

CHAPTER 21A
SCENIC HIGHWAY OVERLAY DISTRICT (SHO)

SECTION:

9-21A-1: Intent And Purposes

9-21A-2: Establishment

9-21A-3: Categorical Exclusions, Standards And Procedures

9-21A-4: Site Alteration Permit Standards And Procedures

9-21A-1: INTENT AND PURPOSES:

A. This chapter is intended to provide measures to protect visual resources and allied economic interests associated with scenic corridor 1 (SC1), as defined in chapter 2 of this title, in addition to those measures found in chapter 21 of this title, and to assist in providing for safety of passage on Idaho State Highway 75. Prior to the addition of this chapter, Blaine County has been regulating development within one hundred feet (100') of Highway 75. It is important that current owners and potential purchasers of property that includes land within the Scenic Highway Overlay District recognize the significance of the public policy and land use interests reflected in this chapter, and the additional requirements under this Code applicable to that land. Unless a categorical exclusion applies, construction of freestanding walls, earthen berms, fences and sight obscuring screens of trees within the Scenic Highway Overlay District require a site alteration permit, which is a type of special use permit authorized by Idaho Code section 67-6512.

B. Among the references to visual resources in the Blaine County Comprehensive Plan, the following are particularly illustrative of the role of land use planning in protecting these values:

The word aesthetic is used in this section to define the perception or awareness of one's environment. It pertains to the sensations of sight, sound, taste, smell and touch. The importance placed on aesthetics varies according to individual attitude and sensitivity. There is, however, a longstanding consensus, among experts as well as laymen, that visual scenic quality, clean air, high water quality, absence of noise pollution, and other aspects of the natural environment represent invaluable County resources.

Preservation of these resources is of vital importance to the residents of the County as well as to the recreational economy.

The use of berms as a landscaping device to protect the visual aspects of the scenic corridor, or for the benefit of private property owners, has led to unanticipated negative effects. High berms, in a continuous line, with tall trees, lead to ice formation on highways and streets in winter and to impairment of the views from roads. To protect against these problems, ordinances shall be drawn requiring design review for landscaping in scenic corridors. Such ordinances shall consider heights, spacing, setbacks, and plantings of berms and the visual effect on view corridors.

The building of fences, walls and earthen structures and the planting of trees have impacts in addition to obscuring views. Accordingly, the following are the purposes to be achieved by regulation of such structures:

- Preserve natural and natural like views from Highway 75.
- Allow reasonable separation of homes from Highway 75

- 45 .
- 46 • Avoid unnatural levels of drainage onto public roads and adjacent lands.
- 47 • Avoid decrease in highway safety from shading of the highway and resultant icing of
- 48 the pavement.
- 49 • Avoid decrease in highway safety by preserving sightlines and distant visibility for
- 50 travel ²
- 51 .
- 52 • Avoid excess water usage for irrigation of landscaping of earthen structures in
- 53 accordance with the County's local public interest water resources policy.
- 54 • Control noxious weeds and erosion on disturbed soil. (Ord. 2018-03, 2-13-2018; Ord.
- 55 2010-09, 11-9-2010; Ord. 99-5, 10-12-1999)

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57 Notes

- 1 1. It should be recognized by landowners that mitigating the sound from Highway 75 is not practical. Vegetation has little effect for filtering traffic noise. In order for a structure to provide a noticeable reduction in traffic noise, a 10 decibel average (dBA) reduction is needed. For a barrier to have any effect, it must be relatively close to the home it is intended to protect. Otherwise, the sound waves will simply "bend" over the structure and continue to reach the home. A structure blocking the sound source at line of sight will result in a 5 dBA volume reduction. Each additional meter of height of the structure will contribute only an additional 1.5 dBA reduction in volume. Volpe Transportation Center.
- 2 2. The ability to see oncoming traffic & wildlife, particularly on inside corners and to and from roads and driveways entering the highway, is affected by sight obscuring structures.

58

59 9-21A-2: ESTABLISHMENT:

60 A. District Established: The Scenic Highway Overlay District is hereby established.

61 1. Application Of Regulations: The regulations of this overlay district, which will not be
62 designated on the official zoning map, shall apply within the County to all lands within one
63 hundred feet (100') of the right-of-way of Idaho State Highway 75 on both sides of said
64 State Highway 75 north of the east to west intersection with State Highway 20, excluding
65 lands within the jurisdiction of an incorporated City. (Ord. 99-5, 10-12-1999)

66

67 9-21A-3: CATEGORICAL EXCLUSIONS, STANDARDS AND PROCEDURES:

68 A. General Exclusions: Unless the intent of the landowner or his/her authorized agent is
69 to circumvent the purposes of the Scenic Highway Overlay District regulations, the
70 requirements of this chapter shall not apply to the following, provided the landowner or
71 agent, before commencing construction of ~~freestanding walls~~, earthen berms, fences and
72 sight obscuring screens of trees, first obtains a written decision from the Administrator, in
73 consultation with the County Engineer or his/her designated representative, and the Idaho

74 **Fish and Game Department**, that the construction falls within and meets one of the
75 following categorical exclusions. The fact that construction does fall within a categorical
76 exclusion does not remove such construction from the Scenic Highway Overlay District.

77 1. Agricultural fences on lands within the R-5, A-20, A-40, R-10 and RR-40 Districts
78 which are customarily and directly related to agricultural purposes.

79 2. Berms, fencing and landscape improvements that are required as part of a valid
80 conditional use permit, variance or subdivision approved prior to the effective date hereof
81 provided the improvements are consistent with the previously approved plan.

82 3. **Freestanding walls, Earthen berms, fences and sight obscuring screens of trees** that
83 meet the following design standards:

84 a. Fences shall be of a post and pole design with a maximum top rail height of forty
85 two inches (42") and with the bottom rail at least sixteen inches (16") off of the ground as
86 measured from natural grade. Fences shall not be located on any portion of a berm or
87 within five feet (5') of the toe of any berm. The openings in fences shall not be blocked with
88 wire fencing or in any other manner 1 . Fences shall comply with the provisions of section
89 9-29B-2 of this title.

90 On lots which have a residence within one hundred feet (100') of Highway 75, sight
91 obscuring fences of wood construction no higher than five feet (5') as measured from
92 natural grade may be constructed. On such lots, post and pole design fences may be
93 blocked. Fences on such lots must also be set back at least five feet (5') distant from the toe
94 of any berm 2 .

95 b. The toe of earthen berms shall be located no closer than five feet (5') from the
96 property line nearest to the Highway 75 right- of-way within the Scenic Highway Overlay
97 District 1 . This setback is to be increased in accordance with subsection A3c of this section
98 where the natural grade is higher than the centerline of Highway 75.

99 c. Within the first twenty feet (20') of depth of the lot or parcel as measured from the
100 property line nearest the Highway 75 right of way, the slope of earthen berms shall be no
101 greater than three to one (3:1) (run:rise) on the side facing Highway 75. On lots which have
102 a residence within one hundred feet (100') of Highway 75, earthen berms may have a slope
103 no greater than two to one (2:1) (run:rise) within the first twenty feet (20') of the depth of
104 the lot or parcel 2 .

105 The peak of earthen berms **and the top of freestanding walls** shall not exceed the following
106 maximum heights 3 :

107		
108	Setback Distance	Maximum Height
109	From property line to 5 feet	Natural grade
110	5 feet to 20 feet	4 feet
111	From 20 feet to 75 feet	5 feet
112	Greater than 75 feet	6 feet

113
114 The height measurements shall be taken from the centerline of the highway at the point
115 closest to the berm. The distance measurements shall be taken from the peak of the berm
116 to the Highway 75 right of way at the point closest to the berm.

117 Where the natural grade is higher than the centerline of Highway 75, berms, ~~walls, and~~ freestanding
118 ~~walls, and~~ fences must be set back an additional three feet (3') for every one foot (1') in
119 height the natural grade is higher than the centerline of Highway 75, and this additional
120 setback shall be added to the distance measurement for calculation of the maximum height
121 designated 1 . Landowners are encouraged to build berms that undulate in height and
122 distance from the right of way in order to provide a less monotonous, more pleasing
123 appearance.

124 d. No additional structures, including fences, shall be placed on top of ~~walls~~ or above
125 the toe of earthen berm structures to which the restrictions in this chapter apply 2 .

126 e. Vegetation on earthen berms, other than trees and shrubs for which standards are
127 provided in subsection A3f of this section, shall be limited to native or native compatible
128 drought tolerant grasses, wildflowers and ground cover. Disturbed areas shall be
129 landscaped or revegetated immediately after completion of the site alteration activities, but
130 no later than the end of the first construction season during which the site alteration
131 commences. Earthen structures shall be covered with a depth of topsoil adequate to sustain
132 vegetation, and shall be planted with native or native compatible drought tolerant grasses,
133 wildflowers or ground cover in a weed free environment prior to the end of the fall season
134 in the year in which construction of the earthen structure was commenced. The required
135 topsoil is to be included in the height of the berm for the purpose of determining
136 compliance with maximum height limitations. Earthen structures shall be maintained weed
137 free in all phases of construction and after revegetation 3 . Components of the revegetation
138 plan shall include techniques that will be used to ensure the establishment of the proposed
139 vegetation within a period of three (3) years.

140 f. Trees and shrubs may only be planted within the lowest two (2) vertical feet of
141 earthen berms. ~~Aspen trees shall not be planted within the SHO. This specie of tree is~~
142 ~~rhizominous in nature and eventually spreads to cover more than the 30% cover limit.~~ The
143 limitations in this subsection A3f shall apply to all trees and shrubs planted within the
144 district with the exception of naturally growing trees and shrubs along the banks of surface
145 bodies of water. No more than thirty percent (30%) of the width of the lot measured
146 parallel to Highway 75 shall be occupied by trees and shrubs, and no more than twenty five
147 percent (25%) of such trees and shrubs shall be conifers. In order to avoid shading and
148 icing of Highway 75 when they have matured, clusters and screens of trees and shrubs shall
149 be planted at least ten feet (10') from the property line nearest to the Highway 75 right-of-
150 way, and no conifers may be planted within the first fifty feet (50') from the property line
151 nearest to the Highway 75 right-of-way 1 .

152 g. Earthen structures shall be designed and constructed so that no more than natural
153 runoff of water and sediment leaves the property of the applicant.

154 h. Applicants are encouraged to consult with the Idaho Department of Transportation
155 to determine what State standards may apply. Applicants must also comply with the safety
156 standards in section 9-29B-2 of this title.

157 4. Modifications to any conforming or nonconforming existing berm, fencing, wall, or
158 landscaping, within the Timberway to Big Wood Bridge project area, as designated on
159 exhibit A attached to the ordinance codified herein: Timberway to Big Wood Bridge-SHO,
160 as of the passage date hereof, as consistent with an approved Timberway to Big Wood

161 Bridge - scenic highway overlay State- County transportation improvement plan, which
162 shall not:

163 a. Exceed the elevation of the existing berm, or fence, ~~or wall~~, as identified on the
164 improvement plan; or

165 b. Add any retaining wall taller than forty eight inches (48") in height, as measured
166 from base of footing to top of wall.

167 Any existing berm, or fence, ~~or wall~~ deemed conforming before the passage date hereof
168 shall not be required to obtain an SHO site alteration permit unless new modification or
169 construction is proposed.

170 B. Review Of Categorical Exclusions: The Administrator or his/her designated
171 representative, in consultation with the County Engineer or his/her designated
172 representative, shall review all written requests for determinations of categorical
173 exclusions under subsection A of this section, and promulgate appropriate forms to be used
174 for such requests. The applicant shall have the burden of demonstrating that the proposed
175 site alteration falls within and meets the requirements of a categorical exclusion. In
176 addition to completing the application form and providing a drawing or plan and such
177 other information required for evaluation by the Administrator, photographs of the site
178 before and after construction (upon confirmation of compliance with categorical exclusion
179 standards) of fences, ~~walls~~, berms and planting of vegetation regulated by this chapter shall
180 be provided to the Administrator by the applicant. The Administrator shall issue a written
181 decision within five (5) business days of receipt of an application for determination of
182 categorical exclusion. The Administrator, prior to issuance of its decision, may request
183 additional information from the applicant, including, without limitation, technical review
184 from the County Engineer, and the failure to provide such requested information within
185 sixty (60) days of request shall be grounds for denial of the request for determination of
186 categorical exclusion. The five (5) business day time period for issuance of the
187 Administrator's decision shall begin to run anew following the date of the Administrator's
188 receipt of additional information from the applicant. Such period shall be tolled during any
189 periods that the Administrator does not have reasonably safe access to the site of the
190 proposed construction. Any person aggrieved by the written decision of the Administrator
191 may seek review of the Administrator's decision before the Board according to the
192 procedures and time requirements of this section.

193 C. Review By The Board: Any person aggrieved by a decision of the Administrator made
194 in interpreting or enforcing this chapter may request review by the Board of such a
195 decision by filing a request for review with the Board within twenty (20) calendar days of
196 the date of such decision, stating the date and nature of the decision and the grounds for
197 the review. The person seeking review shall lodge all legal and factual material in support
198 of the request for review with the administrator within twenty (20) calendar days of the
199 date of the administrator's decision being reviewed. If any of such lodged material had not
200 been submitted to the administrator prior to the administrator's decision, the board may
201 remand the matter to the administrator for reconsideration in light of the new material.

202 D. Hearing By The Board: The board shall hold a hearing on a request for review of a
203 decision of the administrator under this chapter during the next available date after the
204 person requesting review has complied with the requirements of this section. Review of
205 the administrator's decision under this chapter shall be de novo, or a new hearing allowing

206 and requiring presentation of all legal and factual material to be considered as if it were
207 being presented for the first time. The original application and the administrator's decision
208 shall be considered, and the administrator may submit a report and testify at the de novo
209 hearing before the board. Otherwise, prior submissions and testimony shall not be
210 required.

211 E. Decision By The Board: The board shall, within fourteen (14) calendar days after the
212 hearing, enter a written order affirming, reversing or modifying the administrator's
213 decision. The order shall also contain the reasons for the board's decision. On its own
214 motion, the board may, within seven (7) calendar days of issuing a written decision,
215 reconsider that decision.

216 F. Exception To Written Decision Requirement: Notwithstanding any provision of this
217 title to the contrary, a written decision of the administrator shall not be required prior to
218 commencing construction that falls within and meets the agricultural categorical exclusion
219 stated in subsection A1 of this section. (Ord. 2010-09, 11-9-2010; Ord. 2006-08, 6-29-2006;
220 Ord. 99-5, 10-12-1999)

221

222 Notes

- 1 1. This fence design and spacing is intended to allow movement of wildlife across the highway. Deer, antelope and elk often move across Highway 75 to reach water supply in the Big Wood River. Fencing cannot only obstruct wildlife movement across the highway, it may also trap wildlife in the highway corridor. The setback of fences from berms is to allow deer to jump fences and not have to land on the uphill side of berms. As long as the setback from berms is provided, this post and pole fence design may be placed on the property line or elsewhere on the lot or parcel.
- 2 2. It is understood that some lots are too small to allow reasonable use of the lot and also fully comply with the 100 foot setback restriction on residences in section 9-3-10 of this title. For such lots, solid fences are being allowed by this chapter to allow owners of such lots greater safety for pets and children.
- 1 1. The "buffer" provided by the setback for berms is intended to allow runoff from the berm to collect on the property of the berm owner, and to provide a margin of error to avoid encroachment across property lines.
- 2 2. The steepness of berms is not regulated beyond the first 20 feet of the depth of a lot or parcel as measured from the Highway 75 right of way. Applicants are encouraged to create a slope of no steeper than 3:1 (run:rise) facing Highway 75. A 2:1 slope may be necessary to allow the use of a berm if the lot does not have much depth away from the highway, and that is allowed for lots which must place the residence within 100 feet of the Highway 75 right of way. A 2:1 slope is practically the steepest that a berm can be and still retain vegetation and allow for mowing of grass. Applicants are also encouraged to vary the slope of berms to provide a less artificial and more pleasing visual experience to drivers on the highway. The slope of the berm opposite the highway is not regulated. The landowner may utilize a retaining wall on the house side of the berm in order to reduce the land area occupied by the berm, **but shall not**

exceed the height of the berm so as to be visible from the highway. Retaining walls that provide support for earthen berms must obtain a building permit under the building code.

- 3 3. The maximum height increases as the distance between the peak and the highway increases. This design is based upon the experience that, the further back a berm is from the highway, the higher it can be without blocking the view.

The height limitations are maxima. Berms cannot exceed these heights at the given distances, but they are not required to achieve these heights. Landowners are encouraged to build berms that undulate in height, and also undulate in distance from the property line. If the height of the berm varies over the width of the lot along the highway, the berm will be more pleasing visually than will be a berm which has the same height for its entire length. Likewise, a berm whose toe and peak move back and forth, closer to and further away from the property line nearest to the highway, will be more visually pleasing than a straight berm. Applicants are encouraged to design and construct earthen structures to vary in height, in distance from the highway, and in slope facing Highway 75 in order to present an attractive and interesting presence and avoid a monotonous and tedious visual experience.

- 1 1. Where a bank is already higher than the highway, adding a ~~wall~~, fence or berm would block views from the highway in spite of the height limitations in this chapter. The additional setback of the toe of the berm (as a function of the height of the land above the highway) adjusts the maximum heights in order to continue to preserve views.
- 2 2. No structures may be placed on berms above the toe of that berm. The height of the structure added to the height of the berm would defeat the effectiveness of the height limitation and allow views to be blocked. This restriction also addresses potential obstructions to passage of wildlife over berms.
- 3 3. Applicants are encouraged to consult personnel of the County weed abatement program for information and assistance or the University of Idaho cooperative extension service.
- 1 1. As a practical matter, screens of trees can mature much higher than berms, and can block views more effectively than berms. Because the limbs of conifers extend as they grow and mature, over time they can increase their coverage of the lot blocking more view than when originally planted. Conifers also provide shading of the highway during the winter potentially contributing to buildup of ice on the highway. Shrubs can grow to be as high as trees. The restrictions on trees and shrubs are intended to balance the ability of the landowner to beautify his or her property and add to separation of the living space from the highway against the public's interest in views and the safety of the highway.

223

224 9-21A-4: SITE ALTERATION PERMIT STANDARDS AND PROCEDURES:

225 A. Form Of Application: Application for a site alteration permit in the scenic highway
226 district shall be made on a form furnished by the administrator. All site alteration permit
227 applications shall include the plans for all proposed ~~freestanding walls~~, fences, earthen
228 structures and associated vegetation within the scenic highway district. Upon receipt of the

229 completed form, together with the information listed below, and following an on site
230 inspection by the administrator, the completed application shall be placed on the agenda of
231 the next available regular hearing of the hearing examiner or planning and zoning
232 commission, as designated by resolution, and shall meet the requirements for notification
233 in section 9-25-4 of this title.

234 B. Application And Submittal Requirements; Fees: An application for a site alteration
235 permit shall be filed with the administrator by at least one holder of an interest in the
236 property, or their agent, accompanied by the fee established by resolution of the board.
237 Fees resulting from review by the county engineer are the responsibility of the applicant,
238 according to the fee resolution of the board, and shall be paid prior to public hearing. No
239 application shall be certified as complete unless it includes the following information in
240 sufficient detail for the hearing examiner or planning and zoning commission to determine
241 compliance with the design review standards of evaluation in subsection D of this section:

242 1. The name, address and phone number of the owner of the land for which the permit
243 is requested and of the person, firm or corporation (contractor) who will physically alter
244 the land, if known.

245 2. The proposed date that the site alteration will commence and the projected date of
246 completion.

247 3. A description of the land on which the proposed work is to be done, by lot, block,
248 tract and house and street address, or similar description that will readily identify and
249 definitively locate the proposed site. A vicinity map shall be included.

250 4. A report including text, designs, and visual representations including simulations
251 which indicate the design and construction of improvements, and also including public
252 safety, revegetation, and other information demonstrating compliance with the design
253 review standards of evaluation.

254 5. A description of the work to be performed, an estimate of the depth of soil, the type
255 of equipment to be used, the total area of disturbance, and the amount and type of material
256 to be removed or deposited, all in sufficient detail to evaluate the impact of such activities.

257 6. A graphic representation of the proposal. This plan shall include property lines and
258 delineate the proposed areas for improvement or alteration, existing and proposed
259 contours, drainage and drainage structures, landscaping and revegetation plans, including
260 a plan for the control of noxious weeds, and retaining walls. Photographs of the site prior to
261 beginning of construction and planting, and after completion of construction and planting.

262 7. A statement that the proposed areas of disturbance have been staked and are ready
263 for administrative review.

264 8. A signature by the property owner or his/her authorized agent that the application
265 is certified as true and accurate.

266 9. Written input from the county engineer addressing, but not limited to, compliance
267 with road standards, drainage and erosion mitigation.

268 C. Hearing Examiner Or Commission Review And Action: Either the hearing examiner or
269 the planning and zoning commission (commission), as designated by resolution, shall make
270 decisions based on the standards and evaluation herein. Review of the application and
271 receipt of public input shall be conducted at a scheduled hearing as set forth hereinabove.
272 The hearing examiner or commission may order the hearing to be continued up to thirty

273 one (31) days at the same place, in which case no further published notice shall be required
274 other than that requested by the hearing examiner or commission. Continuation beyond
275 thirty one (31) days shall require further published notice, according to this section. The
276 hearing examiner or commission shall approve, approve with conditions, or deny said
277 application, making appropriate findings to support its decision. The hearing examiner or
278 commission shall enter an order or adopt its written findings of fact and decision within
279 thirty one (31) days after the action is taken by the hearing examiner or commission. The
280 granting of a site alteration permit shall not be considered as establishing a binding
281 precedent to grant other site alteration permits. A site alteration permit is not transferable
282 from one parcel of land to another.

283 D. Design Review Standards Of Evaluation: The applicant has the burden of
284 demonstrating compliance with this chapter, including each of the following design review
285 standards of evaluation. The hearing examiner or commission shall review and find
286 adequate evidence that the proposed development or site alteration meets all of the
287 following standards:

288 1. The size of the lot, geographical features of the lot, or a combination thereof require
289 that the maximum height limitations for earthen berms, ~~freestanding walls or~~ fences, or the
290 maximum coverage limitations for sight obscuring screens of trees must exceed the
291 categorical exclusion standards of this chapter in order to allow the landowner reasonable
292 use and enjoyment of the parcel for which the permit is sought.

293 2. While still allowing reasonable use and enjoyment of the lot, new development shall
294 be designed and sited so as not to impair or obstruct existing mountain and river views
295 from Highway 75 to the maximum extent possible, and will meet the requirements and
296 encouraged practices of the categorical exclusion set forth in subsection 9-21A-3A2 of this
297 chapter to the maximum extent possible using generally accepted engineering practices.

298 3. Native or native compatible vegetation shall be preserved to the greatest extent
299 possible. Revegetation of disturbed areas shall utilize plant materials harmonious and/or
300 native to the area. The method for control and prevention of noxious weeds shall be
301 demonstrated. Disturbed areas shall be landscaped or revegetated immediately after
302 completion of the site alteration activities, but no later than the end of the first construction
303 season during which the site alteration commences. Components of the revegetation plan
304 shall include techniques that will be used to ensure the establishment of the proposed
305 vegetation within a period of three (3) years 1 .

306 4. Earthen structures shall be designed and constructed so that no more than natural
307 runoff of water and sediment leaves the property of the applicant.

308 5. ~~Walls, F~~fences, earthen berms and sight obscuring screens of trees must comply with
309 all applicable regulations and standards of the Idaho department of transportation.

310 6. If the applicant or landowner with respect to an application for a site alteration
311 permit under this chapter is the state of Idaho, or any agency, board, department,
312 institution, or district thereof, the commission or the board, in addition to all other
313 applicable standards and criteria hereunder, shall take into account the plans and needs of
314 the state, or any agency, board, department, institution or district thereof, as required by
315 Idaho Code section 67-6528.

316 E. Conditions: The hearing examiner or planning and zoning commission may attach
317 reasonable conditions upon granting a site alteration permit, including, but not limited to:

318 1. Providing bonding or other sufficient financial guarantee to complete the site
319 alteration; at a minimum, the revegetation of disturbed areas, including weed control, and
320 new vegetation or landscaping for at least three (3) years.

321 2. Modification of the site alteration.

322 3. Any other condition for special use permit specified in Idaho Code section 67-
323 6512(d), as amended: a) minimizing adverse impact on other development; b) controlling
324 the sequence and timing of development; c) controlling the duration of development; d)
325 assuring that development is maintained properly; e) designating the exact location and
326 nature of development; f) requiring specific on site or off site public facilities or services; g)
327 requiring more restrictive standards than those generally required in this title; and h)
328 requiring mitigation of effects of the proposed development upon service delivery by any
329 political subdivision, including school districts, providing services within the planning
330 jurisdiction.

331 F. Expiration Of Permit: Any site alteration permit granted under this chapter after
332 October 20, 1999, shall expire one year following the date of its approval if construction of
333 the site alteration has not been substantially commenced. If good cause for delay in
334 commencement of construction is shown, the administrator may once only extend the
335 period for commencement of construction for a period not exceeding one year, provided
336 application is made for an extension before expiration of the permit. (Ord. 2001-03, 3-19-
337 2001; Ord. 99-5, 10-12-1999)

338

339 Notes

- 1 In order to control proliferation of noxious weeds, ground cover on berms must be thriving by the fall of the year following the year in which construction of the berm was begun. Noxious weeds must be controlled in the interim. Bonding requirements, stated in this chapter, require a guarantee of the revegetation for at least 3 years after construction.

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