

# 2017 COMPREHENSIVE PLAN

## Oneida County

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## INTRODUCTION

This is the Oneida County Comprehensive Plan. It is adopted for the purpose of promoting the health, safety, and general welfare of the people of Oneida County and, specifically to assure that future land development meets reasonable quality expectations. The plan commences with the authorities under Idaho Code 67-6502. Those expectations are expressed in policy statements of the plan and the standards of the Oneida County Development Code.

**Authority.** This comprehensive plan is adopted under the authority of Idaho's Local Land Use Planning Act, which requires counties to prepare comprehensive plans and regulate land development and land use in the public interest (Idaho Code 67-6501, et seq.). The Local Planning Act further requires that all comprehensive plans have certain components or a specific statement explaining why a component is not needed. (Idaho Code 67-6508).

Listed below are the criteria for implementation within the design of this plan. Idaho Code 67-6508 provides the components and the required analysis of these components to arrive at desirable goals and objectives necessary in satisfying the local land use issues.

*I.C. §67-6502: Purpose. The purpose of this act shall be to promote the health, safety, and general welfare of the state of Idaho as follows:*

- A. To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks.*
- B. To ensure that adequate public facilities and services are provided to the people at reasonable cost.*
- C. To ensure that the economy of the state and localities is protected.*
- D. To ensure that the important environmental features of the state and localities are protected.*
- E. To encourage the protection of prime agricultural, forestry, and mining lands and lands used for production of food, fibre, and minerals, as well as the economic benefits they provide to the community.*
- F. To encourage urban and urban-type development within incorporated cities.*
- G. To avoid undue concentration of population and overcrowding of land.*
- H. To ensure that the development on land is commensurate with the physical characteristics of the land.*
- I. To protect life and property in areas subject to natural disasters.*
- J. To protect fish, wildlife, and recreation resources.*
- K. To avoid undue water and air pollution.*
- L. To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.*

**PAST PLANS:** The comprehensive plan for Oneida County (1999 Comprehensive Plan) is superseded by this plan.

**TABLE 1**

Idaho Code 67-6508	Oneida County Comprehensive Plan Components
(A) Property Rights	Pages 3, 4, 5; Policy 1
(B) Population	Page 5
(C) School Facilities and Transportation	Page 5; Policy 6(H)
(D) Economic Development	Pages 6; Policies 4, 5, 6, 8, 9
(E) Land Use	Pages 6, 7, 8; Policies 4, 5, 6
(F) Natural Resources	Pages 9, 10; Policies 4, 5
(G) Hazardous Area	Page 10; Policies 4, 5, 6, 10
(H) Public Services, Facilities and Utilities	Pages 10, 11; Policies 5, 6, 7, 8
(I) Transportation	Pages 11, 12; Policy 7
(J) Recreation	Page 12, 13, 14; Policy 5
(K) Special Areas or Sites	Pages 14; Policies 4, 5, 6
(L) Housing	Page 14, 15
(M) Community Design	Page 15; Policies 4, 5, 6, 9
(N) Agriculture	Page 15; Policies 1, 4, 5, 6
(O) Implementation	Page 15,16; Policies 2, 3
(P) National Interest Electric Transmission Corridors	Page 16
(Q) Public Airport Facilities	Page 16

## Property Rights

*I.C. §67-6508 (a) – An analysis of provisions which may be necessary to insure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values, or create unnecessary technical limitations on the use of property.*

Legal Rights and County Goals. Both the United States Constitution and the Idaho Constitution guarantee that private property shall not be taken without due process of law. Due process requires the payment of just compensation if property is taken. Title 67 of Idaho Code dealing with comprehensive plans addresses protection of private property and requires the Attorney General to establish a process, including a check list, to avoid unconstitutional taking of private property. The amended Idaho Local Planning Act identifies the protection of Private Property Rights as the first item in its list of stated general Property Rights Goals:

- **Private Property Rights Goal #1:** Oneida County will ensure that all ordinances implementing this plan will protect private property rights.
- **Private Property Rights Goal #2:** Oneida County calls upon each property owner to assume responsibility as a steward of the land, to use property wisely, maintain it in good condition and preserve it for further generations.
- **Private Property Rights Goal #3:** Oneida County calls upon the federal and state land management and natural resource management agencies to coordinate in advance, with the Oneida County Commissioners, any proposed actions which will impact either the federal or state managed lands in Oneida County, because public land actions have a corresponding impact on both private property and historically developed customs and culture of the County.

**Private Property Rights Policies.** The following eleven (11) policy guidelines will direct Oneida County's dealings with private property owners:

1. No person shall be deprived of private property without due process of law and just compensation.
2. Land use laws shall be administered in a manner to avoid unnecessary delays and duplicative procedures.
3. Charges for permits and agency services will fairly reflect both those costs that are directly attributable to such permits and services and reasonable charges to offset future costs to the County and to protect public infrastructure and the public interest.
4. The policies provided in this section shall have priority over any other section contained in this Comprehensive Plan in the event of a conflict or contradiction where there may be a taking of private property.
5. As a general rule, property owners shall not use their property in a manner that negatively impacts the surrounding neighbors or neighborhoods. Nevertheless, preexisting agricultural operations have the right to continue normal lawful operations and shall not be treated as a nuisance, and no building permit for a new residence in an agricultural area shall be issued by Oneida County until a resource management agreement has been signed by the permittee.
6. Property owners should recognize they are only temporary stewards of the land, and should preserve and maintain their property for the benefit of future generations.
7. Public rights of access to public lands shall be protected by Oneida County and owners of private lands across which historic access has been established shall be required to recognize and honor such rights of access.

8. When a use of private property conflicts with the public interest, such conflicts shall be considered using a context larger than the boundaries of a particular land parcel and a time frame longer than a particular property transaction.

9. Federal and State land management and natural resource management agencies will be requested and encouraged to coordinate their agency actions with the Oneida County Commissioners by providing to the Commission in a timely manner, prior to taking official action, a report on the proposed action, the purpose, objectives and estimated impacts of such action, including the economic impact.

10. Oneida County will take appropriate measures to enforce all nuisance ordinances to protect quality of life and private property rights.

11. The County shall utilize the following review process and procedures established by the Attorney General of the State of Idaho, as found in **the Idaho Regulatory Takings Act Guideline, Attorney General's Checklist Criteria**, in reviewing the potential impact of a regulatory or administrative action (referred to as a "regulation") on property:

- **Does a Regulation or Action Result in a Permanent or Temporary Physical Occupation of Private Property?** A regulation resulting in a permanent or temporary physical occupation of all of a portion of private property will generally constitute a "taking."
- **Does a Regulation Require a Property Owner to Dedicate a Portion of Property or to Grant an Easement?** All regulations requiring the dedication of property or grant of an easement must be reasonably and specifically designed to prevent, or compensate for, adverse impacts of the proposed development and/or to protect the public safety, health and welfare. A subdivision plat will normally be required to include dedication of a portion of the platted property for public streets and utility easements outside the boundaries of the streets. Such requirements are not generally considered disproportionately adverse and are generally deemed to advance legitimate governmental interests in public safety, health and welfare.
- **Does a Regulation Deprive the Owner of All Economically Viable Uses of the Property?** If a regulation prohibits all economically viable or beneficial uses of the land, it will likely constitute a "taking." Just compensation will be payable unless the County demonstrates that the proposed uses are prohibited by the laws of nuisance or other preexisting limitations on the use of the property. The County will analyze the regulation's impact on the property as a whole and not just the impact on a portion of the property and will assess whether there is any profitable use of the remaining property available. The remaining use does not necessarily have to be the owner's planned use, a prior use, or the highest and best use of the property, but a prohibition of all economically viable uses of the property is a taking.
- **Does a Regulation Have a Significant Impact on the Landowner's Economic Interest?** The County will review regulations having a significant impact on a property owner's economic interest, comparing the value of property before and after the impact of the challenged regulation. A reduction in property value alone may not be a "taking," but a severe reduction in property value often indicates a reduction or elimination of all reasonably profitable uses.
- **Does a Regulation Deny a Fundamental Attribute of Ownership?** Regulations that deny the landowner a fundamental attribute of ownership, including the rights to possess, exclude others and dispose of all or a portion of the property, are potential takings. The County will, carefully scrutinize proposed regulations for impingements on fundamental rights and will seek to avoid them in the absence of compelling public policy concerns relating to public safety, health and welfare.

- **Does a Regulation Serve the Same Purpose that would be served by Directly Prohibiting the Use or Action; and Does the Condition Imposed Substantially Advance that Purpose?**  
A regulation may be a taking if it does not substantially advance a legitimate governmental purpose. Likewise, a regulation that closely resembles or has the effect of a physical invasion or occupation of property is likely to be a taking. The greater the deprivation of use, the greater the likelihood that a “taking” will be found. The County will generally not try to do indirectly what should not be done directly and will seek to avoid any action not calculated to advance an important public purpose.

## **Population**

*I.C. §67-6508 (b) -- A population analysis of past, present, and future trends in population including such characteristics as total population, age, sex, and income.*

Oneida County experienced a decrease in population during the 1960's and 1970's which was typical of many rural areas dependent upon agricultural economies in the western United States. During the 1980's and early 1990's, population decrease continued at a slow, steady pace. In the mid 1990's Oneida County began to experience growth. Between 1994 and 1998 the population grew at an average rate of 3.0% per year, resulting in an increase of 450 people or 11% of the total population. This growth did not continue through the next decade. According to United States Census data the population of Oneida County grew from 4125 in 2000 to 4286 in 2010 or an increase of 3.9% or 0.39% per year. The population over 18 for the same period grew from 2807 in 2000 to 3003 in 2010 or an increase of 6.98%. The 2010 census does not include sex and income data. According to United States Census data the population of Oneida County increased from 4286 in 2010 to 4343 in 2016 or an increase of 1.3%.

## **School Facilities & Transportation**

*I.C. §67-6508 © – An analysis of public school capacity and transportation considerations associated with future development.*

The county goal is to maintain a relationship with the school district, to provide safe routes of transportation to and from school facilities for automobile & pedestrian traffic. Also to forward all development plans and applications to the school district for their review and comment.

Over the last 15 years the school district population has increased by approximately 140 students. Malad High School, with a capacity of 400 students increased from 261 in 2014 to 289 in 2017. The Middle School, with a capacity of 300, decreased from 219 in 2014 to 210 in 2017. The Elementary School, with a capacity of 525, increased from 396 in 2014 to 414 in 2017. There are currently 8 students enrolled in the Stone school, which has a capacity for 30 students. Oneida High School, with a capacity of 15 students, went from 10 in 2014 to 17 in 2017.

Short of a major influx in population the existing facilities will have the capacity to meet future needs. Malad Elementary School, however, is approximately 65 years old and in major need of repair. There is a committee looking into the possibility of building a new facility.

With regards to transportation, the bus routes have an average of 380 riders. The operational cost per pupil is approximately \$2.50/mile or \$831.12 per pupil per year. This is approximately 62% of the state average.

## Economic Development

*I.C. §67-6508 (d) -- An analysis of the economic base of the area including employment, industries economies, jobs and income levels.*

*For additional statistics: See Bureau of Economic Analysis, US Census, and Idaho Department of Labor*

	<b>2007</b>	<b>2012</b>	<b>% Change</b>
Farms	463	503	+7.6
Land in Farms	313,775 acres	328,652 acres	+4.7
Average Farm Size	678	653	-3.7
Total Crop Land	204,330 acres	175,718 acres	-15.5
Market Value of Products Sold	\$27,564,000	32,466,000	+17.7
Operator by Principal Occupation	182	229	+25.8

Agriculture has been the primary industry of the county from the beginning and is the county's largest industry. As with agriculture everywhere, there have been many changes and adversities and the farmers' and ranchers' resilience is vital to the county's economy. Farm size has decreased as have the total number of acres farmed, but the value of agricultural products sold has increased. However, rising input costs still force many to have additional employment.

Agriculture supports economic activity throughout the county such as construction, wholesale trade, retail trade, finance, insurance, real estate and services. The multiplier effect of the agricultural industry creates many jobs throughout all segments of the economy.

### Mining

The county's major manufacturing enterprises depend on the volcanic rock native to the region. The pumice industry in the county employs over 100 people. Abrasive pumice and perlite (used in insulation and as a soil additive for horticultural purposes) are shipped throughout the nation and overseas.

Hess Pumice Products, the largest mining operation in the county, employs 142 full-time employees with an annual payroll of \$4,083,332.70 in 2013. The company processed 110,792.50 tons of pumice in 2013. The company generated sales of \$8,092,847.12 in 2013, with 48% of sales in foreign markets. The company is the largest producer of finely ground processed pumice in the world.

### Land Use

*I.C. §67-6508 (e) – An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. A map shall be prepared indicating suitable projected land uses for the jurisdiction.*

**Topography.** Oneida County presents a landscape of mountain ranges and valleys. Its eastern border with Franklin County is formed by the Malad and Bannock Ranges. The Bannock Range includes Oxford Peak, the County's highest point at 9,282 feet above sea level. On the north, the Eastern third of the County is bounded by the Elkhorn Mountains, with Elkhorn peak rising to 9,095 feet above sea level, the summit forming the Bannock County line. West of the Bannock and Malad Ranges and south of the Elkhorn Mountains in the Eastern one-third of the County lies the Malad valley, the location of Malad City. I-15 runs north from the Utah border, through Malad Valley, toward Pocatello. The Western two-thirds of the County is composed of a series of north-south trending hills and mountains, including the North Hansel Mountains, the Deep Creek Mountains and the Sublett Mountains, which alternate with broad valleys, including the Arbon Valley, the Curlew Valley and the Juniper Valley. The County's western border with Cassia County crosses the Juniper Valley and the Sublett Mountains. The County is bounded on the South by Box Elder County, Utah, and its Western two-thirds is bounded on the North by Power County.

**Land Usages.** Malad is the only incorporated city in Oneida County, serving as the County seat and its service center. There are few nonagricultural businesses outside Malad.

There are approximately 1,200 square miles in Oneida County.

A majority of the County, about 660 square miles, is in public ownership. About 422 square miles of public lands are administered by the Bureau of Land Management. An additional 217 square miles are in the Curlew National Grassland and in National Forests. Caribou National Forest lands are found in the higher elevations of the Bannock and Malad ranges on the County's Eastern border and part of the Sublett Range on the West. In the County's Northwestern corner is a portion of the Sawtooth National Forest. The Curlew Valley, which contains the Curlew National Grassland, is in the western half of Oneida County. The State of Idaho owns about 20 square miles in widely scattered parcels. In addition, about one square mile is occupied by bodies of water, principally reservoirs, none of which is presently classified as a navigable waterway for purposes of State regulation.

The remaining 540 square miles of the County is in private ownership. The following chart shows the approximate acreage in public and private uses.

Land Ownership	Type	Acres	%
<b>PUBLIC LANDS:</b>			
National Forest/Grasslands	Mountainous/Valley floor	139,197	18%
BLM	Mountainous	270,108	35%
State Land	Mostly mountainous	13,007	2%
Public Lands Total		422,312	55%
<b>PRIVATE LANDS:</b>			
Irrigated Land	Valley bottoms, benches	33,372	
Woodland	Mountainous	520	
Pastureland	Mixed mountainous, rough dry and irrigated valley bottom	79,968	
Dry Farm Cropland	Benches and foothills	163,517	
Conservation Reserve Program	Benches and foothills	55,000	
Wasteland	Rough dry	14,046	
Private Lands Total:		346,423	45%

Oneida County had 503 farms, encompassing 328,652 acres, with 220,000 acres of cultivated land in 2012, the latest year for which the USDA has information. Farmers in the County planted 15,800 acres of spring wheat, 24,100 acres of winter wheat, and 2,200 acres of barley in 2012. Oneida County farms and ranches maintained 12,755 head in 2012. A substantial portion of the irrigated cropland in the County is used for hay production, principally alfalfa, but acreage numbers are not available.

**Rural Area Development Challenges.** Studies have shown that residential development in agricultural areas is not self-sustaining with respect to taxes paid and services required. In rural areas for every dollar residential property pays into local government, it consumes considerably more than one dollar in direct services from local government. By comparison, agricultural land, open space, commercial land, and industrial land, consume much less than one dollar.

Idaho law specifically limits the power of counties to deprive farmers and ranchers of full and complete use of agricultural land for agricultural production, except for confined animal feeding operations. It also discourages conversion of prime agricultural land to other uses. Under state law farmers and ranchers have the right to continue their normal lawful agricultural operations notwithstanding proximity of new residential development to their operations, and building permits for residences in agricultural areas will not be issued by Oneida County

until a resource management agreement recognizing and confirming such right has been signed by the permittee.

This Comprehensive Plan discourages conversion of agricultural lands, especially prime agricultural lands, to residential development without regard for the community cost of such development. Scattered or sprawling development will result in a continual increase in property taxes and a likely deterioration in the quality of governmental services. There are studies showing the cost of public services provided by the taxing authorities and showing the increased costs associated with growth. The sprawl pattern of development is a very inefficient and costly use of the land. This Comprehensive Plan, therefore, encourages clustering of residential developments. A goal of clustered development is to enhance real estate values and the local tax base, while preserving open space and quality of life. The County recognizes that people are coming to Oneida County for its rural atmosphere and this Comprehensive Plan should not allow sprawl to destroy the aesthetic attraction which people seek, or to impose financial costs which are not sustainable.

The Oneida County Development Code should place financial responsibility for services demanded as a result of development upon those who will benefit financially from development through impact and permit fees. Furthermore, Oneida County cannot promise the same level of services to those who choose to reside in areas currently not receiving full services. For example, snow removal, road maintenance, fire protection and law enforcement will be less available in more remote areas, especially if residential development occurs some distance from paved county or state roads.

**County Use Designations.** The following land use designations will be utilized, primarily in areas contiguous to existing areas of similar uses, as growth warrants consideration for inclusion within the plan:

- **Residential:** Areas of high and low density housing, including ranchettes of five acres or less.
- **Commercial:** Areas available for small to moderate business.
- **Industrial:** Areas available to light to heavy industrial business.
- **Recreational:** Lands utilized as recreation areas, other than nationally designated forests and grasslands, including public parks, trails and waters.
- **Mineral extraction:** Lands utilized for extraction and recovery of mineral commodities.
- **Agricultural:** Parcels of land dedicated to primarily agricultural uses as irrigated crop land (deemed prime farmland), dry farms, woodland and/or pastureland.

Lands of the following kinds are presumptively not suitable for development, and any proposed development involving construction in these areas will place a heavy burden on the developer to demonstrate that development there is safe, lawful and consistent with this comprehensive plan:

- **Wetlands** (as identified and designated by the USDA). The developer must demonstrate that the soil type identified in the area does not, in fact, retain surface waters.
- **Steep grades** (such as hillsides, faces of bluffs overlooking ravines and water courses, and mountain sides). The developer must demonstrate that the area to be developed is not likely to generate earth movements when subjected to the proposed construction and uses.

Nevertheless, Oneida County encourages economic development within the County and will encourage land development for residential, commercial and industrial uses in areas designated primarily for such use.

## **Natural Resources**

*I.C. §67-6508 (f) -- An analysis of the uses of rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds, and shorelines.*

The natural resources identified as most important to Oneida County are water, soils and grasslands (CRP), public land grazing, mining and logging, hunting and fishing opportunities.

### **Water**

From January 12, 2010 – December 31, 2013, there were 58 permits issued for water development in Oneida County, 35 permits were for domestic use, 12 permits were for irrigation use, and 11 were for monitoring use. The volume of underground water within Oneida County is known only to the degree of existing domestic and irrigation wells. The trend is moving from flood irrigation to sprinkler thereby stretching existing water supplies. There is some concern of decreasing water on existing springs whether due to drought conditions or the increase of well permits issued.

In Oneida County subdivision developments seeking approval without central water systems, proof of adequate water to support the subdivision should be investigated. The approving process would require the actual drilling of well(s), supported by well logs of gallons per minute volumes in sufficient quantities to adequately support the intended purposes of the development.

Deep Creek, Malad Valley Irrigation, St. John Irrigation, Samaria Water and Irrigation, and Samaria Lake Irrigating Companies provide irrigation water to the land within the Malad Valley proper. The development code will provide compliance with Idaho Code 31-3805, a statute that requires the advice of affected irrigation companies in reviewing proposed subdivisions.

### **Soils and Grasslands**

To provide preservation and protection to our agricultural lands and all lands of the County, the State noxious weed control act must be enforced. This must be a cooperative effort involving all agencies in land use management.

Concerns for Oneida County:

- Spreading and transportation of invasive species through logging and recreation
- Preservation of sensitive slope and waterways should be maintained in vegetative cover to preserve soils as Conservation Reserve Program (CRP) acres expire. A program called State Acres for Enhancement (SAFE) is a relatively new CRP program geared toward protecting the Sharptail Grouse. Enrollment has increased considerably in the last several years in Oneida County.

### **Public Land Grazing**

The use of public lands for grazing of livestock represents a valuable resource to our county. Changes in management directions affecting cattle grazing numbers must be monitored closely and defended vigorously if changing conditions are directed away from the best interest of the County. An increasing trend is public land grazing permits are being sold to permit holders who are not residents of the county.

Concern for Oneida County:

- Out-of-county permit holders who graze on federal land in Oneida County
  - Do not contribute to the county tax base
  - Cause wear-and-tear of county roads
  - Show disregard for private property owners in destruction of fences, gates, etc.

### **Mining and Logging**

The county encourages the responsible action of mining and logging companies with regard to county roads and preservation of natural resources in reclaiming areas affected by their activity.

## **Hunting and Fishing**

The county encourages the responsible use and preservation of county roads and county maintained facilities by those hunting, fishing, and recreating on county owned lands. Private property owner's rights should be respected.

## **Hazardous Areas**

*I.C. §67-6508 (g) -- An analysis of known hazards as may result from susceptibility to surface ruptures from faulting, ground shaking, ground failure, landslides or mud slides; avalanche hazards resulting from development in the known or probable path of snow slides and avalanches, and floodplain hazards.*

“Oneida County Multi-Jurisdiction All Hazard Mitigation Plan 2009” is located in the Oneida County Clerk’s office. This plan was drafted December 11, 2009, and is available for the public to view.

## **Public Services, Facilities, and Utilities**

*.C. §67-6508 (h) -- An analysis showing general plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and firefighting equipment, health and welfare facilities, libraries, solid waste sites, schools, public safety facilities, and related services. The plan may also show location of civic centers and public buildings.*

### **Sewage**

Currently there are no public sewage distribution and treatment facilities in Oneida County. All development in the County is relying upon private sewage treatment (septic tanks and the accompanying drain field) being installed using the regulations of The Development Code. All development should require testing for the suitability for septic installation on all subdivision lots as part of the permitting process for subdivisions and on all building lots outside of subdivisions before a building permit is issued. In the case of large scale development centralized or community systems may be required.

### **Drainage**

Since development increases the amount of runoff because of associated hard surfaces, the Development Code should be used to ensure that there is adequate drainage for all developments and that neighboring lands are not impacted. The Development Code should also require that irrigation entities be consulted concerning increased runoff. Construction techniques should be used to minimize runoff during construction for the protection of existing waterways and channels.

### **Power Plant Sites**

The Development Code should provide regulation for the siting of all commercial power plants.

### **Utility Transmission Corridors**

There are currently five (5) high voltage transmission lines in Oneida County. Included are: (1) A 69,000 volt line in the western part of the County; (2) 138,000 volt line north-north westerly from the Utah State line on the south to the Substation at 3400 W Hwy 38 on to the Power County line on the north; (3) a 345,000 volt line which parallels I-15 from the Bannock County line on the north to the Utah State line on the south; (4) a 69,000 volt line from the Substation at 3400 W Hwy 38 westerly to the Juniper Chevron Pumping Station on the west; and (5) a 69,000 volt line from Holbrook south to the Utah State line. To promote public health, safety and community welfare and to minimize adverse impact on agriculture and residences, Oneida County shall provide regulations for the development and installation of all types of utility transmission corridors, i.e. natural gas, electric transmission, not affected by the National Interest Electrical Transmission Corridor.

### **Water Supply**

Since all development in the county is using individual wells to supply their potable water, the Develop Code should require proof of available water before plats are completed or building permits issued. In the case of large scale developments centralized or community systems may be required.

**Fire Stations and Fire Fighting Equipment**

Oneida County fire protection is provided by the volunteers and equipment of the Oneida County Fire District. There are currently two stations with one located in Malad and the second in Holbrook. The Fire District has been updating their equipment. The Development Code should require provisions for fire protection to include fire breaks, fire-wise landscaping, and water resources in subdivisions sufficient to fight fire. The Development Code should require roadways to individual homes and in subdivisions to handle the firefighting equipment of the Oneida County Fire District. As growth occurs in the far reaches of Oneida County, it becomes increasingly more difficult to provide timely and adequate service.

**Health and Welfare Facilities**

The County provides emergency medical services to the citizens on a county-wide basis using volunteers with emergency medical training. There is a vehicle based in Holbrook and volunteers to cover the western part of Oneida County and vehicles and volunteers in Malad to cover the rest of the county. A small rural hospital and nursing home are located in Malad. As growth occurs in the far reaches of Oneida County, it becomes increasingly more difficult to provide timely and adequate service.

**Libraries**

A library is located in Malad that serves all of the residents of Oneida County.

**Solid Waste Disposal**

Oneida County provides solid waste pickup to every residence in the County. It is hauled weekly to a recently constructed County Landfill located 3 miles from Malad east of I-15. The County also maintains two construction/demolition landfills.

**Schools**

Oneida County School District #351, currently a small rural elementary school located in Stone; and an elementary school, middle school, high school and alternative school located in Malad. School district officials should be notified of all multiple family developments and invited to provide comments concerning impact on the schools.

**Public Safety**

The Oneida County Sheriff’s Office currently provides police protection to all of the citizens of Oneida County and the citizens of Malad. As growth occurs in the far reaches of Oneida County, it becomes increasingly more difficult to provide timely and adequate safety to the citizens. Therefore future growth should be encouraged near the developed areas in Oneida County.

**Transportation**

*I.C. §67-6508 (I) -- An analysis showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets, and the recommended treatment thereof.*

**State Highway Inventory**

Interstate 15 -----	25 Miles
Interstate 84 -----	17 Miles
State Highway 38 -----	23 Miles
State Highway 36 -----	22 Miles
<b>Total: 87 Miles</b>	

**Oneida County Road Inventory**

Unimproved-----	92,332 Miles
Earth – Graded & Drained -----	22,494 Miles
Gravel-Graded & Drained -----	202,693 Miles
Asphalt less than 1” or Dust Suppressant Treated Gravel-----	43,718 Miles

Road or Cold Plant Mix Asphalt-----	169,027 Miles
Hot Mix Asphalt-----	18,872 Miles
Total: 549,136 Miles	

**Oneida County Road Background**

Oneida County's primary mode of transportation is the automobile. The main road of access to the County is Interstate 15 with four exits within the County as it travels in a north-south direction. Interstate 84 also intersects and provides access in the southwest corner of the County. State Highway 36 provides access to Franklin County to the east; while State Highway 38 provides access to Power County to the northwest and northern Utah to the south.

The Union Pacific Railroad provides rail service to the area, with rail sites at the Industrial Park and a City location. There is a small engine airport located in the county.

Currently, the County's road budget represents 1/4 of the County's total budget. The road system maintenance and repair program is funded through highway user's funds (sales tax on fuel). The County's vast roadway mileage and the continual need to provide for improvement stretches the ever-inflating materials and equipment dollar to the point where the quality of road surfaces are rapidly deteriorating. The dollar is being spread too thin. The County highway inventory system will be utilized in determining functional classifications, and operating and physical characteristics of roads, for the purpose of analyzing dollar investment to maximum return.

The County has a Sign management program that can be utilized in determining the amount of signs being used on county roads, any changes that are made, and the condition of the signs. They use the iworq program provided through Local Highway Technical Assistance Council (LHTAC).

The development plan should discourage development activities on roads that are not provided peak time snow removal, school bus pickup, and roadways requiring major upgrading to accommodate safe traffic access for residency and emergency vehicles.

**Appendix 1** is a county road map showing the roads providing snow removal and school bus transport.

**RECREATION Opportunities in Oneida County**

*I.C. §67-6508 (j) – An analysis showing a system of recreation areas, including parks, parkways, trail ways, river bank green belts, beaches, playgrounds, and other recreation areas and programs.*

LeGrande Aqua Plunge is located in downtown Malad. LeGrand Aqua Plunge is jointly sponsored by Oneida County and Malad City. In 1995 the pool was resurrected as an outdoor pool. Today, this storefront pool serves the public for swimming lessons, water aerobics, and open swimming during the summer months.

Malad Gun Club is located at the entrance to the Fair Grounds. The Gun Club hosts the Malad Trap Shoot the last weekends of April and the first weekend in May. In the fall, the Turkey and Fun Shoot is held the Thursday before Thanksgiving.

The Malad City Park is located at 41 South 100 West. A children's playground is included in the park with a variety of children's outdoor toys and a large sandlot. A large pavilion with many tables is available. The park has three ball fields. Horseshoe pits are available. A walking path adjoins the park where people can walk, rollerblade, or ride bicycles. Electricity is available.

Malad Pioneer Park is located on 500 North and 300 West. Softball fields are located adjacent to the park at Harding Field. Electricity is available. Reservations can be made with Oneida County School District office at 208-766-4701.

Iron Door Playhouse: A non-profit community theater group, the Guild presents between five and six events annually.

Recreation Trails: Oneida County has a variety of recreation trails, some of which can be used year round. Most of the recreation trails originate from the four campgrounds located in the County.

Malad Summit Campground (Powerhouse) is located on the top of the Malad Summit. It offers 9 single units, 2 double units with 1 group site. Water and restrooms are available. In this area you will find, beside a short scenic drive, trails for hiking, mountain biking, horseback riding, and ATVs. This is also a good area for wildlife viewing and bird watching.

Third Creek is a group area available for camping. There are many trails available for horseback riding, hiking, ATV's and winter sports.

Curlew Campground and Stone Reservoir: With a constant water source, The Stone Reservoir fills early and maintains its supply. For this reason, it is a popular place to go water skiing and fishing in Oneida County. There is tent and trailer camping with picnic tables, toilets and drinking water available at the campground. Besides camping, the area is open to ATVs, biking, bird watching, wildlife viewing, horseback riding, and fishing. The sage grouse watching is very popular during March, April and May, at the Curlew National Grasslands, with the peak season being the middle of April. This reservoir is currently closed to motorized watercraft due to mussels.

Dry Canyon Campground is a free campground located in Oneida County along Skyline Road. The Two Mile Canyon and Skyline Road offer a scenic drive, with hunting, hiking, snowmobiling, horseback riding and ATVs for recreational use and a great area for viewing wildlife and birds.

Campgrounds are also available at Devil Creek Reservoir and small camping areas are available at Crowther's Reservoir, Deep Creek Reservoir and Daniels Reservoir.

Deep Creek Reservoir: Of all the reservoirs in the county, Deep Creek is the most subject to drought because it is almost totally reliant on spring runoff to fill. However, even in drought years when water levels are down, fishing is generally good. Deep Creek has been planted with rainbow trout to go along with the native cutthroat that area already there. It is equipped with boat docks, toilets, camping and ADA access. It is a popular place to water ski. This reservoir is currently closed to motorized watercraft due to mussels.

Devil Creek Reservoir (family fishing waters): Located north of Malad City, Devil Creek is considered family fishing waters. Well-developed camping facilities are provided along the western shores of the reservoir and it is equipped with boat docks, ramp, toilets and is ADA accessible. Devil Creek is also open to water skiing.

Daniels Reservoir is designated as 'trophy trout waters' yielding good trophy-size fish. Daniels has one of the most dependable water supplies in the county. Besides fishing, Daniels offers a quiet, out-of-the-way place to camp. There is a boat ramp and dock and toilets are available.

Crowther’s Reservoir (family fishing waters): A small family fishery on the northern outskirts of Malad City, Crowther’s Reservoir is stocked by IDFG annually with catchable size rainbow trout. There is no boat dock or ramp at Crowther’s Reservoir. Toilets are available.

Pleasantview Reservoir is actually two bodies of water, but the majority of fishing is done on the upper body. A boat ramp is available but no other facilities.

Weston Reservoir: Located in eastern Oneida County, Weston Reservoir is a favorite fishing spot for locals as well as for out-of-state fishermen. No fishing is allowed from boats or rafts; however, float tubes are allowed.

Due to recent inquiries it may become necessary to provide guidelines for commercial RV parks and campgrounds.

**Special Areas or Sites**

*I.C. §67-6508 (k) -- An analysis of areas, sites or structures of historical, archeological, architectural, ecological, wildlife or scenic significance.*

The County has the following historic sites, some of which are registered on the National Registry of Historic places:

Oneida County Courthouse	10 Court Street	
Oneida Pioneer Museum	27 Bannock Street	
Idaho Milling and Grain	430 West 445 North	
D.L. Evans Sr., Bungalow	203 North Main	
Jedd Jones House	242 North Main	
Jesse James Cabin	4 miles west of Malad near	Samaria Lane
Malad 2 <sup>nd</sup> /4 <sup>th</sup> /5 <sup>th</sup> Ward Building	20 South 100 West	
First Presbyterian Church	7 South Main Street	
Tithing Granary	Behind Ireland Bank	
Charles Phelps Gravesite	Malad City Cemetery	
Co-Op Block and JN Ireland Bank	Main and Bannock Street	
Samaria Historic District	Roughly bounded by Main and 3 <sup>rd</sup> Street, 1 <sup>st</sup> Avenue, North and Southend 2 <sup>nd</sup> Street	

Information located in the Idaho Enterprise’s “Visitor’s Guide”

**Housing**

*I.C. §67-6508 (l) – An analysis of housing conditions and needs; plans for improvement of housing standards; and plans for the provision of safe, sanitary, and adequate housing, including the provision for low-cost conventional housing, the siting of manufactured housing and mobile homes in subdivisions and parks and on individual lots which are sufficient to maintain a competitive market for each of those housing types and to address the needs of the community.*

**Oneida County Commercial Building and Housing Trend**

Year	Building Type	Units	City	County	Total Value
2011		21			
	Commercial		1		\$379,675.00
	House			18	\$2,552,132.00
	Outbuilding			2	
Total					\$2,931,807.00

2012		13			
	Commercial		1		\$430,520.00
	House		1	11	1,412,698.00
	Outbuilding				
Total					\$1,843,218.00

2013		15			
	Commercial		1		\$747,800.00
	House		1		\$1,222,815.00
	Outbuilding		1	11	
Total			2		\$1,970,615.00

The three year trend is moving towards 10 to 40 acre parcels of land in a country setting with average price of homes increasing every year. People are coming from out of the area to retire or commute to work. We encourage those acquiring land and building homes to be aware of services the county will provide and what services they will have to provide for themselves. An updated copy of the development code is a valuable asset in making these determinations.

**Community Design**

*I.C. §67-6508 (m) – An analysis of needs for governing landscaping, building design, tree planting, signs, and suggested patterns and standards for development, and beautification.*

The growth in the County has brought to the attention the need to address issues reflecting respect for neighboring diversities and the need to bring understanding and hopefully harmony to issues involving mutual interactions and concerns. To create an atmosphere where appreciation, and understanding can be cultivated, the Development Code should address several countywide issues. The need for enforcement of the State noxious weed laws, and the County nuisance ordinance, would be examples.

In the desire to foster cooperative understanding and avoid unnecessary conflict, the Development Code will require a survey of lot splits prior to the sale of the land. The purpose of this action is to alleviate the potential for dispute of property boundaries after the fact.

The Development Plan will require individuals purchasing agricultural property for residential purposes to sign and acknowledge a Resource Management Agreement. The Development Code Plan should also address Idaho fencing laws, standards for noise, landscape buffering, setback requirements, home occupations, livestock numbers to residential lot sizes, and location and size of signs.

**Agriculture**

*I.C. §67-6508 (n) – An analysis of the agricultural base of the area including agricultural lands, farming activities, farming-related businesses and the role of agriculture and agricultural uses in the community.* For a treatment of agriculture in Oneida County see pages 7,9,10, and 11 of this plan.

**Implementation**

*I.C. §67-6508 (o) -- An analysis to determine actions, programs, budgets, ordinances, or methods including scheduling of public expenditures to provide for the timely execution of the various components of the plan.*

An analysis of the county budget shows that over the last five year it has fluctuated up and down with the low of \$4,967,923.24 in 2015 to a high of \$5,982,130.00 in 2017 which is the current budget.

Taxes have increased an average of 9.50% in the last five years with the largest increase coming in 2017, which saw an increase of 9.55% to \$5,982,130.00.

It is the goal of Oneida County to implement this Comprehensive Plan and its policies by using it in conjunction with the Development Code to guide future development within the County's jurisdiction.

The Plan will encourage future development be done in areas where services are currently available. That development is done in a manner designed to preserve historic or special areas, make the best use of natural resources, and is not in known hazardous areas, while insuring the property rights of the individual land owner. Implementation will be achieved through cooperative efforts with the county road department, Oneida School District, and Malad City concerning the future needs of the county.

The Comprehensive Plan will also provide for yearly evaluations and updates to insure that needs are being met.

### **National Interest Electric Transmission Corridors**

*I.C. §67-6508 (p) – After notification by the public utilities commission concerning the likelihood of a federally designated national interest electric transmission corridor, prepare an analysis showing the existing location and possible routing of high voltage transmission lines, including national interest electric transmission corridors based upon the United States department of energy's most recent national electric transmission congestion study pursuant to sections 368 and 1221 of the energy policy act of 2005. "High voltage transmission lines" means lines with a capacity of one hundred fifteen thousand (115,000) volts or more supported by structures of forty (40) feet or more in height.*

Since Oneida County is not part of a federally designated nation interest electric transmission corridor this component is unneeded. See page 12 for a description of electric transmission corridors in Oneida County.

### **Public Airport Facilities**

*I.C. §67-6508 (q) - An analysis prepared with assistance from the Idaho transportation department division of aeronautics, if requested by the planning and zoning commission, and the manager or person in charge of the local public airport identifying, but not limited to, facility locations, the scope and type of airport operations, existing and future planned airport development and infrastructure needs, and the economic impact to the community.*

The Oneida County Airport is used for general aviation, recreational use, refueling, and infrequent commercial business. Commercial uses include agricultural spraying, wildlife management, and flight training. There is no development or infrastructure changes planned at this time. The runway does need resurfacing.

# POLICIES

## POLICY 1. PROPERTY RIGHTS

Oneida County recognizes the importance of property rights established by the federal and state constitutions. One purpose of the plan, as authorized by *I. C. 67-6502 (a)* is to protect property rights and enhance property values. Oneida County recognizes that major changes in the use of property inevitably affect the entire community. The freedom to make such changes is meaningful only when landowners accept responsibility for the consequences of their actions, and avoid or mitigate adverse impacts. This plan and the development code provide guidance for landowners seeking to fulfill that responsibility.

The 1995 legislature amended Idaho's Local Planning act to require that a property rights element be added to local comprehensive plans. The legislature also expanded the state's regulatory takings statute to cover local governments. These two implementation strategies respond to the direction provided by the legislature.

A. The Oneida County Planning and Zoning Commission and the Oneida County Commissioners will consider the potential impact of this plan of the Oneida County Development Code on property rights. In doing so, they will use the guidelines by the Idaho Attorney General. (See county website at [www.oneidacountyid.com](http://www.oneidacountyid.com))

B. The Oneida County Development Code will include a procedure for the review of claims that a county decision has affected a taking of property without compensation, as prohibited by the Fifth Amendment of the U.S. Constitution.

## POLICY 2. CITIZEN PARTICIPATION

Oneida County will actively encourage citizen participation in the planning process. Oneida County's commitment to citizen participation is affirmed by the extensive program of participation to develop the comprehensive plan. The strategies for continuing implementation of this policy are:

A. Provide notice of public hearings on proposals for the amendment of this plan or the development code.

B. Adopt a formal public hearing procedure as required by the Local Planning Act (*I. C. 67-6534*).

## POLICY 3. COMPREHENSIVE PLAN MANAGEMENT

It shall be Oneida County's policy to maintain the Comprehensive Plan with regular update of any background studies and amendments reflecting changing conditions by dedicating at least one meeting per year to review the Comprehensive Plan and Development Code.

## POLICY 4. NATURAL RESOURCES

It shall be the policy of Oneida County to maintain, protect and enhance the natural assets of the planning area. The county will direct development away from naturally hazardous sites or, where feasible, require site planning or construction techniques that mitigate the hazard. The following regulatory strategies may be used to implement this policy.

A. Underground aquifers must be protected from depletion and contamination.

B. The county will use its Development Code to protect surface water resources. Stream corridor protection will be addressed in the development code. The county will adopt development code standards that require or encourage water quality protection, runoff and erosion control, wetlands protection, and development setbacks along stream beds and or reservoir shores.

C. The county will use its Development Code to direct development away from flood hazard areas and steep slopes. The Development Code will also require or encourage development and construction techniques that mitigate such natural hazards as accelerated soil erosion, flooding, slope failure and wildfire.

D. Some areas in Oneida County are vulnerable to destruction by wildfire. In these areas, the county will use its development code to encourage fire controlling lot planning and encourage the provision of a water supply adequate for firefighting. Protection of existing forest and other vegetation will be accomplished through the designation of open space or preservation areas where development is conducted.

E. Development should be encouraged that is sensitive to the needs of wildlife.

F. The county will use its Development Code to encourage development that protects scenic views.

## **POLICY 5. LAND USE**

Issues to be addressed within Oneida County will include agricultural, industrial, commercial and recreational uses, and development limitations.

### **I. Agriculture**

Oneida County will encourage preservation of prime agricultural land. However, preservation of agricultural land should not override the option of the landowner to determine the use of his property.

It shall be the policy of Oneida County to recognize the economic importance of agriculture in Oneida County by discouraging development that may conflict with existing farm operations, requiring future rural residents to acknowledge the right of neighboring agricultural operations to continue, and discourage the conversion of productive crop lands to other uses.

This policy recognizes both the importance of agriculture and possibility of conflict between agricultural and other land uses. The following implementation strategies are designed to minimize that conflict:

A. Oneida County will require participation of potentially affected irrigators in reviewing proposed subdivisions, and require developers to either transfer the water rights away from a parcel before it is subdivided or provide a central irrigation system (I. C. 31-3805). The county will also use its development code to require explicit permission of an irrigation entity for any additional discharge of surface runoff into its system.

B. Developers or individual land owners will be required to present development plans, subdivision applications, and building permit application to irrigation entities for review and comment when service, distribution, or storage facilities are adjacent to or within the property boundaries of the proposed development of the proposed development or building site. When safety, water quality, maintenance easements, and other issues are a concern, it will be the responsibility of the developing entity to prove suitability of the proposed development or building site or sites.

C. Oneida County will attempt to minimize friction between rural residential development and existing agriculture operations. Wherever rural residential development is permitted, each applicant for permit will sign a Resource Management Agreement.

D. Large agricultural enterprises (dairies, feedlots, animal solid waste composting, handling of agricultural chemicals, etc.) can have an adverse impact on nearby developments or dwellings.

E. The same scrutiny will be applied to proposed residential developments that may be incompatible with existing agricultural industries.

## II. Commercial

Oneida County will encourage commercial development within areas that can be served by existing water and sewer facilities.

A. The Oneida County Development Code will require mitigation of potential nuisances including: noise, glare, building height and bulk, activity levels and other relevant measures. Retention or installation of landscaped buffers between potentially incompatible uses may be required.

B. Home occupations will be permitted in Oneida County, subject to conditions that assure their compatibility with neighboring uses.

C. The county will use its Development Code to encourage cooperative site planning, including shared access drives and parking, and shared buffers and open space.

## III. Mineral Extraction

There are extensive mineral resources in Oneida County, the development of which may conflict with nearby land use. The Oneida County Development Code will include performance standards designed to assure that new or expanded mineral extraction does not adversely affect neighboring use or water quality.

## IV. Industrial

Oneida County will encourage industrial development in areas that are adjacent to existing transportation systems, i.e., the existing railroad spur and interstate highways.

A. The Oneida County Development Code will require mitigation of potential nuisances including noise, glare, building height and bulk, activity levels, dust and other relevant measures. Retention or installation of landscaped buffers between potentially incompatible uses may be required.

B. "State Land Use Code" will be used to determine industrial classification.

## V. Recreational

It shall be the policy of Oneida County to maintain the natural assets of the recreational areas within the county. These areas will be subjected to the same requirements as set forth in policy number 4, "Natural Resources". Additional requirements and implementation strategies are:

A. Development density must not affect water quality where individual wells are used in lieu of a central water system. Southeast District Health Department standards will provide density guidelines pertaining to acceptable sewage systems.

B. Recreational developments must prepare a fire protection plan that will delineate fire-wise construction, design and materials, defensible space, fuel load assessments, etc.

C. Visual sensitivity will be addressed by the standards for recreational development. Density levels will be set to protect the pristine environment desired by those who reside on a full- or part-time basis in forest, meadow, waterfront, riverside, streamside, or view enhanced areas.

D. Commercial development, home occupations, isolated lodges and stores may be permitted in recreational areas subject to conditions assuring compatibility with neighboring uses.

E. Industrial development may be prohibited in recreational areas.

F. Compatibility of proposed developments will be evaluated on the basis of building height, environmental factors, proposed uses, activity levels, and similar measures. Retention or installation of landscaped buffers between potentially incompatible uses may also be required.

G. The county will encourage cooperative site planning, including shared access drives and parking, and shared buffers and open space.

## VI. Residential

### **POLICY 6. DEVELOPMENT**

It shall be the policy of Oneida County to limit development to the density appropriate for the site and the area's rural character, and to encourage a development pattern that discourages conversion of productive cropland to other use, respects environmental limitations, and provides open space. The county will encourage a pattern of development that concentrates on suitable sites that avoid areas with limited or restricted access to public facilities and services and environmentally sensitive areas. A lower density of development may be required in areas where there is a potential hazard of ground water contamination, or potential aquifer depletion or contamination as determined by countywide water availability research.

Oneida County is unable to subsidize or provide infrastructure for new, expanded or changed use developments. To protect the general taxpayer and future occupants of developments in the county, developers will be required to provide safe adequate roads and other essential facilities. The county will implement this policy using the following strategies.

A. Provision of state-approved central water systems, including water systems that produce adequate fire flows is encouraged. Where reliance on individual wells is proposed, the county may require evidence that a sufficient potable water supply is available.

B. On-site sewage disposal systems are required to comply with all applicable state standards.

C. Power, telephone, and other private utilities must be provided in all developments, with the exception of recreational properties.

D. All uses must provide the off-street parking and loading areas needed to help prevent local traffic congestion.

E. Developers must construct safe, adequate roads, ready for maintenance and ownership by Oneida County.

F. Access to public lands and waters is an important part of the recreational experience available to the residents of Oneida County. New developments must not block historically existing access roads or trails. The code will also encourage the provision of new or improved public access by developers.

G. In addition to encouraging the provision of water supplies adequate for firefighting purposes, building heights must be restricted to that which can be effectively protected by the Oneida County Fire Protection District.

H. Idaho law (I.C. 67-6508(c), I.C. 67-6511(a), and I.C. 67-6513) specifically requires that the county consider the potential impacts of proposed developments on local schools. This requirement will be implemented by referring all applications for subdivision permits to the Oneida County School District for review and comment.

## **POLICY 7. COUNTY ROAD SYSTEMS**

Oneida County will protect the efficient functioning of existing roads by limiting access where necessary, protecting rights-of-way from unnecessary encroachments, and ensuring that utility work and other necessary encroachments do not create safety hazards or result in added maintenance costs.

A description of Oneida County's road network will be provided by the County Road Department. These strategies apply to both county roads and public roads that are not maintained by the county.

A. Safe, adequate access to new developments will be required in Oneida County.

B. Oneida County will clarify the status of existing county and public roads, and adopt permit requirements and standards for encroachment.

C. The Oneida County Road Department will provide an annually updated road inventory map with classes of all roads within the county clearly coded.

## **POLICY 8. AIRPORTS**

It shall be Oneida County's policy to protect the public investment in local airports and the safety of air travelers by adopting airport area height limitations and safety restrictions, as recommended by the Federal Aviation Administration.

## **POLICY 9. MANUFACTURED HOMES**

It shall be the policy of Oneida County to use its Manufactured Home and Manufactured Home Park Ordinance and/or the Development Code to set forth the use, size and location requirements for manufactured homes within the county.

## **POLICY 10. NATIONAL EMERGENCY PROGRAM**

It shall be Oneida County policy to acquire participation in the National Emergency Program. Participation in the program allows residents potentially affected by flooding to purchase insurance, while supplementing planning areas policies requiring the protection of stream corridors with construction standards for any development that is permitted within the flood plain.