

Summary of Zoning Changes

New text is underlined text and deletions are depicted in strikethrough text

07-01-11: COMBINING APPLICATIONS:

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

07-02-01: PURPOSE:

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

07-02-03: DEFINITIONS ENUMERATED:

ADMINISTRATIVE LAND DIVISION: A procedure used to allow land divisions without a subdivision plat.

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

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

BUFFER: A combination of physical space and vertical elements, including, but not limited to, plants, berms, fences, and/or walls that separate and screen incompatible land uses from one another. See also definition of barrier.

DWELLING UNIT: A single dwelling unit providing complete, independent living facilities and designed for ~~or~~ and used as a residence for not more than one family household including permanent provisions for living, sleeping, eating, cooking, and sanitation. ~~with a kitchen and a bathroom permanently installed.~~

HOUSEHOLD: A person living alone, or any of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

A. Any number of people related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship. See also definition of family;

B. Two (2) unrelated people and any children related, within the degree described above, to either of them; or

C. Not more than four (4) unrelated people.

"Household" does not include: any society, club, fraternity, sorority; association, lodge, federation, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group home or living arrangement.

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

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

PROPERTY BOUNDARY ADJUSTMENT: An adjustment of property lines that does not create new lots or additional building permits.

SEASONAL ACTIVITIES: Activities inclusive such as corn mazes, holiday sales actives or events, agriculturally related activities and those of a similar classification which are dependent on a particular season of the year.

SECONDARY RESIDENCE: An additional dwelling, other than a temporary residence, that is attached or detached from the primary residence.

SINGLE-FAMILY DWELLING:

(1) A dwelling for one household ~~family~~.

(2) Any dwelling in which eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons reside and which is supervised and conforms to Idaho Code sections 67-6531 and 67-6532.

(3) A manufactured home as defined by Idaho Code section 39-4105(8).

~~07-03-05: HEARING OFFICER:~~

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

07-07-01: PURPOSE:

Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the ~~commission~~ presiding party to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. The ~~commission~~ presiding party may require

higher standards of site development than those listed specifically in this chapter in order to assure that the proposed use will be compatible with other property and uses in the vicinity. The ~~commission~~ presiding party may revoke or modify its approval of a conditional use permit in accordance with the procedures set forth in the hearing and appeals procedures found in article 5 of this chapter. (Ord. 10-006, 8-16-2010)

07-07-07: ADDITIONAL STANDARDS FOR A TEMPORARY RESIDENCE THAT REQUIRES A CONDITIONAL USE PERMIT:

(1) The ~~decision-making body~~ presiding party shall consider the following:

- A. The uses of the surrounding properties in the determination of the compatibility of the proposed temporary use permit with such uses;
- B. Duration of the proposed use;
- C. Considerations of site and building design and capabilities; and
- D. Recommendations from applicable government agencies.

(2) The presiding party body may require conditions as are necessary to protect the health, safety and welfare of the residents of parcels within the set notification distance, as well as conditions that would protect the uses of surrounding properties. (Ord. 11-003, 3-16-2011)

07-07-09: ADDITIONAL STANDARDS FOR DAYCARES THAT REQUIRE A CONDITIONAL USE PERMIT (CUP):

(1) If the presiding party approves a daycare, it shall specify the maximum number of children as a condition of approval. The presiding party shall also consider all health and safety requirements, considerations of site and building design and capabilities, and recommendations from applicable government agencies.

(2) The ~~board~~ presiding party shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed daycare center with such uses. Additional conditions as are necessary to protect the public health, safety, and welfare of the children may be required. (Ord. 11-003, 3-16-2011)

07-15-01: APPLICABILITY:

This article applies to land uses that require approval of a director's administrative decision in accordance with the zoning and land use matrix in section 07-10-27: of this chapter. (Ord. 11-003, 3-16-2011)

07-15-03: APPLICATION, PROCEDURE, APPROVAL, RENEWAL, REVOCATION:

(1) Application: The applicant shall submit to DSD an application for a director's administrative decision along with the appropriate fee. DSD shall provide notification by mail of the application to the owners of parcels within six hundred feet (600') of the external boundaries of the parcel,

as well as any applicable agencies and shall provide such individuals and agencies a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed application. (Ord. 12-006, 3-22-2012)

(2) Compliance With This Code: Prior to issuance of a director's administrative decision, the subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and with all other articles of this chapter.

(3) Compliance With All Applicable Regulations: The property shall comply with all applicable federal, state, and county laws, ordinances, rules and regulations that pertain to the property and/or business.

(4) Compliance With County Ordinances: The property shall be in compliance with the Canyon County zoning ordinance, public nuisance ordinance and building ordinance.

(5) Nontransferable: This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the director.

(6) Parking: Off street parking shall be provided in accordance with article 13 of this chapter. No parking space shall be located in any public right of way.

(7) Decision Of The Director:

A. Review Of Application: Compliance with granting an administrative approval shall be within the discretion of the director following a full review of the facts as stated on the application and as received as a result of the required notification process. The burden of persuading the director to grant a permit is on the applicant. The director shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed use with such uses.

B. Additional Conditions: The director may require additional land use related conditions as are necessary to protect the health, safety and welfare of the residents of parcels within six hundred feet (600'), as well as conditions that would protect the uses of surrounding properties.

C. Notice Of Decision: The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.

(8) Appeal By Affected Person: Any affected person who is aggrieved by the director's decision may file a written notice of appeal in accordance with section 07-05-07, "Appeal Of Director Administrative Decision", of this chapter. ~~An appeal shall be noticed and heard as a conditional use permit.~~

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

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

(2) Standards: The proposed division of original parcels created prior to September 6, 1979, shall be allowed in accordance with the following:

Less than 80 acres 1 division (2 residential parcels)
80 to 119 acres 2 divisions (3 residential parcels)
More than ~~119~~¹⁹²⁰ acres 3 divisions (4 residential parcels)

80 to 119 acres 2 divisions (3 residential parcels)

More than ~~119~~¹⁹²⁰ acres 3 divisions (4 residential parcels)

ARTICLE 1 General Regulations

07-01-11: COMBINING APPLICATIONS:

"Pursuant to Idaho Code section 67-6522, the ~~board or commission~~ presiding party may". Improve consistency. Include Administrative Decisions and Hearing Examiner Actions....."

ARTICLE 2 DEFINITIONS

07-02 Administrative Record

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

07-02 Agriculturally Related Activities

"AGRICULTURALLY RELATED ACTIVITIES: Uses that include incidental farm equipment sales and service, incidental farm supply sales, roadside stands, sod and/or turf farms, U-pick fruit or vegetables, ~~corn mazes~~, and similar uses that do not involve processing (except those incidental operations necessary to prepare for market or to convert into marketable form)." **Note:** Removed and combined with Seasonal Activity to reduce confusion and improve consistency.

07-02 Buffer

"BUFFER: A combination of physical space and vertical elements, including, but not limited to, plants, berms, fences, and/or walls that separate and screen incompatible land uses from one another. See also definition of barrier." **Note:** Clarify the purpose and intent of a buffer, which is not the same as "barrier" as defined.

07-02 Commence

"(4) Administrative Land divisions that do not require a subdivision plat in accordance with this chapter: A recorded record of survey that reflects the approved land divisions and including easements deeds, and a recorded Directors Decision submitted to DSD." **Note:** Note this section is likely vestigial and related to prior ordinance allowing division via CUP. Updated to reflect what constitutes commencement for an Administrative Land Division.

07-02 Contractor Shop

Comment "In the AG zone does this need to be accessory to another use...i.e. residential? For instance can the property essentially just be a commercial business use? Can the residential use be completely converted to a business (contractor shop)....I think it can based on the definition and standards in the current ordinance which is not typically how it was intended"

07-02 Dwelling Unit

DWELLING UNIT: A single dwelling unit providing complete, independent living facilities and designed for or used as a residence for not more than one family household including permanent provisions for living, sleeping, eating, cooking, and sanitation, with a kitchen and a bathroom permanently installed. **Note:** As currently written (when also considering current definition of family) effectively regulating whether or not someone can have a roommate. As proposed, provides clarity and eliminates a prohibition of having a roommate(s).

07-02 Household

HOUSEHOLD: A person living alone, or any of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: A. Any number of people related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship. See also definition of family; B. Two (2) unrelated people and any children related, within the degree described above, to either of them; or C. Not more than four (4) unrelated people. "Household" does not include: any society, club, fraternity, sorority, association, lodge, federation, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group home or living arrangement. **Note:** Added to provide application and clarification of regulations as they pertain to dwelling units.

07-02 Multi-Family Dwelling

MULTI-FAMILY DWELLING: A structure containing more than one dwelling unit with separate ingress-egress from outside and having no interconnectivity between the units. **Note:** Simplifying to improve application of code and integrate with updates to definition of dwelling unit and addition of household.

07-02 Presiding Party

Added for discussion to provide clarification on dwelling unit.

07-02 SEASONAL ACTIVITIES

"SEASONAL ACTIVITIES: Activities inclusive such as corn mazes, holiday sales activities or events, agriculturally related activities and those of a similar classification which are dependent on a particular season of the year." **Note:** Needs to be better defined as intent is lost in application of code.

07-02 Secondary Residence

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

07-02 Single-Family Dwelling:

SINGLE-FAMILY DWELLING: (1) A dwelling for one household family.

Article 5 Administration

07-03-03: HEARING OFFICER:

~~The chairman of the board, when confirmed by majority vote of board, may appoint a hearing officer. (Ord. 10-006, 8-16-2010)~~
Note: Has not been implemented that I'm aware of. If needed, we can revisit.

ARTICLE 5 NOTICE, HEARING, AND APPEAL PROCEDURES

07-05-05: GENERAL APPEAL PROCEDURES:

07-05-05:(2)A. Appeals shall be filed with DSD within fifteen (15) calendar days after the date of the decision. A notice of appeal should include a statement of the reasons for the appeal and must be accompanied with all appropriate fees as established by the adopted fee schedule. (Ord. 10-006, 8-16-2010)

Article 6 Rezone, Amendment of Comprehensive Plan, Amendment of Zoning Ordinance

Comment: Update Via separate text amendment

ARTICLE 7 CONDITIONAL USE PERMITS

07-07-01: PURPOSE:

"Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission presiding party to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. The commission presiding party may require higher standards of site development than those listed specifically in this chapter in order to assure that the proposed use will be compatible with other property and uses in the vicinity. The commission presiding party may revoke or modify its approval of a conditional use permit in accordance with the procedures set forth in the hearing and appeals procedures found in article 5 of this chapter. (Ord. 10-006, 8-16-2010)" **Note:** Consistency throughout the ordinance.

07-07-07: ADDITIONAL STANDARDS FOR A TEMPORARY RESIDENCE THAT REQUIRES A CONDITIONAL USE PERMIT:

"(1) The decision-making body presiding party shall consider the following." **Note:** Consistency throughout the ordinance.

07-07-09: ADDITIONAL STANDARDS FOR DAYCARES THAT REQUIRE A CONDITIONAL USE PERMIT (CUP):

"(2) The board presiding party shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed daycare center with such uses. Additional conditions as are necessary to protect the public health, safety, and welfare of the children may be required. (Ord. 11-003, 3-16-2011)" **Note:** Consistency throughout the ordinance.

07-07-21: VIOLATION OF CONDITIONS:	"If any person, including staff or a member of the commission <u>presiding party</u> , files a written notice presenting sufficient evidence, as determined by the director, that the conditions of the conditional use permit have been violated, the presiding party that made the final decision, shall set the matter for a public hearing noticed in accordance with article 5 of this chapter. (Ord. 10-006, 8-16-2010; amd. Ord. 11-003, 3-16-2011)" Note: Consistency throughout the ordinance.
07-07-11: ADDITIONAL STANDARDS FOR MINERAL EXTRACTION (LONG TERM) 1 :	List additional standards here not §07-14-19 (see also 07-07-07 & 07-07-09)
07-07-23: LAND USE TIME LIMITATIONS:	07-07-23 (1) A. Comment "This section is talking about a directors decision but is in the CUP code section. It is probable that we need to establish Land Use Time Limitations for both Director's Decisions and Hearing level but this portion of code is misplaced."
07-07-25: REQUEST FOR EXTENSION:	Comment "Request for extension is also something that comes up with regards to Platting of Subdivisions and phasing. May need to apply to other areas of code. I would recommend specific standards be developed as criteria for review of request for extension."
ARTICLE 7 VARIANCE	
07-08-01: APPLICATION:	07-08-01 (2) B. Comment "This section of code does not specifically require notification to public agencies. The review criteria indicates that the variance cannot be in conflict with the public interest. If staff is not notifying agencies—how can this criteria be answered for some of the potential variances being requested?"
07-08-01: APPLICATION: D.(3)	The commission <u>presiding party</u> shall consider all other applications for variances in accordance with the notice and hearing procedure of article 5 of this chapter. (Ord. 11-007, 5-18-2011)
ARTICLE 10 ZONES	
07-10-03: Private Road And Driveway Requirements	Comment "I would organize the content of this section by zone (i.e. Ag zone – have all info on that zone such as setback, lot size, height, etc.) rather than by topic" Comment "Define all weather driving surface".
07-10-05: Public Street Right-Of-Way Widths	Comment "Maybe make this it's own article? Doesn't seem logical to nest it under zones"
07-10-07: Unspecified Uses	Comment "Move to after 7-10-27"
07-10-15: PROPERTY BOUNDARY COVERAGE:	Comment " In light of the #of septic/well parcels in the county and the need for area for replacement drainfields on properties....there possibly should be a contemplated lot coverage –possibly for a minimum parcel size or range so that this can be accommodated into the future."
07-10-17: Propety Boundary Adjustment	Comment "It came to our attention on a property that is wanting to do an adjustment to its boundaries and change the access point that this section also does not require any notification to agencies. It is possible that maybe there should be clarity. I agree not all boundary adjustments would necessarily affect any agencies but many do including hwy, fire and SWDH. Possibly it should be on the applicant to prove that hwy, fire and SWDH isn't impacted by the adjustment."
07-10-21: SETBACKS; MINIMUM PARCEL OR LOT SIZE; HEIGHT REGULATIONS:	7-10-2021(2) Table 2 Minimum Parcel or lot size: Comment " the minimum allowable lot size is technically 1 acre if made from an AD Split...maybe this means there should be an in-between zone of like 5 acre minimum lots."
07-10-25: Purposes Of Zones	Comment "Move this to after 7-10-1"
07-10-27: Land Use Regulations (Matrix)	Comment "Might be worthwhile to look at more recent requests, and see what is being asked about and add to this list as appropriate? Also I think everything in this table should have a definition" SEE ADDITIONAL COMMENTS IN TABLE THAT SHOULD BE ADDRESSED
ARTICLE 14 USE STANDARDS	
07-14-17: MINERAL EXTRACTION SHORT TERM	Comment "Short Term extraction is really difficult to enforce and to ensure that the operators and not exceeding the area of extraction. We should also consider more significant setbacks from property lines for both short term and long term extraction"
07-14-19: MINERAL EXTRACTION LONG TERM:	Comment "Setbacks should be increased to provide for undisturbed property that could potentially be developed in the future after the mining site is depleted and in areas of high water leaving a "useless" pond in many cases.
07-14-27: SMALL WIND ENERGY System	Also should consider a minimum setback from waterways that are on many of the properties to protect ways and canal systems."
07-14-29: STAGING AREA:	Comment "Staging area should include a site obscuring fence. Contractor shop includes it but staging area does not. Also consider that Landscaping business should be revised on land use matrix to require CUP (or have two tier-one for the single truck landscape guy versus multi employee, staging, etc.) Also define Landscaping Business in definitions."
07-14: Wireless Telecommunication Facilities	Comment Add use standards such as site alternative analysis and use of existing co-location facilities and other study requirements.
ARTICLE 15 DIRECTOR ADMINISTRATIVE DECISIONS	
07-15-03: APPLICATION, PROCEDURE, APPROVAL, RENEWAL, Revocation	Comment "Should we consider commence/completion/time requirements for a Director's Decision? May not make sense for certain applications but shouldn't necessarily be open-ended either. Considering this as I was taking note of CUP Time requirements. RFEs etc."
07-15-03(8)	Comment "This is in conflict with notice and appeal procedures as these go directly to the BOCC"
ARTICLE 17 SUBDIVISIONS	
07-17-13: FINAL PLAT;(6)C. Certification of plat approval by the county surveyor.	Comment: "Should also have Certification of county engineer stating all provisions of Idaho Code relative to engineering of the subdivision have been complied with."
07-17-19: SIMPLE CHANGES TO RECORDED PLAT:	Comment: "Define Simple Changes "
ARTICLE 18 ADMINISTRATIVE LAND DIVISIONS	
07-18-03: APPLICABILITY:	Comment "Only applies to parcels created prior to September 6, 1979..."
07-18-07: ADMINISTRATIVE DIVISION IN AGRICULTURAL ZONES;(2)	Comment "There is a gap in this section 80 to 119 and then MORE than 120...what happened to the acre in between"
07-18-07: ADMINISTRATIVE DIVISION IN AGRICULTURAL ZONES: (3)	Comment "Is every additional admin division considered an amendment?"