways less than 40 feet may have a maximum grade of eight percent.
   2. Driveways longer than 200 feet may have grades in excess of eight (8%) percent but no greater than ten (10%) percent. Grades in excess of ten (10%) percent shall account for no more than 100 feet within any 500 lineal feet of driveway. The grade of these longer driveways, at their intersection with the public street and for a distance of 40 feet from the edge of the roadway, shall be no greater than eight (8%) percent.

I. A minimum 12 inch diameter culvert capable of supporting a load of 40,000 pounds may be required to convey stormwater runoff. The size and location of the culvert shall be determined by the relevant roadway jurisdiction, either ITD District 5 or the Bear Lake County Road and Bridge Superintendent. Culverts shall be constructed of corrugated metal pipe or reinforced concrete pipe. Culverts, when required, shall extend a minimum of one (1)

foot beyond the edge of fill created by construction of the driveway approach or such other longer distance as may be determined by the relevant roadway jurisdiction.

J. Driveways serving commercial or industrial uses that include parking areas larger than 1,000 square feet, provide five (5) or more spaces, or include off-street loading berths shall conform to the following standards.

1. The driveway shall be designed and constructed to facilitate the flow of traffic on or off the site with regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined.
2. The driveways shall be a minimum 14 feet in length from the edge of the right-of-way, but longer driveways may be required when necessary to ensure that stopping, standing, parking or maneuvering of vehicles does not occur within the right-of-way.
3. When the adjacent road is paved, the driveways shall also be paved. Driveway paving shall extend a minimum of 14 feet from the edge of the existing pavement. A longer paved driveway may be necessary to ensure that stopping, standing, parking, or maneuvering of vehicles does not occur within the public road right-of-way.
4. The parking area shall provide adequate aisles or turn-around so that all vehicles may enter the street in a forward manner.
5. The parking areas shall be designed and improved to prevent vehicles from overhanging public walkways, adjacent public or private property, or from restricting the visibility of traffic on a public road. Curbs or wheel stops shall be required when vehicle head-in parking is located adjacent to the sidewalk and not separated by a planting strip.

K. Properties fronting on US Highway 30 (US30), US Highway 89 (US89), and State Highway 36 (SH36) are subject to the following additional standards and shall submit written documentation to the County demonstrating that the proposed driveway has been reviewed and approved by Idaho Transportation Department, District 5.

1. Driveways shall be paved. Paving shall extend from the edge of the existing highway pavement to a minimum of fourteen (14) feet from the edge of the State Highway right-of-way or greater distance as may be necessary to ensure that stopping, standing, parking or maneuvering of vehicles does not occur within the right-of-way.
2. Corner lots shall derive access from the side or Minor Street with no driveways connecting to the State Highway.
3. Normally only one approach will be provided to any single property, tract, or business establishment frontage. Approaches shall be considered per total development, regardless of the number of individual parcels it contains.
4. Two or more adjacent properties fronting on State Highways without access to an adjacent street (i.e. not a corner lot) shall share an access driveway except where topography or existing buildings preclude common access. The County may waive this requirement when all adjacent properties' driveways (existing as well as those that may be needed in the future) would be more than twice the minimum driveway spacing specified in Table 3, General Driveway Spacing Standards.
5. Driveways gaining access to State Highways shall be located or relocated (at the time of development or redevelopment) to existing property lines. The County may waive this requirement when all adjacent properties' driveways would be more than twice the

minimum driveway spacing specified in Table 3, General Driveway Spacing Standards. Owners of new or modified driveways shall be required to:

a. Record an easement with the deed allowing cross-access to and from adjacent properties that could potentially be served by the driveway;

b. Record an easement with the deed that all remaining access rights, if any, along the State Highway will be dedicated to the County and pre-existing driveways will be closed and eliminated following construction of the driveway in the approved location.

c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners served by the driveway.

6. Driveways widths shall conform to ITD specifications.
7. Property owners are encouraged to coordinate parking and internal circulation with adjoining property owners in order to maximize the utility of shared access.

L. Developments adjacent to the proposed Bear Lake Legacy Pathway are encouraged to participate in the completion of the pathway through donation of land, equipment, and/or materials.

Chapter 6 GENERAL REGULATIONS:

Sections 1 through 34 shall be known as the General Regulations. These regulations apply to all districts and uses, except as specifically provided herein, in addition to other provisions of the Zoning Ordinance.

Section 1 Accessory Uses:

A. AUTHORIZATION: Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district. Any question of whether a particular use is permitted as an accessory use by the provisions of this section shall be determined by the Planning Administrator pursuant to his or her authority to interpret the provisions of the Ordinance.

B. BUILDING PERMIT REQUIRED: No accessory use or structure shall be established or constructed unless a building permit evidencing the compliance of such use has been established.

C. USE LIMITATIONS: In addition to complying with all other regulations, no accessory use shall be permitted unless it strictly complies with the following restrictions:

1. In the case of all commercial and industrial uses: accessory structures shall maintain the same minimum front, side and rear yard as is required for the principal structure.
2. Setbacks: No accessory structure shall be closer than ten feet to a principal structure or closer than five (5) feet to any other accessory structure, unless it is attached to such principal or other structure.
3. Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.

D. BUILDING PERMIT EXEMPT STRUCTURES

a. Sheds less than 200 square feet.

E. DETAILED ACCESSORY USE REGULATIONS: COMMERCIAL STABLES:

The following minimum setbacks shall be provided:

1. Stables, corrals, piles of manure, and bedding shall be located a minimum distance of 75 feet from any street or non-residential lot line and 100 feet from any residential lot line, in order to minimize odor and nuisance problems.

2. Manure piles shall be stored, removed, and/or applied in accordance with Sixth District Health Department regulations; however, manure shall not be applied on land that is closer than 100 feet to a residential lot line.

F. DETAILED ACCESSORY USE REGULATIONS: PRIVATE SWIMMING POOLS AND TENNIS COURTS:
   1. Pools and Courts, included but not limited to aprons, walls, and equipment rooms, shall not protrude into any required setback.
   2. Pools shall be fenced or otherwise protected against intrusion.
   3. Pools and Courts shall not be operated as a business or a private club, unless they are part of a Planned Unit Development or otherwise permitted by the Zoning Ordinance.

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

Section 2 General: Parking

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

A. Lots shall be designed to facilitate convenient traffic circulation on-site and at junctions of public streets and parking lot circulation lanes.

B. Entry and exit from parking spaces should be convenient and safe and should not disrupt traffic on public streets.

C. Maneuvering space for the entry to and exit from parking spaces shall be provided within the parking lot area rather than within a public right-of-way.

D. Parking spaces shall have a nine-foot effective width and an eighteen-foot length and an eight-foot effective width and sixteen-foot effective length for compact car spaces.

E. When the Administrator deems it necessary, parking lots shall be equipped with appropriate drainage control measures to minimize the effects of storm water on adjacent lands. Drainage plans shall be submitted to the Commission upon request.

F. Parking lot areas shall be maintained in a dust-free condition.

G. Parking lot landscaping areas shall be protected from damage by vehicles.

H. Handicapped parking spaces shall be provided in all parking lots as determined by the Americans with Disabilities Act as amended.

I. Parking lot placement shall comply with standards set forth in each respective zone standard in Chapter 3.

J. Lighting of parking lots shall be accomplished in a manner which does not disturb adjacent land uses with unnecessary light. Lighting shall avoid conflict with traffic.

K. Parking space boundaries and directional traffic arrows shall be marked on the parking lot surface unless waived for cause by Commission.

L. Parking areas shall be screened from adjacent residential uses by a solid fence or dense, sight-proof hedge unless waived for cause by Commission.

M. Signs which identify parking lot usage terms and conditions may be required by Commission.

N. In no case shall any part of a parking area be closer than four (4) feet to any public right-of-way, proposed or established road, bicycle path, pedestrian path or alley.

Section 3 Joint Use of Parking Facilities:

The shared use of parking facilities by occupancies which have complementary times of use may be permitted by the Commission. The Commission may require alternative plans prior to approving a joint-use agreement and a guarantee of performance should the joint-use agreement appear temporary in nature. A grant of permission for joint use of parking

facilities may be conditional by the Commission based upon circumstances surrounding the uses involved. Written agreements must be in place between the parties sharing parking before approval may be granted for a joint parking agreement. Appeals from the Commission's decision may be made directly to the Board.

Section 4 Standards for Parking Lots:

A. Parking spaces shall be provided for all land uses governed by this Ordinance. Exemption shall be permitted only for existing lawful nonconforming uses or for uses in zoning districts, which have common parking arrangements. Parking space provision shall be worked out to the satisfaction of Commission prior to issuance of a building permit.

B. The following table sets forth the parking space requirements for land uses within the jurisdiction of this Ordinance. Fractional numbers of parking spaces shall be increased to the next whole number of parking spaces.

Table 5--Requirements for parking space per 1000 ft. of commercial floor space

USE	PARKING SPACES
USES	PARKING SPACES PER 1000 FEET OF GROSS FLOOR AREA
Building materials, farm equipment, and furniture	1
Hardware, apparel, and misc, retail uses	3
General merchandise, groceries, bakeries	4
Retail automotive, marine	4
Eating and drinking places (with seating area)	6
Financial, real estate, and insurance services, mixed office uses	3
Business, professional offices, personal services misc. services	4
Shopping center, or complex	3
Health services, medical clinics	5

Section 5 Uses not listed in Code:

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

Section 6 Parking Lot Landscaping:

A. Parking lot landscaping shall be provided where required by this Ordinance. It shall be maintained in a growing and healthful condition from the date of building occupancy. A sprinkling system shall be provided for all lots for more than thirty cars. All nursery stock shall be healthy.

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

Section 7 Manufactured Housing Placement Standards:

Sections 7A-E shall apply to the use and placement of all manufactured housing outside of mobile home parks:

A. The manufactured housing unit must be certified as meeting the National Manufactured Home Construction and Safety Standards as administered by the U.S. Dept. of Housing and Urban Development, and built after June 15, 1976.

B. The manufactured home shall be multisectional (doublewide or more) and at least twenty feet wide at the narrowest point, with a minimum of five hundred square feet per section (total square footage minimum equal to 1,000 square feet).

C. It shall be placed on an excavated and backfilled foundation.

D. It shall have an exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Commission or designated representative.

E. It shall have a pitched roof with a minimum of three (3) feet in height for each twelve (12) feet in width.

Section 8 Residential Use:

After obtaining the proper permits, including, but not necessarily limited to, a building permit, a manufactured housing unit meeting the standards in Section 7 above may be placed on a lot and used as a single family residence permanently or temporarily. This shall not be construed as abrogating a recorded restrictive covenant. When applying for a building permit, the applicant shall provide a photo of the manufactured home and evidence that the unit meets the other standards as may be requested by the Planning or Building official.

Section 9 Home Occupations/Business:

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

A. Business activity must be secondary to primary use of a dwelling.

B. The limited business activity shall not change the character of the dwelling.

C. An accessory building may be used to house a home occupation, provided the home occupation does not subject abutting property to noticeable odors, sounds, dust, or debris. The accessory building must comply with the definition of residential accessory buildings in Chapter 6, Section 1.

D. Any work operations connected with a home occupation shall be conducted inside the dwelling or within the accessory building.

E. A home occupation/ business must be owned (and operated) by the resident.

F. Home occupations may only display the following signs:
1. One (1) non-illuminated wall sign of no more than six (6) square feet, and
2. One (1) non-illuminated on site directional sign of no more than four (4) square feet.

G. Off-street parking shall be provided for all employees and any vehicles associated with the home occupation in compliance with the requirements of Chapter 6 section 4(B).

H. Activities associated with a home occupation should not cause more than incidental on-street parking.

Section 10 Sight Triangle on Corner Lots:

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

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

A. The first line shall be along the "major" roadway. For vehicles approaching the intersection from the left, the measurement shall be along the center of the lane closest to the intersecting approach on the "minor" roadway. For vehicles approaching the intersection from the right, the measurement shall be along the center of the lane closest to the center stripe separating the two directions of travel on the "major" roadway.

B. The second line shall be along the "minor" roadway. The measurement shall be along the center of the approach lane closest to the direction from which vehicles are approaching on the "major" street.

C. The third line shall connect the endpoints of the lines described in "1" and "2" above. The point at which the two lines meet within the intersection is referred to as the "intersection point". The length of lines "1" and "2" are as shown in Table 6 based on the type of use of each intersecting roadway, measured from the "intersection point".

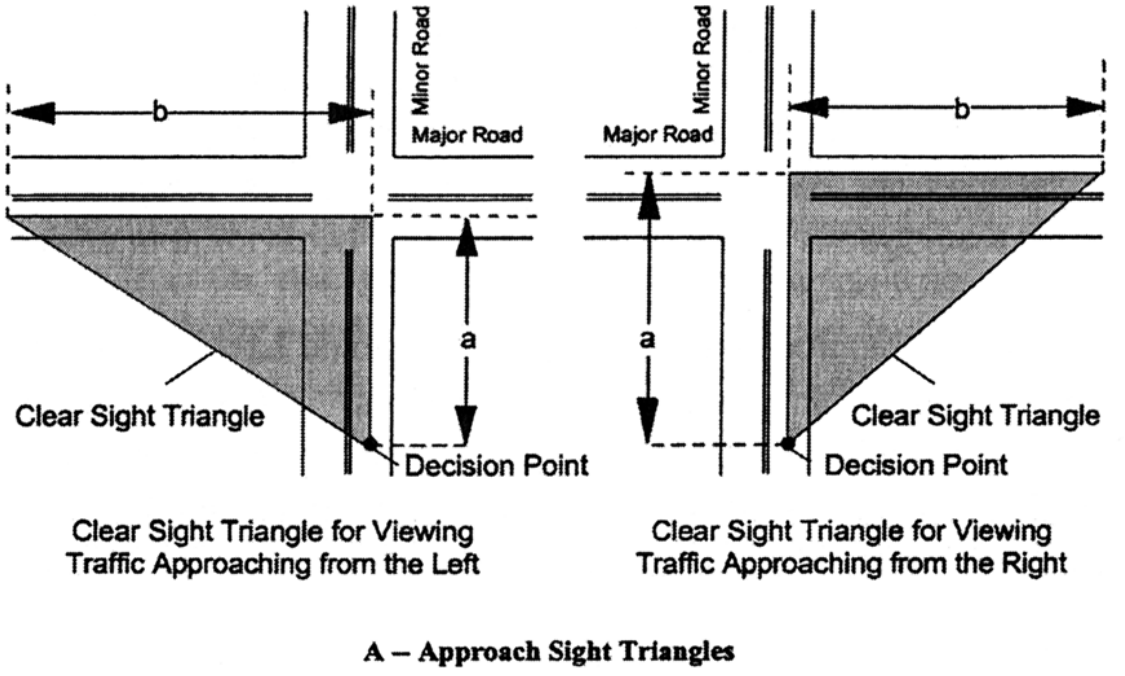

Figure 1--Sight Distances[1]

[1]Source: A Policy on Geometric Design of Highways and Streets 2001, American Association of State Highway and Transportation Officials, Exhibit 9-50, Page 656

Table 6 Sight distances

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

[1]Assumed mid-block speed of 25 MPH. If the approach has a higher speed, use distance for higher classification street that matches the mid-block speed.
[2]Assumed mid-block speed of 35 MPH. If the approach has a higher speed, use distance for higher classification street that matches the mid-block speed.
[3]Assumed mid-block speed of 45 MPH. If the approach has a higher speed, use distance for higher classification street that matches the mid-block speed.
[4]Assumed mid-block speed of 55 MPH. If the highway speed is 65 MPH, measurement shall be increased to 720 feet.
[5]Measured from the edge of the major approach closest to the stopped approach.
[6]For any approach in which the truck percentage is greater than 5 percent, the distances shown shall be increased by 50 percent. Distances are based on values provided in *A Policy on Geometric Design of Highways and Streets 2001* for level roadways; additional adjustments should be made for grades greater than 3 percent.

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

Table 7--Sight distances for uncontrolled railway crossings

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

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

Section 11 Performance Standards for Buffering:

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

Section 12 Minimum Buffer Requirements:

The width of required buffers shall vary with the nature of the uses being separated, the height of the buildings being separated, and the construction of the buffer, as shown in Table 8.

Table 8: Buffering requirements--The basic buffer width given in this table is the width required where the buffer consists of a level or gently sloping area of sod or ground cover and at least four major trees per hundred lineal feet of buffer. The table also shows where a security fence and/or a solid fence, wall, or berm is required as part of a buffer.

Type of Use	Type of adjacent use or area	Basic Buffer Width (Feet)	Headlight Buffer	Security Fence required
Industrial	Residential, platted residential lots	50	for parking area	yes
Industrial	any public right of way	12	no	yes
Industrial	Commercial	25	no	optional
Industrial or Commercial	Scenic Highway	50	for parking area	no
Commercial	Residential, platted residential lots	20	for parking area	may be for additional screening needs
Commercial outdoors, materials storage, handling, or sales areas, over 10, 000 sq. ft.	Residential, platted residential lots	50	yes	yes
Commercial outdoors, materials storage, handling, or sales areas, any size	any public way	12	no	yes
High density residential	lower density residential	20	for parking area	no
Residential	scenic highway	10	none	no
Manufactured homes not meeting the standards in Section 7 A-E and mobile home parks,	Residential, platted residential lots	20	none	no

Section 13 Plant Material Types:

Plant materials shall be of native vegetation conducive to the natural environment in Bear Lake County.

Section 14 Location of Plant Materials:

Plant materials will be located in such a manner as to reduce impacts of development and enhance the natural beauty of the area. Location and type of vegetation will be dependent upon objective. Trees shall be placed to increase shade and offset visual impacts of buildings from public view. Bushes shall be placed in a manner to reduce glare from headlights onto other structures.

Section 15 Plant Materials Specifications:

Plant materials installed in required buffers shall be warranted for one year and meet the following specifications:

A. All trees, major and understory, shall be containerized or bagged and burlap stocked in good condition three (3) feet for coniferous trees; and
B. All shrubs shall be minimum five gallon containerized stock in good condition.

Section 16 Maintenance:

Perpetual maintenance of required buffers is required.

Section 17 Agricultural Operations:

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

Section 18 Quarry/Gravel Pit/Rock Crushing/ Mining Performance Standards:

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

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

B. Weed Control - A regular weed control program must be maintained during entire life of pit and until revegetation provided in reclamation plan is established. This program shall be approved by the County Weed Control department.

C. Buffer - Wherever a proposed mine is within 660 feet of an existing residence or a platted residential subdivision, a buffer area of at least 75 feet shall be

provided between all operating areas of the mine, including parking, storage, etc., and the existing residence or residential subdivision. No existing vegetation that has buffering capacity shall be removed from a required buffer.

D. Operating Hours- Wherever a proposed gravel mine is within 660 feet of an existing residence or a platted residential subdivision, mining operations shall be limited to the daylight hours.

E. Reclamation- The reclamation plan (reclamation plans are required by Idaho Code 47-1501., et. seq.) for the mine shall show how the site will be reclaimed to a condition where it can be used for a compatible use. Reclamation that fulfills the requirements of state law shall generally be acceptable outside areas of city impact. In those areas of city impact, where there is a comprehensive plan, the reclaimed site shall be suitable for a use permitted by that plan.

F. Air and Water Protection - All operations associated with this operation including the operation of an asphalt hot mix plant shall comply with state and federal environmental regulations. Buffers from surface water must be provided. Should a mining operation be in a location where it may penetrate an aquifer, a professionally-prepared plan for the prevention of aquifer pollution shall be prepared and review by the state water quality for effectiveness and implemented. Any such plan shall, at a minimum, require the diversion of surface runoff from the excavation, the installation and maintenance of vegetative filter strips around the excavation, and the minimization of the area of aquifer surface exposed at any one time.

G. Proposed operations will also submit a stormwater plan showing how runoff from site will be prevented from moving off site or contaminating other bodies of water.

Section 19 Nonconforming Uses:

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

A. Unless otherwise set forth in this Ordinance, legally established uses which were in existence prior to the adoption of this Ordinance, shall be permitted to remain, substantially unchanged, as long as their operation is not discontinued for a period of greater than twelve months.

B. The applicant or adjacent property owners may appeal the Commissions decision to the Board.

Section 20 Substandard Lots:

Substandard lots are defined as those created without subdivision review, or the filing of a record of survey. Substandard lots legally created before May 2004 may be developed, provided the lot owner receives a sewer permit from the District Health Department, and that all other development standards in this Ordinance are met.

Section 21 Performance Standards Applied to Expansion and Modification of Conforming Uses:

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

Section 22 Miscellaneous:

Section 23 Junkyards:

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

A. The site plan required pursuant to Section 501 shall show the location of all buildings and the location of storage areas designed or used for automobiles and other vehicles, parts, lubricants, fuel, and other storage.

B. Vehicles or other materials listed in the definition of junkyard may not be stored or parked outside the fence or within 40 feet of any road right-of-way.

C. All lubricant and fuel oil substances which are to be stored on the site shall be stored with all necessary precautions taken to prevent their leakage and/or surface or subsurface drainage into streams or other bodies of water.

D. All hazardous materials shall be stored in a safe manner and where required, shall not be permitted until after the issuance of a permit for such storage.

E. Screening: All materials shall be screened by a solid 8 to 12 foot fence or earthen berm. No material enclosed by the fence shall be permitted to exceed the height of the fence. Trees or shrubs may be used in place of, or in conjunction with, the fencing and berms, provided said trees or shrubs are of a

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

Section 24 Auto Body and Repair Services:

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

Section 25 Gas Stations:

A. All services except fuel sales shall be performed within a completely enclosed building.

B. Gas stations shall store all refuse and vehicle parts within a completely enclosed building or within an area which is completely screened from the view of the public and neighboring residences.

Section 26 Lighting:

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

Section 27 Other:

A. Outdoor commercial structures (bleachers, movie screens, permanent rides) and outdoor seating area shall be at least 25 feet from any lot line.

B. Campsites and recreational vehicle campgrounds are subject to the building setback regulations of the zoning district in which they are located.

C. Any outdoor display of vehicles for sale or storage shall be at least 10 feet from any road right-of-way line.

D. Any pumps, underground fuel storage tanks, and islands, including any canopies, shall be at least 20 feet from any road right-of-way.

Section 28 Exceptions to Minimum Setback Requirements:

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

Section 29 Drainage Ways:

A. Where a lot is traversed by a water course, drainage way, wet weather line of surface drainage, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course. Such drainage ways shall be preserved as open space. Such areas shall be restricted by reducing the number of roads and structures that are allowed to cross the drainage way, and the site plan shall so indicate.

B. ALTERATION: Regarding, stripping of vegetation, or filling may be permitted in these areas, provided that the drainage is not a riparian area as defined in this Ordinance, and a plan is submitted to and approved by the County. Such plans shall insure that storage capacity and flow is not degraded.

Section 30 Cargo Containers:

A. Cargo containers shall be conditionally allowed in the recreation, and lakeshore zones and allowed in the rural community, community expansion, agricultural, commercial, and industrial zones of the county. Placement of containers shall meet all setback requirements for the zone in which placement occurs. Containers will be painted a neutral/earthtone color or to match surroundings to minimize visual impacts. Permit required and conditional use fee to be reduced to $100.

Chapter 7 WIRELESS COMMUNICATION FACILITIES:

Section 1 Performance Standards for Wireless Communication Facilities (WCF):

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

Section 2 Conditional Use Permit Required For Wireless Communication Facilities:

A conditional use permit shall be required in all zoning districts to construct, install, site or operate a new WCF, or modify, add on to, or alter an existing WCF. Co-location on existing towers is encouraged whenever possible to minimize the proliferation of towers around the Bear Lake Valley.

Section 3 Permit Exceptions for WCF:

The following categorical exclusions from a conditional permit requirement are provided as a result of the Middle Class Tax Relief and Job Creation Act of 2012:

A. Installation of television satellite dish antennas and wireless internet antennas.

B. Installation of amateur radio facilities that are owned and operated by a federally licensed amateur radio station operator, or used exclusively for agricultural or non-commercial use.

C. Routine maintenance of a WCF.

D. Replacement, upgrade or addition of equipment on a permitted or non-conforming WCF as long as it does not include the enlargement of any of the structures beyond the following criteria:

1. Equipment shelter which does not exceed two hundred and twenty five (225) square feet in size and a maximum height of ten (10) feet.

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

F. Any maintenance of existing towers that includes the removal or upgrade of existing panels.

G. Any maintenance of existing equipment sheds that does not increase the footprint of the shed.

Section 4 Placement, Design and Sighting Standard:

A. Height Limitations:

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

Table 9 Requirements for WCF Height in Feet

Zoning District	**Ag**	**RC**	**CE**	**REC**		**RUC**	**LK**	**C**	**I**
Type/Location Of WCF									
Free standing Type mounting	199	199	199	199		199	199	199	199
Roof or wall mounted on non-residential building	50	45	45	45		50		45	50
Utility pole mounted	Pole ht. + 10ft	Pole ht. + 10ft	Pole ht. + 10ft	Pole ht. + 10 ft		Pole ht. + 10ft	Pole ht. +10ft	Pole ht. + 10ft	Pole ht. + 10ft
Within dense growth of trees	Ht. Of trees	Ht. Of trees	Ht. Of trees	Ht. Of trees		Ht. Of trees	Ht. Of trees	Ht. Of trees	Ht. Of trees

B. Visibility:
The WCF shall be designed to reduce, to the greatest extent possible, the visibility of the proposed facility as viewed from a reference road, or the Oregon Trail - Bear Lake Scenic route. Techniques that can be used to potentially eliminate the visual impact include, but are not limited to, the following:

1. Selection and use of antennas, support structures and configurations which result in the least bulk, profile and height possible;
2. Concealment of the WCF within or on a structure, building or edifice when said structure is compatible and in scale with the surrounding land uses and structures. Examples are:
   a. Church steeples, flag poles, weather vanes and cupolas etc.
   b. Buildings and structures designed to look like typical agricultural buildings or structures such as windmills, silos, barns or residential accessory buildings such as garages or;
   c. Artificial features, which is made to appear as a naturally occurring form on the landscape.
3. Camouflage or disguise:
   a. Colors and materials on parts of the WCF to minimize visibility.
   b. A WCF on a building or wall designed with the existing buildings architecture.
4. Placement/Fall zone:

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

5. Lighting:
   a. A WCF shall not be artificially lighted, except for needed routine maintenance of the facility using low wattage and light fixtures whereby the light is cast downward.
   b. A WCF which is required to be illuminated by a local, state or federal agency shall be reduced in height and/or otherwise modified or located so as to not require lighting.
6. Landscaping:
   a. Erosion control and long term landscaping shall be provided.
7. Access Roads:
   a. WCF locations shall use existing roads wherever possible and keep new roads to a minimum.
8. Alternative Analysis:
   a. If the proposed WCF is a single-user site, the applicant shall provide a narrative explaining why the proposed WCF cannot be co-located on an existing WCF.
   b. A narrative and graphic representation of two less visually obtrusive alternatives proposed for the WCF in terms of location, siting, height and/or design which shall be substantially different from the primary proposal but complies with the provisions of this ordinance shall be apart of the application.

Section 5 Application/Review:

A. WCF are to be processed as conditional uses as outlined in Chapter 11.

B. Additional information must be submitted by the application to address the performance standards for Wireless Communication Facilities.

C. Letters of review by the FAA and the Idaho Transportation, Aeronautic Division are to accompany the application.

D. Special conditions on the project may be required.

Chapter 8 OVERLAY DISTRICTS PROVISIONS:

This section will contain future overlay zones for the County that will help accomplish the purposes set forth in the Bear Lake County Comprehensive Plan.

Section 1 Purpose:

The purpose of the Northern Bear Lake County Overlay Zone is to provide flexibility in residential ordinance administration in the Northern part of the county which experiences remarkably different growth and development patterns from the southern parts of the county. The intent of the overlay zone is to help promote growth and economic development without compromising existing agricultural uses.

Rezone requests for the Rural Community Zone will be considered in the Overlay Zone.

Gross Residential Density - One (1) dwelling unit per acre or one dwelling unit per half (½) acre with community water and sewer, otherwise one acre or what is consistent with the zoning and / or existing use (if unzoned) within the adjacent city.

Section 2 Extent

The Northern Bear Lake Overlay Zone will be delineated by using the existing state and county roads. The overlay zone will be identified on the official county zoning map and will be generally bounded by the following roads: Minnetonka Cave Road, North Beach Road, Dingle Rd., Highway 30, and Pegram Rd. to the Wyoming State Line. Properties on both sides of the delineation line will be included in the overlay zone although existing roads are used for identification purposes. A map of the overlay zone can be found at the end of this document.

Proposed Division of land within the Overlay Rural Community Zoning District will comply with all other applicable subdivisions requirements in addition to the following:

A. Property being proposed for division must be adjacent to an existing, approved and designated county road receiving year-round maintenance. However, the applicant will be given the latitude to upgrade a road width developer could upgrade the road to meet standards if already receiving maintenance.

B. Travel width of road must be greater than 18’ to and from the nearest intersections from the applicants property proposed for division.

Section 3 Overlay Zone Procedures:

A. Application: The applicant shall submit to the administrator a completed application on the forms adopted by the Commission, together with a non-refundable filing fee. The application shall be accompanied by the following:
   1. A copy of the most recent deed to the property for the proposed application, showing the name of the property owner and the legal description of the property.
   2. A complete plat (or survey if meeting exemption requirements), if combined with a subdivision application.

3. A conceptual drawing of the proposed application, including total acreage, date of preparation, scale of drawings, and north arrow.
4. The name of the developer, if other than the owner, and engineer or designer of the rezone request.
5. Present zoning and any proposed zoning change.

B. Commission Review Process: Following review of the application by the administrator and a determination that the application is complete, a copy of the completed application and accompanying documents will be provided to all applicable governmental jurisdictions for review and comment; including the county attorney, fire marshal, District Six Health Department, and Corps of Army Engineers, and a public hearing will be set before the Commission.

1. Publication of Notice: The administrator or staff shall cause notice of the public hearing to be published in the county's official newspaper at least fifteen (15) days prior to the scheduled public hearing.
2. Notice by Mail: The applicant shall provide a list prepared by the assessors office. This list shall include the name and address of each property owner who owns property within three hundred feet (300') of the exterior boundaries of the property involved in the application for the proposed application. If any lot within a subdivision falls within this area, all lot owners in that subdivision must be included on the list and must receive notice as provided herein. Notice must be mailed at least fifteen (15) days prior to the public hearing and shall include the date, time and place of the hearing and shall be at the applicant's expense.
4. Additional Information Requested: At any time during the application process, the commission or board may request additional information from the applicant and set deadlines for its submission. Failure to submit the information requested will not result in automatic rejection of the application, but may be grounds for denial of the application.
5. Hearing Process: The rezone and subdivision hearing will follow the procedure outlined in this ordinance with regard to submission of information for the concept plan, preliminary plat and final plat. The commission may modify or waive specifications in order to maximize efficiency and avoid repetition, provided public health; safety and the general welfare of the county are not diminished.
6. Commission's Recommended Decision: The Commission shall forward its recommendation to the Board.

Chapter 9 PLANNED UNIT DEVELOPMENTS (PUDs):

Section 1 Purpose:

The purposes of the PUD process are:

A. To encourage careful consideration and coordinated planning of commercial, industrial and larger residential developments consistent with the policies and objectives of the comprehensive plan.

B. To encourage innovative designs and the application of sound design principles.

C. To preserve quality open space in meaningful amounts and in desirable locations.

D. To permit clustering and similar design solutions which encourage protection of scenic areas and wildlife habitats and migration routes.

E. To permit developments to be planned so as to cause the least possible disruption of farming, ranching or other established and ongoing land use activities.

F. To encourage compact rather than scattered developments.

G. To provide opportunity for development where site constraints or other similar factors make the PUD approach more reasonable and desirable than the standard subdivision design.

H. To permit developments that protect and comply with generally accepted standards of public health, public safety and the general welfare of the county.

Section 2 Height, Setback, Lot Size and Density:

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

Section 3 Incidental Land Uses:

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

A. The uses permitted are incidental, necessary or desirable and appropriate with respect to the primary purpose of the PUD;

B. No more than two percent (2%) of the developed acreage within the PUD (not including land set aside as open space) is devoted to uses that are inconsistent with the underlying land use zones.

Section 4 Minimum Size:

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

Section 5 Clustering:

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

Section 6 Open Space Requirements:

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

B. Types Of Open Space Allowed:

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

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

D. Contiguous Lands: Open space must be contiguous with and integral to the remainder of the PUD and not remote from the area to be developed, with the exception of land which is exceptionally well suited to the use of the proposed

development and is adequately buffered so as to protect surrounding property uses.

Section 7 Compliance with Zoning Overlays:

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

Section 8 Phased Developments:

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

Section 9 PUD Procedures:

A. Application: The applicant shall submit to the administrator a completed application on the forms adopted by the Commission, together with a non-refundable filing fee. The application shall be accompanied by the following:
   1. A copy of the most recent deed to the property for the proposed PUD, showing the name of the property owner and the legal description of the property.
   2. A complete plat, if combined with a subdivision application.
   3. A drawing of the proposed PUD, including total acreage, open spaces, date of preparation, scale of drawings, and north arrow.
   4. A map which shows the neighboring property boundaries and owners within three hundred feet (300') of the property line of the proposed PUD.
   5. A contour map, a map showing soil types, a map showing flood hazard areas, and a map showing potential geological hazards.
   6. The name of the developer, if other than the owner, and engineer or designer of the PUD.
   7. Design plan for the PUD, including the approximate number of lots and sizes, the street layout, including the width and name of existing streets within two hundred feet (200') of the PUD, water and sewer systems proposed, description of all water rights and permit associated with the land, description of natural drainage channels and proposed storm and surface water drainage, description of easements for all public utilities, including cable television, open space management, and plans for phasing of development.
   8. Present zoning and any proposed zoning change.

B. Commission Review Process: Following review of the application by the administrator and a determination that the application is complete, a copy of the completed application and accompanying documents will be provided to all applicable governmental jurisdictions for review and comment; including

the county attorney, fire marshal, District Six Health Department, and Corps of Army Engineers, and a public hearing will be set before the Commission.

1. Publication of Notice: The administrator or staff shall cause notice of the public hearing to be published in the county's official newspaper at least fifteen (15) days prior to the scheduled public hearing.
3. Notice by Mail: The applicant shall provide a list prepared by a title company licensed to do business in the state of Idaho. This list shall include the name and address of each property owner who owns property within three hundred feet (300') of the exterior boundaries of the property involved in the application for the proposed PUD. If any lot within a subdivision falls within this area, all lot owners in that subdivision must be included on the list and must receive notice as provided herein. Notice must be mailed at least fifteen (15) days prior to the public hearing and shall include the date, time and place of the hearing and shall be at the applicant's expense.
3. Requirements before approval: Each development will be required to make the necessary arrangements to provide sewage removal, culinary water, and three-phase power to the development. No approval will be granted until such time as these requirements are satisfied.
4. Additional Information Requested: At any time during the application process, the commission or board may request additional information from the applicant and set deadlines for its submission. Failure to submit the information requested will not result in automatic rejection of the application, but may be grounds for denial of the application.
5. PUD Hearing Process: The PUD hearing will follow the procedure outlined in this ordinance with regard to submission of information for the concept plan, preliminary plat and final plat. The commission may modify or waive specifications in order to maximize efficiency and avoid repetition, provided public health; safety and the general welfare of the county are not diminished.
6. Commission's Recommended Decision: The Commission shall forward its recommendation to the Board.

Chapter 10 MOBILE HOME PARKS/ MANUFACTURED HOME PARKS AND RV PARKS:

Mobile Home/ Manufactured Home Parks and RV Parks shall be developed as PUD's in conformity with the performance standards in Chapter 6 section 7. All requirements applicable to overlay districts shall apply to the development of mobile home/RV parks proposed within overlay districts. Minimum mobile home park size shall be 10 acres while minimum RV Park shall be 5 acres.

Section 1 Mobile Home /Manufactured Home Park Performance Standards:

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

B. Buffers - Buffers shall be provided per Chapter 6 section 11.

C. Minimum Setbacks - Minimum Setbacks for individual lots shall be ten (10) feet on all sides, including front and rear, except for any side or rear abutting the project property line in which case the minimum setback shall be twenty (20) feet.

D. Parking - Parking shall be provided the same as a dwelling listed in Chapter 5.

E. Storage Space - A combined area of at least one hundred (100) square feet for each lot shall be provided for the storage of boats, campers, etc. Said storage must be enclosed within a sight obscuring fence of six (6) to eight (8) feet in height.

F. Recreation Area - Twenty percent (20%) of the total park area shall be devoted to recreational uses and facilities including the buffer zone.

G. Landscaping - A landscaping plan for the open space and recreational areas with an approved wall or fence (if required) to provide privacy as approved by the commission.

H. Fire Protection- Fire Protection shall be provided according to County Fire Marshal recommendations.

I. Solid Waste - Provisions acceptable to the county solid waste department must be made by the owner of the park for the storage, collection of solid waste.

J. Ownership - A single ownership or control of the land within the park project must be maintained during development and operation.

R.V. parks shall conform to the same performance standards as mobile home and manufactured home parks:

Section 2 Subject to Mediation or Judicial Review:

Any proceeding may be subject to mediation as outlined in Chapter 11 or judicial review as provided in the Idaho law.

Chapter 11 ADMINISTRATION AND PUBLIC HEARING PROCEDURES:

SECTIONS:

11.01 Planning and Zoning Administrator
11.02 Building Permits
11.03 Zone Changes
11.04 Conditional Uses
11.05 Variances
11.06 Public Hearings
11.07 Appeals
11.08 Reconsideration of a Decision of the Board of County Commissioners
11.09 Mediation Provisions
11.10 Enforcement

SECTION 11.01 Planning and Zoning Administrator

The position of Planning and Zoning Administrator is hereby established. The Planning and Zoning Administrator shall be appointed by the Board of County Commissioners and shall act at their pleasure.

The Planning and Zoning Administrator shall act as advisor and staff to the Planning and Zoning Commission. The Administrator shall administer the provisions of this Ordinance and shall have all of the administrative powers connected therewith, which are not specifically assigned to some other officer or body. The Planning and Zoning Administrator shall have no power to vary or waive Ordinance requirements, except where such discretion is given by specific provisions in this Ordinance.

SECTION 11.02 Building Permits Required

A building permit is required for all permitted uses and structures. All permits for construction, alteration, or for occupancy shall be processed in compliance with county building permit policy in force at the time.

SECTION 11.03 Zone Changes

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

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

1. Either representatives of the County or any person possessing ownership rights or an exclusive contractual right to possession of a parcel of land may make application for a zoning district boundary change (re-zoning). The applicant for a district boundary change shall provide such information as may be required by the Planning and Zoning Administrator in the form desired, at least thirty calendar days in advance of a regularly scheduled meeting of the Planning and

Zoning Commission. Upon receipt of all materials required to complete the application, the staff of the Planning and Zoning Commission shall schedule a public hearing concerning the request, providing proper notice as required by the Idaho Code and application portion of this Ordinance.

2. The Planning and Zoning Commission shall hold a public hearing on each application for a Rezone request. Public hearing and notice shall be in accordance to Idaho Code, Bear Lake County Ordinance 95-01 and Section 11.06 of this ordinance. At the public hearing, the Planning and Zoning Commission shall review the application and shall receive pertinent evidence concerning the proposed rezone.

3. Following the public hearing the Planning and Zoning Commission shall make a recommendation regarding the zoning request and forward such recommendation to the Board of County Commissioners.

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

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

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

B. Resubmission of Application.

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

C. Concurrent applications.

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

SECTION 11.04 Conditional Uses

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

A. Application and Fee.

Application for a Conditional Use Permit shall be filed with the Planning and Zoning Administrator at least thirty days prior to the public hearing. Scheduling will be determined by the Administrator. The application shall include the following.

- Name and address of the owner and applicant.
- Address and legal description of the property
- If the applicant is not the legal owner of the property, a written statement signed by the owner that the applicant is the authorized agent of the owner of the property.
- A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing or uses potentially generating high volumes of vehicular traffic, the Administrator may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance standard or substantiating the adequacy of proposed parking, loading, and circulation facilities.
- Site plan, preliminary building elevations, preliminary improvement plans and such additional maps and drawings, all sufficiently dimensioned, as required to illustrate the following:
    1. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
    2. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage nature and location, and size of existing and proposed roads and natural resource issues.
    3. The location, height, bulk, general appearance, the intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites.
    4. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs, and lighting.
    5. The number of existing and proposed off-street parking and loading spaces and a calculation of applicable minimum requirements.
    6. For sites with an average slope greater than 8 percent, a plan showing existing and proposed topography and grading and proposed erosion control measures.
    7. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.

B. Public Hearing and Notice.

The Planning and Zoning Commission shall hold a public hearing on each application for a Conditional Use Permit. Public hearing and notice shall be in accordance to Idaho Code, Bear Lake County Ordinance 95-01 and Section 11.06 of this ordinance. At the public hearing, the Planning and Zoning Commission shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained.

C. Conditions of Approval.

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

- Minimizing adverse impact on other developments such as:
    1. Requirements for special yards, open space, buffers, fences, walls, and screening.
    2. Requirements for installation and maintenance of landscaping and erosion control measures.
    3. Requirements for road improvements and dedications.
    4. Regulation of signs.
    5. Regulation of hours or other characteristics of operation.
    6. Establishment of development schedules or time limits for performance or completion.
- Controlling the sequence and timing of development.
- Controlling the duration of development.
- Assuring that development is maintained properly.
- Designating the exact location and nature of development.
- Requiring more restrictive standards than those generally required in an Ordinance.
- Imposing other conditions the Planning and Zoning Commission deems necessary to ensure compatibility with surrounding uses, to preserve the public health, safety and welfare and to ensure protection from adverse impact.

D. Action by the Planning and Zoning Commission.

The Planning and Zoning Commission may grant a Conditional Use Permit as the permit was applied for, in a modified form, or subject to conditions, or may deny the application.

E. Effective Date.

A decision of the Planning and Zoning Commission on a Conditional Use shall be effective fourteen (14) days after the date on which action is announced unless an appeal has been filed.

F. Modification of Conditional Use Permit.

Minor revisions or modifications may be approved by the Planning and Zoning Administrator as long as circumstances or conditions applicable at the time of original approval remain valid and the changes would not affect the findings of or conditions set by the Planning and Zoning Commission.

G. New Applications.

Following the denial of a Conditional Use Permit, no application for a Conditional Use Permit for the same, or substantially the same use, on the same or substantially the same site shall be filed within one year from the date of denial or revocation.

H. Approval to run with the Land.

A Conditional Use Permit granted pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure.

I. Appeals.

Appeals may be filed according to the procedures described in Section 11.07.

SECTION 11.05 Variances

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

A. Application and Fee.

1. Application for a variance shall be filed by the owner of the subject property with the Planning and Zoning Administrator at least 30 days prior to the public hearing. The application shall include the information necessary to enable the Planning and Zoning Administrator to make a complete analysis of the variance request.

2. The Planning and Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request and a determination as to whether the circumstances prescribed for the granting of a variance exist.

3. The application shall be accompanied by a fee established by the Board of County Commissioners. A single application may include requests for variances from more than one regulation applicable to the same site or for similar variances on two or more adjacent parcels with similar characteristic.

B. Public Hearing.

The Planning and Zoning Commission shall hold a public hearing on each application for a variance. Public hearing and notice shall be in accordance with Idaho Code, Bear Lake County Ordinance 95-01 and section 11.06 of this ordinance. At the public hearing, the Planning and Zoning Commission shall review the application and receive pertinent evidence concerning the proposed variance.

C. Appeals.

Appeals may be filed according to the procedure described in Section 11.07.

SECTION 11.06 Public Hearings

Public hearings before the Planning and Zoning Commission shall provide opportunities for all interested parties to testify in support of their points of view in accord with procedures and rules established by the Planning and Zoning Commission. Written testimony may be accepted prior to a public hearing or during the public hearing.

1. Notice of public hearing shall be provided in accordance with requirements of the Idaho Code and such other standards as this Ordinance and Ordinance 95-01 may require. Where the names of landowners must be provided for mailing public hearing notices, the records of the county assessor's office shall serve as the official source.

2. Names of parties to receive notice concerning applications made pursuant to provisions of this Ordinance shall be provided by applicants seeking a change in zoning district boundaries. All responsibility for provision of accurate mailing lists shall rest with the applicant. Notification shall be provided by the applicant and shall be by certified mail with return receipt requested. The applicant shall have the responsibility to provide the correct notice and verification by sworn affidavit that property owners as identified as per Ordinance 95-01 and Idaho Code were properly notified. If improper notice occurs, the permit shall be denied or invalidated.

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

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

SECTION 11.07 Appeals of Planning and Zoning Commission Decisions

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

A. The Planning and Zoning Commission's decision may be appealed to the Board of County Commissioners by the applicant or any other aggrieved person within fourteen (14) days after the date on which the decision is made. Written notice of the appeal shall be filed with the Planning and Zoning Administrator.

B. Within reasonable time following the preparation of transcripts, the Board of County Commissioners shall consider the appeal. When meeting to consider the appeal, the meeting shall not be a public hearing but shall be open to the public. During the meeting, County staff shall be available to present the application and answer questions. The Board of County Commissioners shall consider such findings, reports, minutes, comments, and recommendations as are forwarded to them by the Planning and Zoning Commission.

C. The decision of the Board of County Commissioners shall be final.

SECTION 11.08 Reconsideration of a Decision of the Board of County Commissioners

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

SECTION 11.09 Mediation Provisions

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

SECTION 11.10 Enforcement

A. Building permit to comply with ordinance. From the effective date of this ordinance, no permit shall be granted for the construction or placement of any building, structure or mobile home, or for the moving of a building, structure or mobile home onto a lot for the change of use of any land, building or structure if such construction, alteration, moving or change of use would be a violation of any of the provisions of this ordinance.

B. Construction and use to comply with permit. Permits issued on the basis of plans and specifications approved by the Building Permit Administrator, the Planning Commission, and/or the Board of County Commissioners authorize only the use, arrangement, and construction set forth in such approved application. Any use, arrangement, or construction at variance with that authorized shall be deemed to be a violation of this Ordinance.

C. Permits Granted Prior to this Ordinance. Authorization granted by the County to construct a building or structure, or to change the use of land shall not be denied or abridged in the event that construction has taken place thereon to the extent of one thousand ($1,000) or more in replaceable value by the date on which this ordinance or an amendment thereto shall become effective. Provided, however, that such authorization to construct a building or structure shall be denied if construction would not have complied with all applicable laws and ordinances existing prior to the effective date of this Ordinance. Replaceable value shall be construed to mean the expenditure necessary to duplicate the material and labor at market prices.

D. Responsibility for Violation. It shall be the responsibility of the owner and all builders, contractors, sub-contractors, real estate agents and any other persons having to do with the establishment of any use of land or erection, altering or relocation of any building and/or structure to make sure that a proper permit has been obtained before work is begun. Any person doing any work on a project for which a proper permit has not been obtained shall be deemed guilty of a violation of this Ordinance.

E. Injured Person May Recover Damages – County Not Liable. Any person purchasing a lot or parcel of land who may be injured as the consequence of a denial of a building permit, which purchase was made pursuant to inaccurate, incorrect, untrue or fraudulent information on the part of the seller or his agent may recover damages from the seller or his agent by civil action. However, the County shall not be civilly liable for any damages that may occur as a consequence of the denial of a building permit based upon such information.

F. Violation and Penalty. Where any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or where any building, structure or land is used or where a parcel of land is subdivided in violation of this Ordinance, the County may institute any appropriate action or procedure to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation, to prevent any illegal act, conduct or business or use and such other remedy allowed by law.

G. Each Day a Separate Violation. Each person, firm or corporation found guilty of violation shall be deemed guilty of a separate offense for each day during which violation of any provision of this Ordinance is committed, continued, or permitted by such person, firm or corporation and shall be punished as provided by law as a separate offense.

H. Any firm, corporation, person or persons violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine or by imprisonment or by both.

Chapter 12 PERFORMANCE STANDARDS

The purpose of performance standards is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered and shall include but are not limited to the following:

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

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

Chapter 13 Campgrounds

13.0 Purpose and objective.
This chapter shall set forth the minimum requirements for the application, development, operation and maintenance of RV parks and campgrounds in the County.

13.1 Application process: RV park and campground development applications shall be processed as conditional use permits. In addition to those requirements specified for the processing of conditional use permits the following additional criteria shall be applied to the review for RV park and campground developments.

A. The proposed development will not result in the obstruction of or interference with existing traffic patterns in the area;

B. Prohibited Uses: Any uses other than those permitted in this section, or those which are otherwise permitted of right in the underlying zone, are prohibited.

C. A site plan shall be submitted which includes the location of existing and proposed structures, fencing, activity areas, and other existing or proposed improvements. A parking and traffic circulation plan shall also be submitted.

D. The Board may attach such reasonable conditions as may be necessary for visual screening, control of dust, management of parking and traffic, buffering of adjoining uses, or mitigation of effects on water and air quality.
E. Must be consistent with the Bear Lake County Comprehensive Plan.

13.2 Review and approval procedures
Application for binding site plan approval for the development of RV parks and campgrounds shall be made with the Zoning Administrator. The information listed and required under subsection (A) of this section shall be included with each application. The applicant is bound by the design and specifications shown on the final approved drawings.

A. Required Information.

1. Ten copies of drawings to a readable scale, showing the following:

a. The area and dimensions of the subject tract or parcel,

b. Topography,

c. Number, location, design and layout of all campsites,

d. Layout of interior roads and parking areas,

e. Location and size of all structures to be included in the park,

f. Type and placement of screening,

g. Buffer zones,

h. Landscaping,

i. Placement of refuse containers and waste disposal sites,

j. Bodies of water clearly identified.

2. Area map showing the subject property in relation to adjacent parcels of land;

3. List of the property owners of record, within 300 feet of the exterior boundaries of the subject property;

4. Other information as determined necessary by the planning administrator.

13.3 General operation and maintenance requirements.

A. A park attendant must be on duty within the park at all times.

B. Registration records must be kept on the occupancy of all RV parks and campgrounds. As a minimum, the registration form must include the name, date, permanent mailing address, drivers license number, and license plate number for each occupant.

C. No recreational vehicle or park tenant shall stay a length of time which exceeds 30 days of the time during which that RV park and/or campground is approved to operate (campground host is exempt).

D. Operator shall provide for continued maintenance of landscaping and buildings.

13.4 Design Standards

A. In the location and spacing of campsites, there shall be a minimum of 12 feet between RVs and/or structures.

B. Restroom facilities shall be located within 400 feet of any campsite. Handicapped access to restroom facilities is required.

C. A maximum density of 25 campsites per usable acre will be allowed, to be determined by dividing total number of campsites by total number of usable acres in the park. Usable acres are those that are capable of being used for the recreational purpose intended. Unusable acres would be those on steep slopes and roads etc..

D. Parks shall have two ingress/egress points of

E. A minimum of one auto parking space shall be provided inside the area of each campsite.

F. Parking areas shall be constructed and surfaced to minimize fugitive dust.

G. Structures shall be set back a minimum of 100 feet from any shorelines or waterways.

H. Campsites adjacent to a major arterial (US 89 ID 30 and ID 36) shall have a setback (measured from the right of way) from arterials of 50 feet.

I. Campgrounds shall have waste receptacles placed near the ingress/egress of said campground and sized for the number of occupants.

J. Campsites are to be well marked and numbered.

K. No external structures are to be attached to RVs.

L. R.V. sites are to be kept separate from campsites.

M. All structures to be used in the design and development of RV parks and campgrounds shall be of permanent structures, meeting Bear Lake County Building Code requirements.

13.5 Accessory Uses

A. Accessory uses may be approved provided the primary usage and enjoyment are for park tenants.

B. Accessory uses shall be placed no closer than 50 feet from any exterior park boundary.

13.6 Buffers

A. A 100 foot vegetative buffer will be required where the proposed campground is adjacent to existing residential uses. Buffer will be of sufficient density to substantially reduce light and noise pollution imposed on existing residential uses. Additional buffers may be required by the County.

B. Buffer zone separation. Land between the campsites and the exterior property lines shall have sufficient existing or planted trees to separate the campground from adjacent lands and serve as a buffer zone.

C. The vegetative buffer zone shall not be used for any purpose whatsoever in connection with the campground (storage, parking, intense recreation areas, drives, etc.).

D. A minimum of one tree and one bush using native species will be planted at each campsite to provide shade and or delineate adjacent sites.

E. Campgrounds will ensure that the plants in the vegetative buffers are regularly watered and maintained. Deceased vegetation shall be replaced.

13.7 Exemptions

A. Fully serviced campsites may be used to reduce required number of toilets, lavatories and urinals; this reduction is at the discretion of the Planning and Zoning Board.

B. The County recognizes that the preceding subsections are not applicable to all circumstances because of unusual topography or access to water and may consider exemption therefrom on an individual case-by-case basis.
    1. Exemption requests will be filed in writing with the application stating the provision requesting exemption and justification for said exemption.

    2. Campgrounds in existence at the time of adoption of this ordinance will be regulated by grandfathered conditional use. Deficiencies will be noted by the county.

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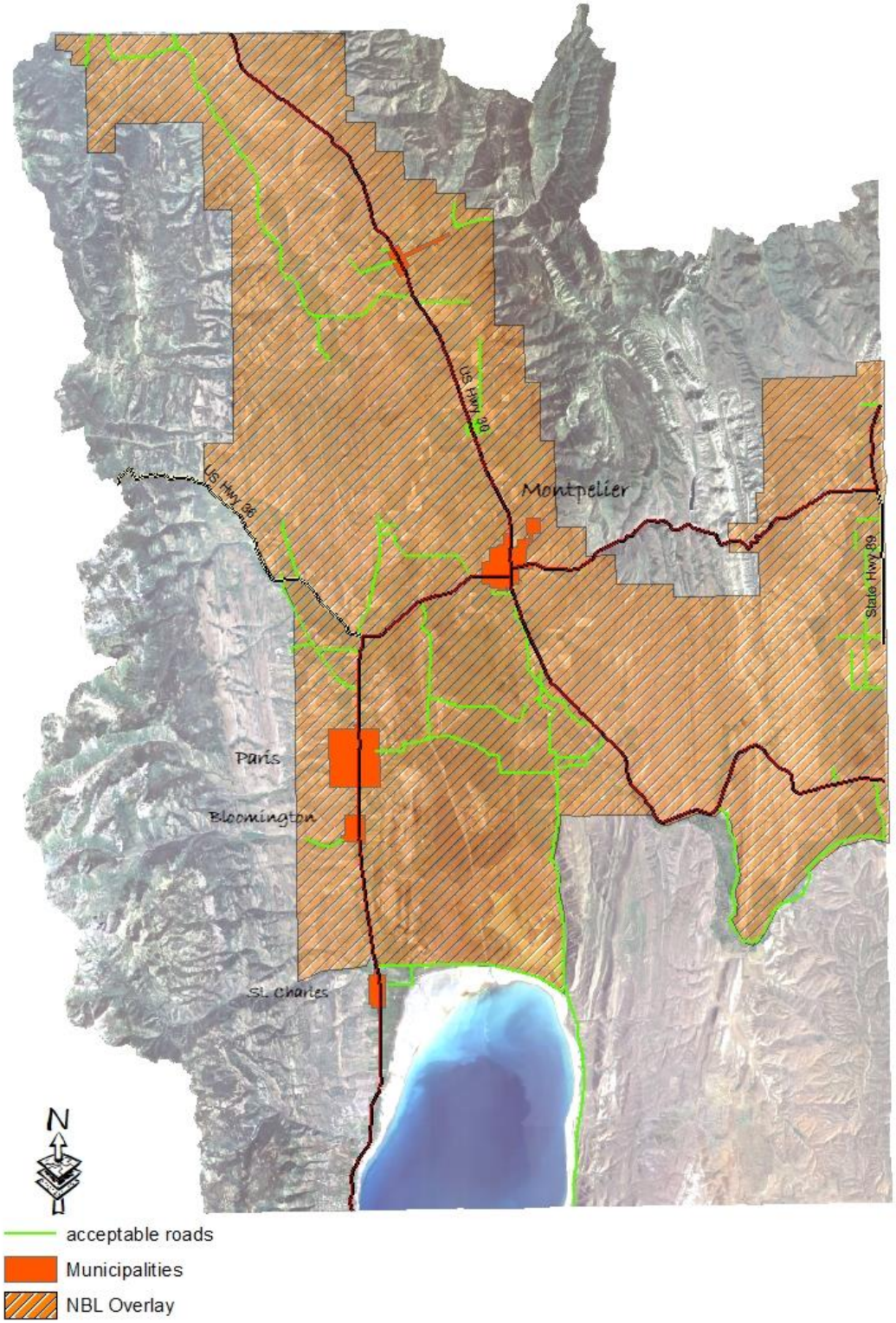
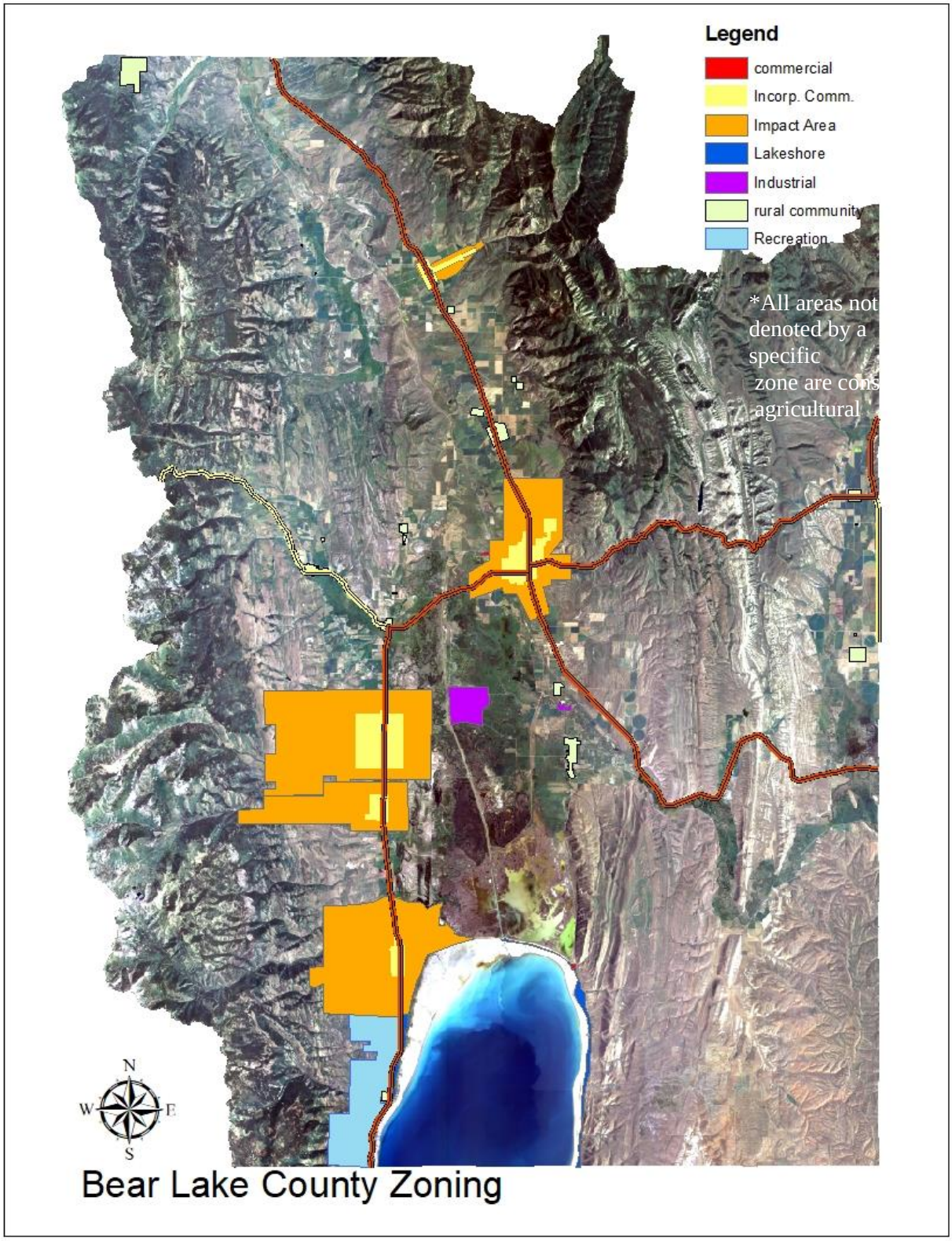
Northern Bear Lake Overlay Zone



Bear Lake County Zoning