

Exhibit 4

Date September 8, 2022

Tim Traugher Resident of Pinehurst, Reside on West Fork Pine Creek Rd.

My Vocal Disagreement of the Jeep Club's use of this area.

Just a few reasons I personally have witnessed.

1. Speeding
2. Noise
3. Vehicle not licenses
4. No Facilities for bodily functions
5. Wildlife habitat exiting
6. Wild foliage flowers and other indigenous plants being removed ran over and killed
7. Water ways being polluted and natural travel being change could be catastrophic
8. No emergency access plans
9. Who covers the damage caused by these vehicles / Property Insurance,
10. Vehicle Insurance

Hearing on: WEST FORK PINE CREEK RD and the Improper use by the Jeep Club.

I have attached County Codes that have been violated or are about to be violated.

COUNTY CODE OF SHOSHONE COUNTY IDAHO

ORD 164 passed 06/15/2021

Codes that must be revisited,

1. Chapter 2 Entertainment, Amusement Activities
2. Chapter 1 Public Nuisances Prohibited and Conditions Unlawful
3. Chapter 3 Septic System [REDACTED]
4. Chapter 4 River Corridor Regulations
5. Chapter 9 Conditional Use Permits
6. Chapter 13 Signs and Postings
7. Chapter 18 Site Disturbance

?

EPA standards should be reviewed for these vehicles

Water Reclamation should be notified for sampling & disturbance of water ways

Law Enforcement should be on site entering and exiting

COUNTY CODE  
of  
SHOSHONE COUNTY  
IDAHO

**2001**

Code current through:

Ord. 164, passed 6-15-2021

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**PREFACE**

This code of Shoshone County, as supplemented, contains ordinances up to and including ordinance 164, passed June 15, 2021, and resolution 2011-23, passed June 16, 2011. Ordinances of the County adopted after said ordinance supersede the provisions of this code to the extent that they are in conflict or inconsistent therewith. Consult the County office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

Sterling Codifiers

Cincinnati, Ohio

## TITLE 4

## HEALTH AND SANITATION

## CHAPTER 1

**PUBLIC NUISANCES PROHIBITED AND CONDITIONS UNLAWFUL**

## SECTION:

**4-1-1: Public Nuisances Prohibited And Conditions Unlawful****4-1-2: Terms Defined****4-1-3: Conditions Unlawful****4-1-4: Initiation Of Complaints****4-1-5: Inspection Of Premises****4-1-6: Notice To Abate****4-1-7: Owner To Abate Violation****4-1-8: Penalty For Failure To Abate Violation****4-1-9: Appeal, Time Limits For Filing, And Decision****4-1-10: Abatement Of Violations By County And Collection Of Costs****4-1-1: PUBLIC NUISANCES PROHIBITED AND CONDITIONS UNLAWFUL:**

Pursuant to the authority conferred by Article 12, Section 2 of the Idaho Constitution, and Idaho Code sections 31-714 and 31-801, the County does hereby take action to declare certain conditions public nuisances upon all property outside the incorporated limits of any municipal corporation, both public and private, within the county limits, thereby requiring any owner, lessee, occupant or any agent or representative of any such owner, lessee or occupant having possession or control of any occupied or unoccupied lot or parcel of land, to immediately remedy any conditions that violate the requirements of this chapter or which constitute a nuisance pursuant to the provisions of Idaho Code. (Ord. 160, 9-17-2019)

**4-1-2: TERMS DEFINED:**

The following terms shall have the following meanings when used in this chapter, unless the context of their use indicates otherwise:

BRUSH PILE:	An accumulation of cuttings or dead portions of trees, brush or shrubs placed in a pile or allowed to lay randomly on the ground.
COSTS:	The expense of removing, storing, destruction, or selling of discarded items.
DANGEROUS BUILDING OR STRUCTURE:	All buildings or portions thereof which present a risk or hazard to public health, safety, or general welfare, as determined after inspection by the Building Official or other designated agent as defined in the International Building Code, the International Existing Building Code, and/or buildings or structures which meet criteria similar to that described in the 1997 Uniform Code for the Abatement of Dangerous Buildings.

ENFORCEMENT OFFICER:	An agent or representative of the Shoshone County Sheriff or the Shoshone County Planning and Zoning Department as designated by the official action of the Board of County Commissioners.
GARBAGE:	Putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, or consumption of food.
INOPERABLE:	Incapable of being operated legally on a public highway, including, but not limited to, not having a valid, current registration.
NUISANCE:	Any act, status, condition, substance or activity which is injurious to public health or safety, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an individual, by an entire community or neighborhood, or by any considerable number of persons, or those acts or conditions designated to be by any ordinance of the County of Shoshone or State Law.
NUISANCE TREE OR SHRUB:	Any woody perennial plant which is allowed to grow in such a manner as to obscure any traffic visibility, any traffic sign, or encroach into a public right of way in such a manner as to create a hazard to those using the right of way, or the existence of any dead or dying tree or shrub which creates a hazard to public safety or public property.
NUISANCE VEHICLES:	Any vehicle that does not have lawfully affixed thereto a valid, current registered license plate, or is one or more of the following for over thirty (30) days: <ol style="list-style-type: none"> <li>1. Inoperable at the time of inspection;</li> <li>2. Dismantled or partially dismantled;</li> <li>3. Junked;</li> <li>4. Wrecked;</li> <li>5. Abandoned.</li> </ol> Discarded vehicles may be deemed to include major parts thereof, including but not limited to bodies, body parts, engines, engine components, transmissions and other drive train parts.
PERSON:	Any natural persons, firm, partnership, association, limited liability company, or corporation.
PUBLIC PLACE:	A building, way, place, or accommodation, whether publicly or privately owned, open and available to the general public.
REFUSE:	Putrescible and non-putrescible solid wastes (except body waste) including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.
RESPONSIBLE PARTY:	The person responsible for curing or remedying a nuisance, and includes: <ol style="list-style-type: none"> <li>1. The owner of the property, or the owner's manager, agent or other person in control of the property on behalf of the owner, as established by evidence gathered from the Enforcement Officer.</li> <li>2. The person controlling the property including bailee, lessee, tenant, occupant, or other person having possession or control;</li> <li>3. The person who is alleged to have established or allowed the nuisance to continue.</li> </ol>



## CHAPTER 2

# ENTERTAINMENT, AMUSEMENT ACTIVITIES

### SECTION:

#### 3-2-1: Intent

#### 3-2-2: Permit Required

#### 3-2-3: Application For Permit

#### 3-2-4: Application Fee

#### 3-2-5: Application Approval Process

#### 3-2-6: Failure To Comply

#### 3-2-7: Penalty

#### 3-2-1: INTENT:

It is necessary for the protection of the health, safety and welfare of the general public to license and regulate the advertising, permitting or conducting of certain educational, religious, entertainment or amusement activities which will, or can be expected to disturb the ordinary peace and quiet of the inhabitants of residences, dwelling houses or other ordinary places of human habitation and/or to create traffic, health or sanitation problems. (Ord. 146, 1-18-2012)

#### 3-2-2: PERMIT REQUIRED:

A. Permit Required: It shall be unlawful for any person to allow, conduct, permit, advertise, or cause to be conducted, permitted or advertised, any entertainment, religious, educational, or amusement activity outside the municipal boundaries of the incorporated cities within the county, which activity will or can reasonably be expected to attract an outdoor gathering or assembly of persons at any one time (whether or not a charge or contribution is required for admission), unless a valid county permit has first been obtained authorizing and permitting the conduct of such activity or activities.

#### B. Exceptions:

1. Leased Properties: No such permit shall be required for any such activity authorized under any valid lease of real property owned or leased by the county, state, or any political subdivision thereof; and
2. Stadium Areas: No such permit shall be required for any activity scheduled to be held in stadium areas now and heretofore existing in the county, and such "stadium areas" shall be defined as an enclosure heretofore used for athletic games and having adequate grandstands and toilet and waste disposal facilities and available parking lot area. (Ord. 146, 1-18-2012)

#### 3-2-3: APPLICATION FOR PERMIT:

A. Written Application; Time Of Filing: Written application for any permit to conduct the activities regulated by this chapter shall be made to the planning and zoning administrator not less than one hundred twenty (120) days prior to the date upon which such activities are to commence, unless otherwise approved by the board of county commissioners.

#### B. Required Information: The application shall include:

1. The name of the person, partnership, corporation or organization on whose behalf such application is made;
2. The names and address of the responsible person having proprietary interest in any such partnership, corporation or organization;

3. The principal place of business of any such partnership, corporation or organization;
4. A definable description of the land to be occupied or utilized by such activities, together with the address of the owner or lessee thereof and a verified consent by the owner (if other than applicant) permitting the activity upon such real property upon the dates for which application is made;
5. A description of the type and nature of the educational, religious, entertainment or amusement activity for which a permit is sought;
6. The date(s) and time(s) upon which such activity is proposed to be conducted; and
7. The maximum number of people expected to attend, view, and participate in such activity on each date applied for. (Ord. 146, 1-18-2012)

### **3-2-4: APPLICATION FEE:**

The basic permit fee which shall accompany any application hereunder shall be a minimum of twenty five dollars (\$25.00), which fee shall be retained or returned by the county, at the county's discretion, whether or not a permit be granted, denied or withdrawn. Board of county commissioners may require additional application fees depending upon the complexity of the proposal. Applicant shall be responsible for any additional legal notice advertising and/or mailings to adjacent property owners. Expenses shall be billed at cost. (Ord. 146, 1-18-2012)

### **3-2-5: APPLICATION APPROVAL PROCESS:**

A. Additional Agency Approvals: Whenever approval by any governmental agency or district other than the county is required hereunder, the applicant shall be required to cooperate fully with such agencies or districts to ensure that a full review of the proposals may be accomplished by such agency.

#### **B. Approval Process And Requirements:**

1. The applicant shall schedule a preapplication meeting with the planning and zoning administrator to discuss the feasibility of the request and the application requirements.
2. The applicant shall submit a complete application with applicable fees. Incomplete applications will not be processed.
3. If the application is complete, the administrator will forward it to other reviewing agencies and organizations with relevant expertise or jurisdiction, requesting their evaluation and response within thirty (30) days (agency comment period). Agency responses should explain whether the proposal appears feasible and will meet the agency's requirements.
4. After the close of the agency comment period, the administrator reviews the relevant evidence in the record, and the administrator will schedule a public hearing before the board of county commissioners within thirty (30) days. At least thirty (30) days prior to the hearing before the board of county commissioners, the administrator shall publish a notice of public hearing in the newspaper of record. Once notice is published, no new information can be received from the applicant. The applicant shall provide the administrator with an adjacent property owners (APO) package establishing all adjacent property owners within three hundred feet (300') of the site (including any contiguous lots or parcels under the same ownership). The department shall mail notice to these neighbors on or before the newspaper publication date. At least thirty (30) days prior to the hearing, the administrator shall also post a notice upon the site. All written comments from property owners must be submitted fifteen (15) days prior to the hearing. Nothing in this section precludes submission of additional evidence or testimony at the time of public hearing. When notice is required to two hundred (200) or more property owners, in lieu of mailing notice, two (2) additional publications shall be provided.
5. The board of county commissioners shall conduct a hearing in accordance with current county ordinances. The applicant presents their proposal, addresses any issues that have been identified, and demonstrates that the project can meet the requirements of all agencies. The administrator will present the staff evaluation. Public testimony is taken, followed by closing remarks by the applicant. The commission shall review the recommendations and comments of the applicable agency comments and public testimony and shall issue an order of decision.
6. The applicant bears the burden of demonstrating compliance with the requirements. To approve a special use permit, the board of county commissioners must make the following findings:

- a. The applicant provided adequate information to determine.
- b. The proposal is in compliance with other county ordinances.
- c. The proposal is compatible with the natural characteristics of the area.
- d. The proposal adequately addresses site constraints or hazards.
- e. Services and facilities for the proposal are available and adequate.
- f. Public notice and the processing of the application met the requirement set forth in this title and Idaho Code.

7. The board of county commissioners shall make a decision within thirty (30) days of the close of the public hearing. If the proposal meets these requirements, it shall be approved. If the proposal does not meet these requirements, or if insufficient information was provided to determine compliance, it may be denied. Conditions may be attached to the approval.

8. The board shall have the authority to impose additional reasonable conditions which will mitigate or eliminate any adverse effects.

9. The board shall render its decision in writing within thirty (30) days of the close of the public hearing. The board shall outline the provisions and standards used within this title, the facts of the application, testimony received and such conclusions that support its decision. If the board denies the application, it shall specify in its decision the actions, if any, the applicant could take to obtain approval.

10. Appeals of the board's final decision shall be filed and taken pursuant to Idaho Code section 67-6519.

C. Conditions For Issuance: Permits shall be issued hereunder only when the conditions enumerated in this section have been fulfilled by the applicant.

1. Health And Sanitary Facilities: No permit shall be granted hereunder unless the applicants obtain the written approval of the state of Idaho Panhandle health district 1, health office.

2. Fire Protection: No permit shall be granted hereunder unless the administrator has received the written approval of the fire protection district in which the proposed activity is to be held. For areas outside of designated fire protection districts, subsection C4 of this section shall apply.

3. Parking Facilities/Traffic Impact: No permit shall be granted for any activity regulated hereunder unless the applicant demonstrates to the administrator, by means of a detailed scaled drawing, that adequate parking facilities and traffic impacts have been made available within or adjacent to the location for which the permit is requested. Such parking facilities shall provide parking space for one vehicle for each four (4) persons expected or reasonably expected to attend, view or participate in the proposed activity. Such parking facilities shall be provided off public roads or highways and adequate ingress and egress shall be provided to and from such parking areas. For large scale activities approval may be required by the county public works department, emergency services department and/or sheriff.

4. Public Safety/Crowd Control:

a. Requirements: No permit shall be granted hereunder unless the applicant has obtained the written approval of the county sheriff and/or emergency services department, indicating that the following conditions have been complied with:

(1) Adequate traffic control (pedestrian and vehicular travel) and crowd protection policing have been contracted for or otherwise provided by the applicant;

(2) Traffic and crowd control personnel shall be named persons acceptable to the county sheriff;

(3) The applicant will provide an adequate number of traffic control officers; approved by the sheriff.

b. Limitation On Admissions: If, at any time during the event, in the sheriff's opinion, public safety is jeopardized, the sheriff shall have the discretion to limit further admission.



5. **Hours Of Operation:** No permit issued hereunder shall authorize any activity regulated hereby between the hours of twelve o'clock (12:00) midnight and nine o'clock (9:00) A.M. of any day, unless otherwise approved by the board of county commissioners; such permit shall specify on its face the day, or days, and hours within which such activity may be held.

6. **Financial Guarantee And/Or Indemnification:** No permit shall be issued hereunder unless the applicant has on deposit with the county clerk:

a. **Financial Guarantee:** As set out hereinbelow indemnifying the county or any political subdivision within the county for costs incurred by reason of the expenses of extraordinary law enforcement, damage to public property, or the cost of providing any extraordinary sanitation or health services provided or caused by the holding of the activity.

b. **Exoneration; Return:** The bond or its balance shall be exonerated or returned when the county commissioners certify to the county clerk that either:

(1) No damage has been done; or

(2) The total of such costs or damage in the event such items total less than the bond amount.

c. **Liability Insurance:** No permit shall be issued hereunder unless the applicant has furnished evidence of general liability insurance coverage which will be determined by the Shoshone County prosecuting attorney.

7. **Approval Of Physical Facility:**

a. **Specific Plans:** When any type of physical facility is required or subject to approval hereunder, a permit may be granted (subject to withdrawal) based upon specific plans being proposed, submitted and approved hereunder.

b. **Construction Completed; Inspection:** All such facilities constructed under authority of such permit shall be in existence at least five (5) days prior to the commencement of the activity for which the permit is granted and shall be subject to inspection by the approving agency.

c. **Failure To Meet Standards; Withdrawal Of Permit:** Should the actual facility or construction fail to meet the standards approved in the proposed plans, the permit may be withdrawn. Notice of withdrawal shall be provided by mailing of written notice to the address of the applicant specifying the reasons for such withdrawal. (Ord. 146, 1-18-2012)

### **3-2-6: FAILURE TO COMPLY:**

Noncompliance with the minimum health, sanitation and safety provisions required herein, or failure to comply with the terms and conditions hereunder shall constitute a public nuisance, and the person(s) responsible therefor shall be subject to all criminal and civil remedies for such. (Ord. 146, 1-18-2012)

### **3-2-7: PENALTY:**

Any person who shall violate or fail to comply with any of the provisions of this chapter, or who, having obtained a permit hereunder, shall wilfully fail to continue to comply with the conditions herein set forth, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 146, 1-18-2012)

RUBBISH:	Non-putrescible solid waste consisting of both combustible wastes, including but not limited to, paper, wrappings, cardboard, tin, aluminum cans, yard clippings, leaves, dirt (other than natural soil, in place) wood, glass, bedding, crockery, remnants of wood; decayed, weathered or broken construction materials which may no longer be suitable for safe or approved construction, worthless and useless articles which are in such a state or such a quantity as to be unsightly, against the general welfare, unhealthy, dangerous to persons or property, or so as to interfere with the abatement of weeds and similar materials.
VEGETATIVE LITTER:	Scattered accumulation of dead portions of plant materials.
VEHICLE:	Any device designed to move or propel persons or property or to be drawn upon a highway or street not including a device designed to be propelled or moved by human power, such as wagons, tricycles, bicycles (excluding motorized bicycles), or to be used exclusively upon stationary rails or tracks. This shall include recreational vehicles and/or motor homes.
VEHICLE OWNER:	Any individual, firm, limited liability company, corporation, or association with a claim, either individually or jointly of ownership or any interest, legal or equitable, in a vehicle.
WEED:	All uncultivated, unmown grasses, annual plants, perennial plants, noxious weeds as the same are defined by state statute and/or county code, and all other rank uncultivated vegetation over eight inches (8") tall, other than trees, shrubs, and cultivated plants, flowers and agricultural products. (Ord. 160, 9-17-2019)

#### 4-1-3: CONDITIONS UNLAWFUL:

It shall be an unlawful for any owner, lessee, occupant and/or agent or representative of any such owner, lessee, or occupant having control of any occupied or unoccupied lot or parcel of land thereof to allow, permit or maintain on any property, both public and private, or any adjacent public right of way outside the incorporated limits of any municipal corporation, and within the county limits, any of the following conditions:

A. The growth of weeds or unmown grass or the accumulation of overgrown weeds, grass, brush, nuisance trees or shrubs, whether dead or living, over eight inches (8") in height, with the exception of an actively operated compost pile not generating nuisance odors.

B. Any tree, shrub or other plant material or any dead or dying tree or shrub located on private property in the county which overhangs or intrudes over or upon any public street, alley, avenue, roadway, sidewalk, traffic intersection visibility triangle or traffic sign to such an extent that it interferes with the safety of the traveling public or is a hazard or hindrance to public safety or use of public property.

C. The accumulation and/or storage of abandoned, wrecked, dismantled, inoperable or unlicensed vehicles including but not limited to recreational vehicles or motor homes, or parts thereof.

D. The keeping, storage, or accumulation of garbage, refuse, rubbish, building materials, unused furniture and appliances, junk, trash, or debris on any property, which creates a condition tending to be injurious to public health, safety, or the general welfare which shall include but is not limited to those circumstances which reduce the value of surrounding private or public property in the vicinity of the nuisance, and/or promotes deterioration, fire hazards and/or constitutes an attractive nuisance creating a hazard to the health and/or safety of minors, or is a harborage for rodents, insects, unclaimed animals, and/or transients.

E. An animal carcass owned or controlled by him to remain upon public property, or to be exposed on private property, for a period of time longer than is necessary to remove and dispose of the carcass.

F. Allowing an excavation to remain unguarded by suitable barriers, including amber warning lights during hours of darkness, installation and operation of the amber warning lights shall be the responsibility of the person creating, maintaining, or in charge of such obstruction.

G. A building or structure which exists in whole or in part in such a condition so as to constitute a dangerous building that is injurious to the public health, safety, or general welfare as defined herein. (Ord. 160, 9-17-2019)

#### **4-1-4: INITIATION OF COMPLAINTS:**

Any person may file a complaint alleging a public nuisance by filing a written complaint with the County Clerk or by reporting such matters to the Shoshone County Sheriff's Department, or the Shoshone County Planning and Zoning Department where there is reason to believe that a nuisance exists. To the extent that a condition exists that can be readily observed by a law enforcement officer or appropriate building official as a public nuisance defined herein, action may be taken pursuant to this Code to enforce the same. (Ord. 160, 9-17-2019)

#### **4-1-5: INSPECTION OF PREMISES:**

The Shoshone County Sheriff's Office, Building Official, or a designated enforcement agent shall have the ability to enter onto the property to determine by inspection whether such conditions exist that constitute a violation of this chapter.

It shall be unlawful for any person to interfere with any authorized staff members or agent making an inspection permitted under this section. (Ord. 160, 9-17-2019)

#### **4-1-6: NOTICE TO ABATE:**

A. Whenever the County and/or its authorized agent finds that a violation does exist pursuant to any provisions of this chapter, he or she may initiate enforcement by giving notice as follows:

1. By posting an Abatement Warning Notice on the subject property; or
2. By certified, first class mail to the last known address of the owner of record; or
3. By personally serving the notice upon the owner of record or an occupant of the subject property, and if there is more than one owner of record, by such mail or personal service to any one of such owners.

a. In the event the owner and/or occupant of the property is unknown or his or her whereabouts is unknown, notice shall be given by a combination of first-class mail and certified mail based upon the records of the county assessor.

B. Such notice shall specify the violations required to be abated and the manner and time limits by which the owner of the property is required to achieve compliance.

C. In the event said owner and/or occupant fails to abate within the time period specified in the Abatement Warning Notice, the County or its authorized agent shall take appropriate action to issue a misdemeanor citation or sworn criminal complaint to said property owner, lessee, occupant or any agent or representative of any such owner, lessee or occupant having control of any occupied or unoccupied lot or parcel of land or any part thereof. In the event the owner or occupant of the property is unknown or his or her whereabouts is unknown, law enforcement shall take appropriate action to obtain a criminal complaint and issuance of a criminal summons, or arrest warrant. (Ord. 160, 9-17-2019)

#### **4-1-7: OWNER TO ABATE VIOLATION:**

It shall be the duty of the owner of private property whose use constitutes a violation of this chapter remove such violation immediately upon receipt of Abatement Warning Notice from the County, in no case less than the time frame stated in the Abatement Warning Notice, which shall provide at least ten (10) days for performance unless the County by and through its agent grants an extension, upon reasonable grounds. (Ord. 160, 9-17-2019)

#### **4-1-8: PENALTY FOR FAILURE TO ABATE VIOLATION:**

Any owner or other person notified to abate the public nuisance who shall fail to do so and abate such violation within the time specific in the notice, shall be deemed guilty a misdemeanor and upon conviction shall be punishable by a fine of up to five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months in jail or both a fine and imprisonment.

In addition to any other penalty, the County may recover its costs of abatement, including but not limited to attorney's fees and costs. Every day such violation continues after the date specified in the notice shall constitute a separate and distinct offense, punishable by a lawfully appropriate penalty. (Ord. 160, 9-17-2019)

#### **4-1-9: APPEAL, TIME LIMITS FOR FILING, AND DECISION:**

If the property owner receiving notice to abate a violation of this chapter contests the determination that a violation of this chapter exists, a written appeal of the notice shall be filed with the County Clerk within ten (10) days from the date of posting, mailing, or personal service of the required notice to abate a violation. A time shall be scheduled for

an appeal hearing with the Board of County Commissioners, not less than ten (10) days nor more than twenty-six (26) days thereafter. Any decision of the Board of County Commissioners thereupon rendered shall be final and conclusive. (Ord. 160, 9-17-2019)

**4-1-10: ABATEMENT OF VIOLATIONS BY COUNTY AND COLLECTION OF COSTS:**

In any case where a person required under this chapter does not abate the violation, the County, through its own personnel, contractor and/or agents, may enter upon the premises to take all necessary action to abate the identified violation(s). The total cost of the abatement shall be billed to the owner of the property for payment. In the event payment is not made within sixty (60) days or if the owner or whereabouts of the owner is not known, the cost of abatement may be certified and forwarded to the county treasurer for inclusion in the county property tax assessment pursuant to Idaho Code. Pursuit of abatement by the County shall not prohibit prosecution for violations of this chapter. (Ord. 160, 9-17-2019)



## CHAPTER 4

# RIVER CORRIDOR REGULATIONS

### SECTION:

#### 6-4-1: Purpose

#### 6-4-2: Defined Area

#### 6-4-3: Prohibited Acts And Conditions

#### 6-4-4: Enforcement

#### 6-4-1: PURPOSE:

The purpose of this chapter is to address certain acts on or about portions of the rivers within Shoshone County. Through regulation of those acts, this chapter seeks to preserve the natural habitat of the rivers and ensure the protection of health, property, and the natural environment. (Ord. 126, 6-5-2006)

#### 6-4-2: DEFINED AREA:

This chapter shall apply to all public property over which Shoshone County has jurisdiction surrounding the river for a distance of one hundred feet (100') horizontally landward from the ordinary high water mark into and including the river itself. (Ord. 126, 6-5-2006)

#### 6-4-3: PROHIBITED ACTS AND CONDITIONS:

In the above delimited area it shall be unlawful to do the following:

- A. Damage, cut, carve, transplant, or remove, without a permit from the county planner, any tree, shrub, or plant or to strip any bark, pick any flowers, or collect any seeds from any such tree, shrub, or plant. Nor shall any person dig or disturb any natural habitat area or in any other way disturb, impair, or injure the natural habitat of the area.
- B. Deposit or discard any trash, rubbish, or refuse except in designated refuse containers. Persons shall not bring refuse from their homes or businesses to county recreation receptacles for disposal purposes, except as specifically designated sanitary disposal areas.
- C. Any person who possesses or uses any form of fireworks or explosives without obtaining prior written authorization from the board of county commissioners, shall be guilty of a misdemeanor.
- D. Use, carry, be in the possession of, or dispose of any beverage container made of glass.

If any paragraph, subparagraph, or portion of this section is subsequently deemed in any way contrary to law, inapplicable, or otherwise void, that portion will be severed from this section and in no way affect the remaining portions. (Ord. 126, 6-5-2006)

#### 6-4-4: ENFORCEMENT:

It is unlawful for any person to violate the provisions of this chapter. Violations shall be deemed a misdemeanor and, upon conviction thereof, the violator shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 126, 6-5-2006)

## CHAPTER 9

# CONDITIONAL USE PERMITS

### SECTION:

#### 9-9-1: General Provisions

#### 9-9-2: Application

#### 9-9-3: General Standards

#### 9-9-4: Public Sites And Open Spaces

#### 9-9-5: Supplemental Conditions And Safeguards

#### 9-9-6: Hearing; Notice

#### 9-9-7: Action By Commission

#### 9-9-8: Notification To Applicant

#### 9-9-9: Appeal To Board

#### 9-9-1: GENERAL PROVISIONS:

A. Individual Consideration: It is recognized that an increasing number of new kinds of uses are appearing daily and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually.

B. Hearing Required: The commission shall hold a public hearing on each conditional use permit application as specified in section 9-6-2 of this title. The commission may approve, conditionally approve or deny a conditional use permit under the conditions as herein specified and considering such additional safeguards as will uphold the intent of this title. (Ord. 15, 7-11-1977)

#### 9-9-2: APPLICATION:

An application for conditional use permit shall be filed with the administrator by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Description of existing use.
- D. Zoning district.
- E. Description of proposed special use.
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the commission may require to determine if the proposed conditional use meets the intent and requirements of this title.
- G. A narrative statement evaluating the effects or adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan. (Ord. 15, 7-11-1977)

**9-9-3: GENERAL STANDARDS:**

The commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Will, in fact, constitute a conditional use as established in section 9-6-2 of this title for the zoning district involved.
- B. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the comprehensive plan and/or this title.
- C. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odor.
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- I. Will not result in the destruction, loss, or damage of a natural scenic or historic feature of major importance. (Ord. 15, 7-11-1977)

**9-9-4: PUBLIC SITES AND OPEN SPACES:**

Shall conform to the following:

- A. Public Uses: Where it is determined that a proposed park, playground, school or other public use as shown on the future acquisition map, as authorized in Idaho Code section 67-6517, is located in whole or in part within a proposed development, the commission shall notify the appropriate public agency concerning the land proposed to be acquired. Within thirty (30) days of the date of notice, the public agency may request the governing body to suspend consideration of the permit for sixty (60) days; however, if an agreement is not reached within sixty (60) days, the commission shall resume consideration of the conditional use application.
- B. Natural Features: Existing natural features which add value to residential developments and enhance the attractiveness of the community (such historic spots and other similar irreplaceable assets) shall be preserved in the design of the development.
- C. Special Developments: In the case of planned unit developments and large scale developments, the commission may require sufficient park or open space facilities of acceptable size, location and site characteristics that may be suitable for the proposed development. (Ord. 15, 7-11-1977)

**9-9-5: SUPPLEMENTAL CONDITIONS AND SAFEGUARDS:**

In granting any conditional use, the commission may prescribe appropriate conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this title. (Ord. 15, 7-11-1977)

**9-9-6: HEARING; NOTICE:**

Notice shall also be provided to property owners within the land being considered, and within three hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission. When notice is required to two

hundred (200) or more property owners, in lieu of mailing notice, two (2) additional hearing notices shall be provided. (Ord. 52, 10-1-1987)

#### **9-9-7: ACTION BY COMMISSION:**

A. Commission Action: Within thirty (30) days after the public hearing, the commission shall either approve, conditionally approve, or disapprove the application as presented. If the application is approved or approved with modifications, the commission shall direct the administrator to issue a conditional use permit listing the specific conditions specified by the commission for approval.

B. Additional Conditions: Upon granting a conditional use permit, conditions may be attached to a conditional use permit including, but not limited to, those:

1. Minimizing adverse impact on other development;
2. Controlling the sequence and timing of development;
3. Controlling the duration of development;
4. Assuring that development is maintained properly;
5. Designating the exact location and nature of development;
6. Requiring the provision for on-site or off-site public facilities or services;
7. Requiring more restrictive standards than those generally required in an ordinance.

C. Studies; Precedent; Transferability: Prior to granting a conditional use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed conditional use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferrable from one parcel of land to another.

D. Specifications Of Action: Upon granting or denying an application, the commission shall specify:

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

E. Appeal: The applicant or any affected person who appeared in person or in writing before the commission may appeal the decision of the commission to the board, in writing, provided the appeal is submitted to the board within fifteen (15) days from the commission's action. (Ord. 15, 7-11-1977)

#### **9-9-8: NOTIFICATION TO APPLICANT:**

Within ten (10) days after a decision has been rendered, the administrator shall provide the applicant with written notice of the action on the request. (Ord. 15, 7-11-1977)

#### **9-9-9: APPEAL TO BOARD:**

Upon receipt of a written appeal from the action of the commission, the board shall set a hearing date to consider all information; testimony and commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the commission. The board shall only overrule the commission by a favorable two-thirds ( $\frac{2}{3}$ ) vote. (Ord. 15, 7-11-1977)

## CHAPTER 13

### SIGNS

#### SECTION:

#### 9-13-1: Intent

#### 9-13-2: Exclusions

#### 9-13-3: General Requirements

#### 9-13-4: Permitted Signs

#### 9-13-5: Violation

#### 9-13-1: INTENT:

The purpose of this chapter is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising signs. It is intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights of way. (Ord. 15, 7-11-1977)

#### 9-13-2: EXCLUSIONS:

For the purpose of this title, the term "sign" does not include signs erected and maintained pursuant to and in the discharge of any governmental function, or required by any law, ordinance or governmental regulation. (Ord. 15, 7-11-1977)

#### 9-13-3: GENERAL REQUIREMENTS:

The regulations contained in this section shall apply to all signs and all use districts.

- A. Illuminated Sign Or Lighting Device: In no event shall an illuminated sign or lighting device be placed or directed to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or constitute a traffic hazard or nuisance.
- B. Electrical Signs: All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any.
- C. Fire Escapes: No sign of any classification shall be installed, erected, or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape.
- D. Maintenance: All signs hung and erected shall be plainly marked with the name of the person responsible for maintaining the sign.
- E. Unsafe Or Dangerous: Should any sign be or become unsafe or in danger of falling, the owner thereof or the person maintaining the sign shall, upon receipt of written notice from the administrator, proceed at once to put such sign in a safe and secure condition or remove the sign.
- F. Public Right Of Way: No sign shall be placed in any public right of way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.
- G. Interstate, Primary Highways: Signs along the interstate and primary highways shall conform to the Idaho State Transportation Department regulations. (Ord. 15, 7-11-1977)

#### 9-13-4: PERMITTED SIGNS:

The following signs may be permitted: political signs, provided such signs shall not be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right of way nor shall any such sign be posted on a utility pole. All candidates for public office, their

campaign committees or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following the general election day. (Ord. 15, 7-11-1977)

**9-13-5: VIOLATION:**

A. Notice Of Violation: In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this title, the administrator shall notify in writing the owner or lessee thereof to alter such sign to comply with this title.

B. Political Signs: Political signs posted in violation of this title are subject to removal by the administrator five (5) days after written notice of violation. The cost of removal shall be born by the violator. (Ord. 15, 7-11-1977)



## CHAPTER 18

### SITE DISTURBANCE

#### SECTION:

9-18-1: Title

9-18-2: Authority

9-18-3: Purpose

9-18-4: Definitions

9-18-5: Applicability

9-18-6: Application And Information Requirements

9-18-7: Standards

9-18-8: Disturbance Restrictions

9-18-9: Guarantee Of Installation

9-18-10: Administration Of Chapter

9-18-11: Inspections

9-18-12: Maintenance

9-18-13: Prohibited Conduct, Enforcement, And Penalties

#### 9-18-1: TITLE:

This chapter shall be known as the *SITE DISTURBANCE ORDINANCE* of Shoshone County. (Ord. 129, 7-11-2006)

#### 9-18-2: AUTHORITY:

This chapter is authorized under the provisions of Idaho Code section 67-6518. (Ord. 129, 7-11-2006)

#### 9-18-3: PURPOSE:

The purpose of this chapter is to protect property, surface water, and groundwater against significant adverse effects from excavation, filling, clearing, unstable earthworks, soil erosion, sedimentation, and stormwater runoff and to provide reasonable safety and land protections in the development and design of building sites, roads, and other service amenities. By requiring certain surface water management techniques which rely upon natural on site treatment and recycling of stormwater in applicable areas and the collection and conveyance of untreated stormwater into groundwater sources or into surface bodies of water in applicable areas. The underlying purposes to be achieved by these regulations are the protection of groundwater quality through control of stormwater prior to infiltration and protection of surface water resources from the effects of contaminants, sedimentation, and erosion. (Ord. 129, 7-11-2006)

#### 9-18-4: DEFINITIONS:

**ADMINISTRATOR:** An official appointed by the board of commissioners to administer the provisions of this chapter.

**BEST MANAGEMENT PRACTICES (BMPs):** Physical, structural, and/or managerial practices that, when used singularly or in combination, prevent or reduce sedimentation pollution of water and erosion of soils.

**COMMUNITY STORMWATER SYSTEM:** A BMP or series of BMPs which serve(s) more than one parcel.



**CONVEYANCE:** A mechanism for transporting water from one point to another, including pipes, culverts, ditches, channels and grassy swales.

**CUT:** To excavate into a hillside to create a flat area or to steepen or flatten a bank.

**DESIGN PROFESSIONAL, EROSION, AND SEDIMENTATION CONTROL:** A professional engineer, landscape architect, architect, or geologist, registered for their respective profession by the state of Idaho or a certified professional in erosion and sediment control (CPESC) as determined by the Soil And Water Conservation Society and the International Erosion Control Association.

**DESIGN PROFESSIONAL, GRADING, DRAINAGE, OR STORMWATER MANAGEMENT:** A professional engineer, landscape architect, or geologist, registered for their respective profession by the state of Idaho.

**DETENTION:** The temporary storage of storm runoff, used to control the peak discharge rates and provide gravity settling of pollutants.

**DRIVEWAY:** For purposes of managing and treating stormwater, a driveway shall be a means of vehicular access from a public or private road to a point within an individual lot, which is less than two hundred feet (200') in length.

**EASEMENT DRAINAGE:** A legal encumbrance placed against a property's title for maintenance access or to reserve other specified privileges for the users and beneficiaries of the drainage facilities contained within the boundaries of the easement.

**EROSION:** The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

**EROSION AND SEDIMENTATION CONTROL:** Those best management practices (BMPs), which are employed to prevent or reduce erosion or sedimentation and are typically necessary when ground disturbance occurs. See definition of Best Management Practices (BMPs).

**EXCAVATE:** Any act by which earth, sand, gravel, rock or other earthen material is cut into, dug, uncovered, displaced, or relocated.

**FILL:** A solid material which increases the ground's surface elevation or the act of depositing such material by mechanical means.

**FLOOD CONTROL STRUCTURE:** A manmade feature designed or constructed to reduce damage caused by flood events, including, but not limited to, a dam, dike, channel, levee, or similar device.

**GRADING:** Any excavation, filling, or movement of earth for the purposes of changing the shape or topography of the land.

**GROUNDWATER:** Water in a structured zone or stratum beneath the land surface or a surface water body.

**GUARANTEE OF FINANCIAL SURETY:** A surety bond, cash deposit, or escrow account, irrevocable letter of credit, or other means acceptable to Shoshone County to guarantee that infrastructure or improvements are completed in compliance with the project's approval plans.

**HIGH RISK SOIL TYPES:** Soil classifications according to the 2002 USDA/NRCS soil survey of the St. Joe area, parts of Benewah and Shoshone Counties, Idaho, which are deemed severe hazard for water erosion; and moderate risk soils that become high risk once disturbed.

**HIGH WATER MARK:** The point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic.

**IMPERVIOUS SURFACE:** Any hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel compacted native surface roads, compacted earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

**LARGE ORGANIC DEBRIS:** As defined by Idaho forest practices act.

**LOW RISK SOIL TYPES:** Soil classifications according to the 2002 USDA/NRCS soil survey of the St. Joe area, parts of Benewah and Shoshone Counties, Idaho, which are deemed slight hazard for water erosion.

**MODERATE RISK SOIL TYPES:** Soil classifications according to the 2002 USDA/NRCS soil survey of the St. Joe area, parts of Benewah and Shoshone Counties, Idaho, which are deemed moderate hazard for water erosion.

**NATURALLY OCCURRING DRAINING SWALE:** Natural drainage conveyances that provide for the discharge of stormwater to class 1 or class 2 streams, but have bed and banks which are vegetatively covered and stable.

**PERVIOUS SURFACE:** Any surface area which allows the entry of water into the soil mantle.

**PRIVATE ROAD:** A means of vehicular access, which does not meet the definition of "driveway" and is not maintained by a public highway agency.

**PUBLIC HIGHWAY AGENCY:** The Idaho transportation department, Shoshone County public works department, or other political subdivision of the state with jurisdiction over public highways, public streets, and public rights of way.

**PUBLIC ROAD:** Public highway or street, which has been accepted for maintenance by a public highway agency.

**RETENTION:** The holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

**REVIEWING AUTHORITY:** Shoshone County building official, planning administrator, public works director and floodplain administrator.

**SCARIFY:** To break up or loosen the ground surface of an area.

**SEDIMENT:** Fragmented material that originates from weathering and erosion of rocks or unconsolidated deposits and is transported by, suspended in, or deposited by water.

**SEDIMENTATION:** The deposition of sediment on ground surfaces and in watercourses.

**SITE:** The parcel of land in which grading or excavation activity is conducted. A road of right shall be considered a separate site from adjacent properties.

**SPOIL PILE:** Soil and/or rock excavated from an area which will not be used for backfill or final grading on site.

**STABILIZED CONSTRUCTION ENTRANCE:** A stabilized pad of clean, crushed rock located where traffic enters or leaves a construction site onto a public or private road. The pad shall be a minimum of six inches (6") thick, with a minimum rock size of two (2) to three inches (3"), and a length sufficient to minimize off site tracking.

**STORMWATER:** The portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels, swales or pipes into a defined surface water channel, or a constructed infiltration facility.

**STORMWATER CONTROL:** Those best management practices (BMPs), which are employed to convey, direct, or dissipate stormwater and are typically necessary when impervious area is created or the natural drainage is interrupted. See definition of Best Management Practices (BMPs).

**STREAM:** A water source of perceptible extent, which confines and conducts continuously or intermittently flowing water. This definition is intended to include streams in natural or manmade channels.

**STREAM, CLASS 1:** "Class 1 stream" is as defined by Idaho law.

**STREAM, CLASS 2:** "Class 2 stream" is as defined by Idaho law.

**TREATMENT:** Removal of sediment or other pollutants of stormwater.

**UNDISTURBED NATURAL VEGETATION BUFFER:** An area where no development activity has occurred or will occur, including, but not limited to, logging, construction of utility trenches, roads, structures, or surface and stormwater facilities. Buffer areas shall be left in their natural state. (Ord. 129, 7-11-2006)

#### **9-18-5: APPLICABILITY:**

All areas within the unincorporated portions of Shoshone County require a permit application. Performance standards are to be met by all activities in all soil types except where exempt in subsection B of this section.

A. Permit Required: A site disturbance permit shall be required only for sites when the following activities are undertaken in addition to any permit required by other agencies:

1. Construction of all new temporary or permanent driveways, private roads, or infrastructure that involves the movement of earth.
2. Conversion of roads from private use to public use.
3. Excavation for the construction of any structures that involves the movement of earth.
4. Creation of a new commercial or industrial access or parking lot, and conversion or paving of an existing access or parking lot for commercial or industrial development.

B. Exemptions: The following activities are exempt from the permit requirements of this chapter:

1. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay when approved for operation under applicable federal, state, and local regulations.
2. Bona fide agricultural uses and practices.
3. Logging roads under jurisdiction of the Idaho forest practices act.
4. Opening and closing of cemetery graves.
5. Emergency activities where there exists immediate danger to life or property, substantial for hazards or other public safety hazards as determined by the county or during the period covered by an emergency declaration by the county or state.
6. Refuse disposal or landfill operation authorized by permit from the appropriate federal, state, and local agencies.
7. Construction and/or maintenance of public roads under county jurisdiction, except the county is required to follow BMPs.
8. Private roads or driveway maintenance where work is limited to the travelway, no cut or fill slopes are created, and no new drainage features are created.
9. Excavation of test holes for soil testing activities, provided, that no access road will be created for test hole excavation.
10. Public projects in subject of jurisdiction of state or federal agencies.
11. Superfund remediation sites. (Ord. 129, 7-11-2006)

#### **9-18-6: APPLICATION AND INFORMATION REQUIREMENTS:**

A. Applications: All applications for a site disturbance permit shall be submitted to the county on a form provided by the county. At a minimum, the following information shall be required:

1. Property owner's name, and applicant's name if different from the owner.
2. Contractor's name and state contractor license number.
3. Legal description of property including parcel number.
4. A written description of the work to be done, including an estimate of the number of cubic yards of earth to be moved and the intended purpose.

5. A site plan including property boundaries, north arrow, adjacent roads, and location of purposed work, distances to property lines and prominent features of land.

B. Improvement Plans: The required elements of the site disturbance plans shall be outlined in the county's BMP management guidelines, adopted pursuant to this chapter.

1. Plans prepared by a design professional shall be required in the following circumstances:

a. High risk soil types when more than twenty five percent (25%) of the disturbed area lies on slopes greater than fifteen percent (15%).

2. The reviewing authorities may waive the submission of plans for minor improvements if the standards of this chapter can be met by existing site conditions.

C. Interagency Coordination: The reviewing authority may request comment from affected agencies where appropriate. Where coordinated permits are necessary, signoffs from permitting agencies or copies of other permits may be required. Permit authorities may include, but are not limited to:

1. Public highway agencies for work within public rights of way, including approach permits.

2. Army corps of engineers.

3. Idaho department of water resources for work within stream channels. (Ord. 129, 7-11-2006)

## **9-18-7: STANDARDS:**

A. Grading:

1. Low Risk Soil Types: The slope of the cut and fill surfaces shall be no steeper than is safe for the intended use.

2. Moderate Risk Soil Types: The slope of the cut and fill surfaces shall be no steeper than is safe for the intended use.

3. High Risk Soil Types: The slope of the cut and fill surfaces shall be no steeper than is safe for the intended use. High risk soil types on slopes greater than fifteen percent (15%) require plans designed by a design professional and monitored by the design professional during implementation.

B. Erosion And Sedimentation Control:

1. Erosion and sedimentation control plans for all sites must be sufficient to prevent sediment from leaving the site.

2. Stabilized construction entrances and driveways shall be required for all construction sites to minimize sediment tracking onto roadways.

3. The erosion and sedimentation control plans must be installed or otherwise in effect, as indicated in the approved plan, prior to any site disturbance.

4. All surfaces where bare soil is exposed during clearing and grading operations, including spoil piles, shall be covered or otherwise protected from erosion as needed.

5. The property owner, contractor, and design professional shall be responsible for the design and construction of revised temporary erosion and sedimentation control if the application of the approved plan fails. The applicant shall immediately notify the county reviewing authority of alterations to plans.

6. All of the disturbed area shall be revegetated to the greatest extent possible and as soon as possible. Roadbed surfaces are to be constructed to prevent surface erosion.

C. Stormwater Detention And Conveyance:

1. Stormwater conveyance mechanisms must be sized to convey runoff from a 50-year storm event without causing flooding or other damage to public or private property, the stormwater management system, or other improvements.



2. Culvert size within public right of way shall be determined by the public highway agency with jurisdiction. All other culvert sizing shall be done by an appropriate design professional and shall be subject to review by the reviewing authority.

3. Stormwater systems shall provide for sufficient storage volume and detention time to result in no increase in the peak rate of runoff from the site for a 25-year storm. Runoff from impervious and pervious surfaces shall be considered in meeting this requirement.

D. Stormwater Management: Management of stormwater runoff from all impervious surfaces shall be required prior to discharge of the stormwater overland or to surface waters.

1. Subdivisions: Stormwater management plans will be developed for subdivisions utilizing calculations that include that runoff from the future developed portions of each lot. Stormwater shall be managed by a combination of stormwater treatment and erosion control BMPs.

2. Commercial Or Industrial Development: Stormwater shall be managed utilizing a combination of stormwater treatment and erosion control BMPs.

3. Development Of Public And Private Roads: Stormwater shall be managed utilizing a combination of stormwater treatment and erosion control BMPs.

4. Residential Development On Individual Lots:

a. For all lots of record, as defined by the Shoshone County zoning ordinance, stormwater shall be managed utilizing a combination of stormwater treatment and erosion control BMPs.

b. For replacement, additions or alterations to existing site improvements where no stormwater system has previously been required, stormwater shall be managed to produce no net increase in the stormwater export from the site's previously existing conditions. For additions or alterations to existing improvements on a site with a previously approved and implemented stormwater system, the stormwater treatment level shall be based on the total impervious area on the site as outlined in subsection D4a of this section.

The development of the BMPs list and required range of effectiveness is not intended to limit the use of new or innovative control procedures that may be developed through the creativity of the owners or design professional preparing the stormwater management plan. New approaches and procedures will be considered and approved with the submittal of the appropriate support information that confirms the effectiveness of the proposed new treatment method, its use related to site constraints, and the maintenance burden it will produce if adopted and utilized. (Ord. 129, 7-11-2006)

#### **9-18-8: DISTURBANCE RESTRICTIONS:**

A. Stream Protection Zones: During and after construction operations, streambeds and streamside vegetation shall be protected to leave them in the most natural condition possible to maintain water quality and aquatic habitat.

1. Protection Zone Dimensions:

a. Class 1 stream protection zone: The area encompassed by a slope distance of seventy five feet (75') on each side of the high water marks.

b. Class 2 stream protection zone: The area encompassed by a minimum slope distance of thirty feet (30') on each side of the high water marks of a class 2 stream.

c. Naturally occurring drainage swale protection zone: The area encompassed by a minimum slope distance of five feet (5') on each side of the top of a naturally occurring drainage swale. In no case shall this protection zone have a total width greater than thirty feet (30').

d. For roads legally created prior to the effective date hereof, the width of any protection zone may be reduced to be no greater than forty percent (40%) of the dimension of the lot perpendicular to the stream or water body.

2. Protection Zone Regulations:

a. No mechanical ground disturbance shall be permitted within the protection zone except at identified and permitted crossings by the appropriate agencies. The extent of such disturbance shall be clearly indicated in the approval plans.

b. Large organic debris (LOD), shading, wildlife cover, and water filtering effects of vegetation shall be maintained along streams as outlined in the Idaho forest practices act.

B. Flood Zones: Grading activity, which may result in damage to a flood control structure, shall not be permitted by this chapter. All work within floodways and other areas of special flood hazard, as identified on the FEMA flood insurance maps, shall be in conformance with the Shoshone County flood damage prevention ordinance, and approved by the Shoshone County floodplain administrator. (Ord. 129, 7-11-2006)

#### **9-18-9: GUARANTEE OF INSTALLATION:**

No final plat of a major subdivision as defined in title 10 of this code shall be recorded until the stormwater management facilities are in place and functioning as designed or until a guarantee of financial surety is provided to and accepted by the county. No certificate of occupancy will be issued until the stormwater management system has been installed and is functioning as designed. If, in the judgment of the reviewing authorities, project occupancy can be achieved without harm to the environment or potential occupants, occupancy may proceed upon receipt of an acceptable guarantee of financial surety to complete installation when weather conditions or other variables allow. In no case shall such guarantee be allowed if the incomplete improvements would result in increased erosion, sedimentation, or other damage to the development, public improvements, subsurface or surface waters, or the proposed stormwater management system.

At any time, the county is authorized to stop work on the installation of subdivision improvements, to embargo further issuance of building permits in a development, to stop work on any individual building or development of any individual building site, or to otherwise take steps necessary to protect the waters of the county from damage as a result of development. (Ord. 129, 7-11-2006)

#### **9-18-10: ADMINISTRATION OF CHAPTER:**

A. General: This chapter shall be administered in a manner consistent with other ordinances of Shoshone County by an administrator as approved by the board of county commissioners. Shoshone County may, by resolution, adopt design standards, plan criteria, best management practices, administrative procedures, fee schedules, etc., intended to implement the requirements and standards set forth in this chapter. Changes in the supporting documents may be accomplished by subsequently adopted resolution.

B. Duration Of Permit: Permits shall expire if the work authorized by the permit is not started within one year of issuance of the permit, or if work is suspended or abandoned at any time after the work has started for a period of one hundred eighty (180) days. The reviewing authorities may grant a onetime extension for an additional one hundred eighty (180) days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented work authorized by the permit. The reviewing authorities may set specific time limits to the permit for project initiation and completion for environmental reasons or for coordination with other permitted site work.

C. Appeals: The Shoshone County planning and zoning commission shall hear all appeals at public hearing. Any person aggrieved may make appeals concerning interpretation of administration of this chapter. Such appeals shall be filed within fifteen (15) days of the action being appealed. A notice of appeal specifying the grounds of the appeal shall be filed with the administrator. The administrator shall transmit to the planning and zoning commission all papers constituting the record upon which the action appealed was taken. The administrator shall schedule the item for the next planning and zoning hearing to be commenced within thirty (30) days of filing the notice of appeal and shall give legal public notice, as well as due notice to the parties in interest. The planning and zoning commission shall decide the matter within thirty (30) days of completion of the appeal hearing.

The decision of the planning and zoning commission may be appealed to the board of county commissioners, provided that a notice of appeal is submitted in writing to the board of county commissioners within fifteen (15) days of the planning and zoning commission decision. The board of county commissioners shall also decide the matter within sixty (60) days.

D. Permit Fee: Application for site disturbance activities requiring a permit in accordance with section 9-18-5 of this chapter shall be submitted to the administrator with a fee as set forth on the fee schedule as adopted

from time to time by resolution of the board of county commissioners. (Ord. 129, 7-11-2006)

### **9-18-11: INSPECTIONS:**

A. General: All development sites governed by these regulations shall be subject to inspections by the county. An approved set of plans and permit must be available for review on site whenever work is in progress. It shall be the permittee's responsibility to keep the county notified of the progress of the project.

B. High Risk Soil Types: At a minimum, two (2) inspections shall be required for high risk sites: 1) after erosion and sedimentation controls have been installed, prior to ground disturbance, and 2) after the project has been completed, including revegetation. For sites which are active during the winter, two (2) additional inspections may be required: 1) after the site has been prepared for the winter, and 2) sometime in the spring to ensure that the erosion and sedimentation control measures are adequate and maintained. The permittee's design professional if required shall perform the inspections and submit inspection reports to the county. (Ord. 129, 7-11-2006)

### **9-18-12: MAINTENANCE:**

Maintenance requirements shall be the responsibility of the landowner.

In the event that appropriate maintenance of any stormwater system is not conducted, the county shall have the option of requiring the property owner or association to provide for maintenance, or take other enforcement measures as outlined in section 9-18-13 of this chapter. (Ord. 129, 7-11-2006)

### **9-18-13: PROHIBITED CONDUCT, ENFORCEMENT, AND PENALTIES:**

The following actions shall be considered violations of this chapter:

- A. Failure to obtain a permit prior to the start of activity;
- B. Failure to call for inspections as required by this chapter;
- C. Once activity has begun, failure to complete the activity and install the necessary erosion and sedimentation control, stormwater management, and slope stabilization measures, in a timely manner;
- D. Failure to maintain temporary and permanent erosion and sedimentation control measures, the stormwater management system, or slope stabilization measures;
- E. Conduct work on site which exceeds the scope of work outlined in the approved plans;
- F. Damage or otherwise impede the function of stormwater system;
- G. Export sediment from a site in manner not authorized by this chapter;
- H. Continue work at a site after a stop work order has been placed;
- I. Discharge stormwater in manner not authorized by this chapter.

If any of the above violations have occurred, the reviewing authorities may revoke the permit or order the work stopped by notice, in writing, served on any persons engaged in doing or causing such work to be done. Such person shall stop all site work until authorized by the reviewing authorities to proceed. The reviewing authorities may also withhold further issuance of permits. Stop work orders may be appealed in the same manner as other appeals.

Violations of this chapter may be considered a criminal misdemeanor and shall be punishable by a maximum fine of three hundred dollars (\$300.00) or six (6) months in jail, or both. Each day of violations shall constitute a separate offense. The county may also take civil action to compel performance and completion of, or maintenance of, improvements installed pursuant to this chapter. (Ord. 129, 7-11-2006)