

**SECTION VI.**  
**Land Use Regulations as**  
**Barriers to Affordable Housing**

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## **SECTION VI.**

# **Land Use Regulations as Barriers to Affordable Housing**

The ability of private real estate markets to meet affordable housing needs is strongly affected by zoning, subdivision, and land development regulations adopted by local governments. In many cases, local regulations that are intentionally or unintentionally exclusionary can offset the impact of affordable housing subsidies or increase the amount of subsidies necessary for the market to meet affordable housing needs.<sup>1</sup> In *Zoned Out*, analyst Jonathan Levine recently documented the impact of zoning regulations on the supply of affordable housing, and his findings confirm the conclusions of several earlier studies.

For example, a 1998 study of regulatory barriers to affordable housing in Colorado identified five separate types of barriers, including zoning and subdivision controls.<sup>2</sup> The other areas were development processing and permitting, infrastructure financing mechanisms, building codes, and environmental and cultural resource protection tools. In the area of zoning and subdivision controls, the Colorado study identified four specific types of barriers:

- Minimum house size, lot size, or yard size requirements;
- Prohibitions on accessory dwelling units;
- Restrictions on land zoned and available for multifamily and manufactured housing; and
- Excessive subdivision improvement standards.

Similarly, in 2007, a nationwide study prepared by the National Association of Home Builders for the U.S. Department of Housing and Urban Development documented which types of subdivision regulations have the greatest impacts on housing costs.<sup>3</sup> After establishing benchmark standards representing their estimates of the minimums necessary to protect public health and safety, the study compared the cost of building single family housing under those benchmark standards with actual costs of home construction. The study concluded that:

- 65 percent of the added costs were caused by minimum lot size requirements; and
- 9 percent of the added costs were caused by lot width requirements.

A third contributor was minimum house size requirements. Although only eight percent of local governments impose those controls, they were responsible for 17 percent of the added costs in those cities and counties that use them. Using 2004 data, the study concluded that subdivision regulations exceeding baselines for public health and safety added an average of \$11,910 (4.8%) to the price of a new home.

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1 Levine, Jonathan, *Zoned Out* (RFF Press, Washington, D.C., 2006).

2 Colorado Department of Local Affairs, *Reducing Housing Costs through Regulatory Reform* (Denver: Colorado Department of Local Affairs, 1998).

3 Study of Subdivision Requirements as a Regulatory Barrier. EcoNorthwest, for National Association of Homebuilders Research Center, 2007.

In U.S. ex. rel. Anti-discrimination Center v. Westchester County<sup>4</sup>, a U.S. District Court confirmed that local government eligibility for Federal Community Development Block Grant Funds requires certification that the city or county is in compliance with the Federal Fair Housing Act Amendments of 1988. That, in turn, requires that the local government (a) conduct an analysis of impediments to fair housing, (b) take actions to address the effects of those impediments, and (c) maintain records of the analysis and the steps taken. In addition to barriers based on income, the analysis cannot ignore issues of racial segregation or the role of public resistance in perpetuating economic or racial segregation.

For all of these reasons, it is important that local governments review their zoning, subdivision and land development regulations to ensure that they do not create barriers to private production of affordable housing, and that they include appropriate tools that could spur private production of affordable housing to fill identified gaps in housing supply.

This following information is organized into three sections:

- General Guidance on Avoiding Barriers to Affordable Housing;
- County-by-County Review of Land Use Regulations; and
- Idaho Summary and Conclusions.

### **General Guidance on Avoiding Barriers to Affordable Housing**

Because the character, development patterns, and future plans of each county are different, their zoning, subdivision, and development controls will also differ. No two county codes could or should read alike. However, there are several land use practices that can help reduce barriers to housing choice, and counties should review their regulations to ensure that they do not include unintentional barriers in these areas. In some cases, the most appropriate areas for some of these tools to be implemented may be in existing urbanized areas or near incorporated towns and cities.

**County land use regulations that attempt promote housing choice should include as many of the following tools as is consistent with the county's future development plans.** While it is not necessary that each county code include all of these types of provisions, including more of them will further reduce barriers to housing choice.

- **Purpose Statement.** The code should reflect the county's purpose to provide housing choice for its residents and to comply with applicable federal and state law regarding housing choice.
- **Small Lots.** At least one zone district (or overlay district, or permit system) that allows small lots for single family detached housing in some locations. While the appropriate minimum lot size will vary with the character of the county, a zone allowing minimum lot sizes in the 3,000-6,000 square foot range would be appropriate for more urbanized areas of many counties. In addition, lot width requirements should be reasonable and consistent with minimum lot sizes; while some codes require minimum lot widths of 70 feet or more, small homes can be constructed on lots as narrow as 40 feet (or even less). Minimum lot size requirements are the type of regulation most responsible for increasing housing costs.

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<sup>4</sup> 495 F.Supp.2nd 375 (S.D.N.Y. 2007).

- **Multifamily Parcels.** At least one zone district (or overlay district or permit system) that allows the construction of multifamily housing, and mapping enough land into this district to allow a reasonable chance that some multifamily housing will be developed. In many rural counties, these mapped areas may be close to incorporated or urbanized areas. Maximum heights should be reasonable and consistent with the maximum density permitted; avoid mapping areas for multifamily densities and then imposing height restrictions that prohibit efficient development at those densities. Failure to provide opportunities for multifamily development has been identified as one of the four leading regulatory causes of increased housing costs.
- **Manufactured Homes.** Manufactured housing meeting HUD safety standards should be allowed somewhere (per the Federal Manufactured Housing Act of 1974). While restricting these homes to manufactured home parks is common, the better practice is to allow them in at least one residential zone where the size and configuration matches the scale and character of the area.
- **Minimum House Sizes.** The zoning and subdivision regulations should not establish minimum house or dwelling unit sizes (beyond those in the building code). Minimum house size requirements have also been identified as a significant cause of increased housing prices in those communities where they are in place.
- **Group Housing.** The code should clarify that housing for groups protected by the Fair Housing Act Amendments of 1988 are treated as residential uses, and should generally allow those group housing uses in at least one residential district. While some communities require a special permit for these uses, others find that they can be allowed by right provided that they comply with standards limiting scale, character, and parking. Failure to provide for these uses in the code could subject the county to a developer’s request for “reasonable accommodation” under the Act, and failure to provide “reasonable accommodation” could be a violation of federal law. In light of the aging of the American population, the code should also provide areas where congregate care, nursing home, and assisted living facilities may be constructed.
- **Accessory Dwelling Units.** The code should allow accessory dwelling units in at least one zone district – either as an additional unit within an existing home structure or in an accessory building on the same lot. While some communities require a special permit for these uses, others find that they can be allowed by right provided that they comply with standards limiting scale, character, and parking.
- **Mixed Use.** In order to promote affordability, housing should be allowed near businesses that employ workers, particularly moderate and lower income employees. To do that the code should permit residential units in at least one commercial zone district or should map some lands for multifamily development in close proximity to commercial districts.
- **Lower Parking Standards.** Although the traditional standard of two parking spaces per dwelling unit may be reasonable for many areas of a county, a lower standard can and generally should be used for affordable housing, multifamily housing, group housing, and special needs housing.

- **Flexibility on Nonconforming Structures.** Although zoning codes generally require that nonconforming structures damaged or destroyed through fire or natural causes can only be rebuilt in compliance with the zoning code, an increasing number of codes are exempting affordable housing from this requirement. Often the most affordable housing in a community is located on lots that are too small or narrow for the district where they are located, or in multifamily buildings that have too many units for the district where they are located. If forced to replat with larger lots or to reduce density following a disaster, those affordable units may be lost, and allowing rebuilding with the same number of units as before may be the most efficient way to preserve these units in the housing stock.
- **Incentives.** In order to encourage the development of affordable housing, the code should recognize the difficult economics involved and should offer incentives. Common incentives include smaller lots, increased density in multifamily areas, reduced parking requirements, or waivers or reductions of application fees or development impact fees. Some communities provide additional incentives for housing that is restricted for occupancy at lower percentages of the Area Median Income (AMI). For example, developments restricted for households earning less than 50% of AMI could receive more generous incentives than those for households earning less than 80% of AMI. While zoning and subdivision incentives alone are often not enough to make development for lower levels of AMI economically feasible, they can be part of a broader package of incentives (for example, including financial incentives or land contributions) that make those projects feasible. Any incentives offered should be updated as new housing studies are completed and new information about specific affordable housing needs is obtained.
- **Growth Management Exemptions.** Most communities that operate a growth management system exempt affordable housing or allow it to compete for a separate pool of development rights in order to encourage this type of housing.

### **County-by-County Review of Land Use Regulations**

This report intended to review all 44 Idaho county zoning codes, but during the course of the review we discovered that Benewah County does not have a zoning code and that its subdivision regulations did not address affordable housing issues, so a total of 43 codes were reviewed. In order to complete our review of the remaining 43 county land use regulations within the available time and budget, the county-by-county review focuses on nine key land use questions that can have significant impacts on housing affordability and availability. Those questions are:

1. What is the smallest minimum lot size available in a residential district?
2. What is the narrowest lot width allowed in a single family district?
3. What is the highest density available in a multifamily district?
4. What is the tallest building height permitted in a multifamily district?
5. What types of group housing are permitted in single family and multifamily districts (if any)?
6. How does the code address manufactured housing or mobile homes?

7. How does the code address accessory dwelling units?
8. How much parking does the code require for single and multifamily units, and does it have lower standards for affordable/special needs housing?
9. Are there any county incentives for affordable housing, and if so what are they?

We also surveyed a 10<sup>th</sup> issue – minimum house size requirements – but discovered that no Idaho county requires minimum house sizes in their zoning and subdivision codes. The responses to the ten questions are set forth in the pages that follow. In addition, at the end of each county summary there is a comment section reflecting how the regulations compare to the General Guidance section above and to regulations in other Idaho counties.

Figure VI-1 summarizes the findings from the land use and zoning review that follows.

### **Individual County Reviews**

Pages 9 through 52 of this section present the findings from the review for each county in the state. This report concludes with an overall evaluation of how well the counties in the state have implemented land use practices that create housing opportunities for individuals protected by the Federal Fair Housing Act.

**Figure VI-1.  
Summary and Conclusions of Land Use Review, Idaho Counties 2011**

County	Evaluation of Land Use/Zoning Policies and Affordable Housing Barriers							Notes
	Lot dimensions	Minimum lot size.	Affordable Housing Incentives	Group Housing Regulations	Manufactured Home/Mobile	ADU Regulations	Parking	
Ada	Among the lowest reviewed. Min. width could be lower. Multifamily density and building height could be higher.	2,000 square feet	None; should consider offering.	Need to allow more group home types.	Good overall; should allow parks in residential zones.	Good.	Single family good; multifamily could be lower.	
Adams	Should lower minimum lot sizes; have multifamily district with density.	1 acre. "High" density 9,000 square feet.	None.	Need to allow more group home types.	Allow manufactured homes outside of parks.	Do not promote affordable housing.	Could be lower.	
Bannock	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	1 acre	None.	Good.	Good.	Should permit rentals.	Could be lower.	
Bear Lake	Should be lower; do not facilitate affordability of housing.	1/2 acre	None.	Need to add group home provisions to code.	Good.	Good.	N/A	
Benewah	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Benewah does not have a zoning code, only subdivision regulations that do not address affordability factors. A zoning code should be adopted.
Bingham	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	1/4 acre	None.	Need to allow more group home types.	Good.	Should expand beyond farm and ranch uses.	Could be lower.	
Blaine	Should be lower; do not facilitate affordability of housing. Multifamily densities should be higher.	1/4 acre	None; should offer, given expensive housing.	Need to allow more group home types.	Good, should adopt park standards.	Good.	Could be lower.	
Boise	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	2 acres	None.	Among the best reviewed.	Good.	Should permit rentals.	Multifamily could be lower.	
Bonner	Should be lower; do not facilitate affordability of housing. Multifamily densities should be higher.	10,000 square feet	None; should offer, given expensive housing.	Need to add group home provisions to code.	Should be allowed in residential zones. Park provisions good.	Good.	Single family could be lower.	
Bonneville	Relatively low. Multifamily density could be higher.	5,200 square feet for duplex lots; 6,000 square feet otherwise	None.	Need to allow more group home types.	Should be allowed in residential zones. Park provisions good.	Should be added to code.	Could be lower.	
Boundary	Should lower minimum lot sizes; add multifamily provisions to code.	1/4 acre	None. Should offer, given expensive housing.	Need to add group home provisions to code.	Good.	Should not limit to family members.	N/A	
Butte	Should be lower; do not facilitate affordability of housing.	1/2 acre	None.	Need to allow more group home types.	Good.	Should expand beyond farm use.	Single family could be lower.	
Camas	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	1/4 acre	None.	Need to allow more group home types.	Good.	Allow in more zones and on smaller lots.	N/A	
Canyon	Should be lower; do not facilitate affordability of housing. Multifamily provisions should allow higher densities.	12,000 square feet	None.	Among the best reviewed.	Good.	Good.	Could be lower.	
Caribou	Should be lower; do not facilitate affordability of housing.	1/2 acre	None.	Should be allowed in low density residential.	Should be allowed in residential zones. Park provisions good.	Good.	Single family could be lower.	
Cassia	Should be lower; minimum lot sizes in subdivisions should be given.	1 acre	None.	Need to allow more group home types.	Good.	Should be added to code.	Single family could be lower.	

Note: Items that should be given the most attention in code revision are highlighted in red. Items in blue indicate models for other counties. An acre is 43,560 square feet. 1/2 acre = 21,780 square feet. 1/4 acre = 10,890 square feet.

Source: Clarion Associates and BBC Research & Consulting.

**Figure VI-1. (continued)**  
**Summary and Conclusions of Land Use Review, Idaho Counties 2011**

County	Evaluation of Land Use/Zoning Policies and Affordable Housing Barriers							Notes
	Lot dimensions	Minimum lot size.	Affordable Housing Incentives	Group Housing Regulations	Manufactured Home/Mobile	ADU Regulations	Parking	
Clark	Among the best reviewed. Multifamily permits should allow efficient densities and heights.	5,000 square feet	None.	Could be expanded to include large facilities for elderly.	Good.	Should permit rentals.	N/A	
Clearwater	Generally good, could be slightly lower. Multifamily permits should allow efficient densities and heights.	7,500 square feet	None.	Need to allow more group home types.	Good.	Should be added to code.	Single family could be lower.	
Custer	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	9,000 square feet	None.	Need to allow more group home types.	Good.	Good.	Single family could be lower.	
Elmore	Among the best reviewed; promotes affordability.	No minimum	None.	Among the best reviewed.	Good.	Good.	Single family could be lower.	
Franklin	Good, could be lower, smallest minimum lot width. Multifamily permits should allow efficient densities and heights.	7,250 square feet	None.	Need to add group home provisions to code.	Should be allowed in residential zones. Park provisions should be added to code.	Should be added to code.	N/A	
Fremont	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	1/2 acre	Yes. PUD and rural village districts set out to maintain affordability through flexibility.	Good, but should define groups.	Good.	Good.	Could be lower.	
Gem	Good, could be lower. Multifamily maximum density and height could be raised.	6,000 square feet	None.	Need to allow more group home types.	Good.	Should be added to code.	Single family could be lower.	
Gooding	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	10,000 square feet	None.	Good.	Good.	Should be added to code.	N/A	
Idaho	Should be lower; do not facilitate affordability of housing. Multifamily provisions should be added to the code.	8,000 square feet	None.	Need to add group home provisions to code.	Good.	Should be added to code.	N/A	
Jefferson	Should be lower; do not facilitate affordability of housing. Multifamily provisions should be added to the code.	1/5 acre	None.	Need to allow more group home types.	Good.	Could be extended into R-1 district.	Single family could be lower.	
Jerome	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	1 acre	None.	Need to allow more group home types.	Good.	Should be added to code.	Single family could be lower.	
Kootenai	Among the best reviewed; promotes affordability.	3,000 square feet	None; should offer, given expensive housing.	Need to allow more group home types.	Good.	Should permit rentals.	Best single family requirements at 1/2 DU	
Latah	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	9,600 square feet	None.	Need to add group home provisions to code.	Good.	Should permit rentals.	N/A	
Lemhi	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	1/4 acre	None.	Need to add group home provisions to code.	Good.	Good.	Could be lower.	
Lewis	Should be lower; should state minimum size with services. Should add multifamily provisions to code.	1 acre (will consider less if services are available).	None.	Could allow more group home types.	Siting good; should add park provisions.	Should be added to code.	N/A	
Lincoln	Should be lower; should add multifamily housing provisions.	1/2 acre	None.	Need to add group home provisions to code.	Siting good; should add park provisions.	Should be added to code.	N/A	
Madison	No minimum lot size promotes affordability, but minimum width does not.	No minimum	None.	Need to add group home provisions to code.	Good.	Good.	Could be lower.	
Minidoka	Among the best reviewed; promotes affordability. Multifamily permits should allow efficient density and height.	1,500 square feet	None.	Among the best reviewed.	Good.	Should specify zones allowed.	Could be lower.	

Note: Items that should be given the most attention in code revision are highlighted in red. Items in blue indicate models for other counties.  
 An acre is 43,560 square feet. 1/2 acre = 21,780 square feet. 1/4 acre = 10,890 square feet.

Source: Clarion Associates and BBC Research & Consulting.

**Figure VI-1. (continued)**  
**Summary and Conclusions of Land Use Review, Idaho Counties 2011**

County	Evaluation of Land Use/Zoning Policies and Affordable Housing Barriers							Notes
	Lot dimensions	Minimum lot size.	Affordable Housing Incentives	Group Housing Regulations	Manufactured Home/Mobile	ADU Regulations	Parking	
Nez Perce	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	1/2 acre	None.	Need to add group home provisions to code.	Good.	Good.	Single family could be lower.	
Oneida	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Code only contains airport overlay and flood plain districts. Needs to address other aspects of land use.
Owyhee	Minimum lot size with services should be stated. Multifamily permits should allow efficient density and height.	N/A	None.	Need to allow more group home types.	Should be allowed in residential zones. Park provisions good.	Should not limit to family members.	N/A	
Payette	No minimum lot size promotes affordability, but minimum width does not.	3,500 square feet	None.	Good.	Good.	Should be added to code.	Could be lower.	
Power	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	1 acre	None.	Need to add group home provisions to code.	Good.	Good.	Could be lower.	
Shoshone	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	7,700 square feet	None.	Good.	Good.	Should be added to code.	Single family could be lower.	
Teton	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	7,000 square feet	None; should offer, given expensive housing; also use in Valley	Good.	Good.	Good.	Could be lower.	
Twin Falls	Should be lower; do not facilitate affordability of housing. Multifamily provisions should be added to the code.	9,000 square feet	None.	Need to add group home provisions to code.	Good.	Should specify zones allowed.	Could be lower.	
Valley	No minimum lot size promotes affordability. Multifamily permits should allow efficient density and height.	No minimum	None.	Need to add group home provisions to code.	Good.	Good.	N/A	
Washington	No minimum lot size promotes affordability. Multifamily provisions should be added to the code.	No minimum	None.	Need to add group home provisions to code.	Good.	Should be added to code.	Single family could be lower.	

Note: Items that should be given the most attention in code revision are highlighted in red. Items in blue indicate models for other counties. An acre is 43,560 square feet. 1/2 acre = 21,780 square feet. 1/4 acre = 10,890 square feet.

Source: Clarion Associates and BBC Research & Consulting.

## Ada County

The following information was found through review of Title 8: Ada County Zoning.

Potential Affordable Housing Barriers	Ada County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	2,000 sq. ft.
Narrowest lot width in a single family district	60 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily district	20 DU per acre
Tallest building height in a multifamily district	40 ft.
Where is multifamily permitted? By special permit?	Permitted in high density residential districts
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Nursing facility by CUP
What types of group housing are permitted in multifamily districts?	Boarding house and nursing facility by CUP
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured homes are considered as single family dwelling and permitted in most residential districts
Does the county have MH standards?	Yes, for manufactured homes, parks, and subdivisions
Does the county have a MH park district?	Yes, two districts
Are MHs (parks/single units) allowed in other districts?	Yes, in all rural districts, manufactured home parks by CUP in most all residential districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
<i>Are ADUs allowed in any districts, which ones?</i>	<i>All low to medium residential districts</i>
<i>Are ADUs allowed by special permit only?</i>	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	1 per DU
Number of parking spaces required for multifamily units	1 BR = 1.5 per DU; 2-3 BR = 2 per DU; 4+ BR = 3 per DU
Are there lower standards for affordable/special needs housing?	Skilled nursing facility: 1 per 8 beds
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed BR = bedroom	CUP = conditional use permit DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- Small single family minimum lot size among the lowest reviewed; minimum width could be lower.
- Multifamily density and building height could be higher to promote affordability.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured home siting are good.
- Accessory dwelling unit provisions are good.
- Single family parking standard is good; multifamily standards could be lower.

## Adams County

The following information was found through review of the Adams County Zoning and Subdivision Ordinances.

Potential Affordable Housing Barriers	Adams County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1 acre (high density overlay: 9,000 sq. ft.)
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 1 DU per 1 acre, in overlay: 1 DU per 9,000 sq. ft.
Tallest building height in a multifamily district	No MF district, 3 stories for subdivisions, otherwise not mentioned
Where is multifamily permitted? By special permit?	Permitted by CUP in R-1 district
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Nursing, retirement home, boarding house by CUP
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	No
Does the county have MH standards?	No
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Yes, mobile home parks allowed in commercial and by CUP in the rural residential district
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	No
Are ADUs allowed in any districts, which ones?	Agricultural: permits additional dwellings for immediate family members or employees of the landowner
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	2 per DU
Are there lower standards for affordable/special needs housing?	No
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- Basic and overlay single family minimum lot size could be lower.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured homes could be accommodated outside of parks.
- Accessory dwelling unit provisions do not promote the supply of affordable units.
- Single family and multifamily parking standards could be lower.

## Bannock County

The following information was found through review of the Bannock County Zoning and Subdivision Ordinances.

Potential Affordable Housing Barriers	Bannock County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1 acre
Narrowest lot width in a single family district	100 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 1 DU per acre
Tallest building height in a multifamily district	No MF district, 35 ft.
Where is multifamily permitted? By special permit?	MF permitted by CUP in residential districts
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Boarding house is permitted, institutional housing by CUP
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured homes where single family DU are permitted; mobile homes in agricultural and rural residential districts
Does the county have MH standards?	Yes, for single units and parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Single units in agricultural, rural residential, residential suburban, and recreation, and by CUP in commercial general; mobile home parks permitted as part of PUD in three districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	Allow a guest house, no rentals
Are ADUs allowed by special permit only?	No
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	1.5 – 3 per DU
Are there lower standards for affordable/special needs housing?	No
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1 acre minimum lot size and 100 ft. minimum width do not promote affordability.
- Multifamily conditional use permits should allow efficient densities and building heights.
- Group living provisions are good, provided definitions cover FHAA listed groups.
- Manufactured home siting and park availability provisions are good.
- Accessory dwelling unit provisions could be stronger if rentals permitted.
- Single family and multifamily parking standards could be lower.

## Bear Lake County

The following information was found through review of the Bear Lake County Land Use and Subdivision Ordinances.

Potential Affordable Housing Barriers	Bear Lake County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1/2 acre
Narrowest lot width in a single family district	75 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 1 DU per 1/2 acre
Tallest building height in a multifamily district	No MF district, 35 ft.
Where is multifamily permitted? By special permit?	MF permitted by CUP in all districts except agricultural
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	None
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes - manufactured homes, not single mobile homes
Does the county have MH standards?	Yes, for manufactured homes and parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Manufactured/mobile home parks by CUP in rural community, community expansion, and commercial districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Permits secondary residential or caretaker housing
Are ADUs allowed in any districts, which ones?	All
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	—
Number of parking spaces required for multifamily units	—
Are there lower standards for affordable/special needs housing?	—
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1/2 acre minimum lot size and 75 ft. minimum width do not promote affordability.
- Multifamily conditional use permits should allow efficient densities and building heights.
- Group housing provisions addressing FHAA listed groups should be added to the code.
- Manufactured home siting and park availability provisions are good.
- Accessory dwelling unit provisions are good.

## Benewah County

No affordable housing information was found through review of the Benewah County Subdivision Ordinance. There is no zoning ordinance for Benewah County.

Potential Affordable Housing Barriers		Benewah County Regulations
<b>Lot Dimensions</b>		
Smallest minimum lot size in a residential district (with services)		—
Narrowest lot width in a single family district		—
Minimum house size requirement (any district)		—
Highest density available in a multifamily district		—
Tallest building height in a multifamily district		—
Where is multifamily permitted? By special permit?		—
<b>Affordable Housing Provisions</b>		
Are there incentives for affordable housing? (density, lot size, fee waivers, other)		—
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>		
What types of group housing are permitted in single family districts?		—
What types of group housing are permitted in multifamily districts?		—
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>		
Are MHs allowed in residential districts?		—
Does the county have MH standards?		—
Does the county have a MH park district?		—
Are MHs (parks/single units) allowed in other districts?		—
<b>Accessory Dwelling Unit (ADU) Regulations</b>		
Does the code address accessory dwelling units?		—
Are ADUs allowed in any districts, which ones?		—
Are ADUs allowed by special permit only?		—
<b>Parking Requirements</b>		
Number of parking spaces required for single family units		—
Number of parking spaces required for multifamily units		—
Are there lower standards for affordable/special needs housing?		—
<b>ABBREVIATIONS</b>		
"—" = no information was found or there are no regulations listed		CUP = conditional use permit
BR = bedroom		DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- No zoning code; only subdivision regulations that do not address affordability factors listed above.

## Bingham County

The following information was found through review of the 14th Draft Code Revisions of Bingham County.

Potential Affordable Housing Barriers	Bingham County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1/4 acre
Narrowest lot width in a single family district	80 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily district	1 DU per 1/4 acre
Tallest building height in a multifamily district	In accordance with the building code
Where is multifamily permitted? By special permit?	Permitted in residential district, and by SUP in ag. residential, and light commercial
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Nursing/convalescent homes, congregate care and boarding houses by CUP
What types of group housing are permitted in multifamily districts?	Nursing/convalescent homes by CUP
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured homes as a single family DU
Does the county have MH standards?	Yes, mobile/manufactured home park standards
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Single units in ag., manufacturing, and commercial; mobile/manufactured home parks by SUP in residential and commercial districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Not directly
Are ADUs allowed in any districts, which ones?	Permitted only for farm, ranch, or dairy ops.
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU + 1 visitor
Number of parking spaces required for multifamily units	2 per DU + 1 visitor
Are there lower standards for affordable/special needs housing?	Boarding house: 1 per room
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	SUP = special use permit
	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1/4 acre minimum lot size and 80 ft. minimum width do not promote affordability.
- Multifamily special use permits should allow efficient densities and building heights.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured home siting and park availability provisions are good.
- Accessory dwelling unit provisions could be stronger if not limited to farm and ranch uses.
- Single family and multifamily parking standards could be lower.

## Blaine County

The following information was found through review of the Blaine County Title 9: Zoning Regulations and Title 10: Subdivision Regulations.

Potential Affordable Housing Barriers	Blaine County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1/4 acre
Narrowest lot width in a single family district	75 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 1 DU per 1/4 acre
Tallest building height in a multifamily district	No MF district, 35 ft.
Where is multifamily permitted? By special permit?	Permitted at 1 DU per 0.4 acre by CUP in medium and high density residential districts
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Continuing care communities are public utilities and are allowed in low-, medium-, and high-density residential, and commercial districts
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, mobile homes are considered a single family DU
Does the county have MH standards?	Yes, for single units and mobile home subdivisions
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Mobile home subdivision by CUP in low- and med-density residential and commercial zones
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	All residential districts
Are ADUs allowed by special permit only?	No
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	1.5 per DU
Are there lower standards for affordable/special needs housing?	1 per 1,400 sq. ft., boarding houses: 1 per room
<b>ABBREVIATIONS</b>	
"-" = no information was found or there are no regulations listed BR = bedroom	CUP = conditional use permit DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1/4 acre minimum lot size and 75 ft. minimum width do not promote affordability.
- Multifamily densities do not promote affordability.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured home siting provisions are good.
- Accessory dwelling unit provisions are good.
- Single family parking standards could be lower.

## Boise County

The following information was found through review of the Boise County Zoning and Development Ordinance and Subdivision Ordinance.

Potential Affordable Housing Barriers	Boise County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	2 acres
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	—
Tallest building height in a multifamily district	No MF district, 35 ft.
Where is multifamily permitted? By special permit?	MF permitted by CUP in the multiple use zone
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Group Homes, physically and mentally handicapped, elderly for up to and including eight (8) in multiple-use district
What types of group housing are permitted in multifamily districts?	Only one multiple use zone - same as above
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured and mobile homes considered a single family DU
Does the county have MH standards?	Yes, within definition and subdivision standards
Does the county have a MH park district?	No, but there is a specific subdivision for mobile homes
Are MHs (parks/single units) allowed in other districts?	Only one multiple use zone
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	No
Are ADUs allowed in any districts, which ones?	None
Are ADUs allowed by special permit only?	No
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	—
Number of parking spaces required for multifamily units	2 per DU + visitor
Are there lower standards for affordable/special needs housing?	No
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed BR = bedroom	CUP = conditional use permit DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 2 acre minimum lot size does not promote affordability.
- Multifamily conditional use permits should allow efficient densities and building heights.
- Institutional living provisions are among the best reviewed.
- Manufactured home siting and park availability provisions are good.
- Accessory dwelling provisions should be added to the code and should allow rental use.
- Multifamily parking standards could be lower.

## Bonner County

The following information was found through review of the Bonner County Code Title 12: Land Use Regulations.

Potential Affordable Housing Barriers	Bonner County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	10,000 sq. ft.
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 1 DU per 10,000 sq. ft.
Tallest building height in a multifamily district	—
Where is multifamily permitted? By special permit?	MF (12,000 sq. ft. for first unit + 3,000 sq. ft. for each additional unit) permitted by CUP in commercial, recreation, rural service center, and alpine village districts
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	None
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	No
Does the county have MH standards?	Yes, for mobile home parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Mobile home park by CUP in commercial, and rural service center districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	All, 1 permitted per lot
Are ADUs allowed by special permit only?	No
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	1 per studio, 1.5 per one BR, 2 per 2 or more BR
Are there lower standards for affordable/special needs housing?	No
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 10,000 sq. ft. minimum lot size does not promote affordability.
- Multifamily conditional use permits should allow greater density to promote affordability.
- Group living provisions addressing FHAA listed groups should be added to the code.
- Manufactured homes should be allowed in residential zone; park availability provisions are good.
- Accessory dwelling provisions are good.
- Single family parking standards could be lower.

## Bonneville County

The following information was found through review of the Bonneville County Title 1: Zoning Ordinance.

Potential Affordable Housing Barriers	Bonneville County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	5,200 sq. ft. for each lot of a duplex; 6,000 sq. ft. otherwise
Narrowest lot width in a single family district	65 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 4 DU per 9,000 sq. ft.
Tallest building height in a multifamily district	No MF district, 20 ft.
Where is multifamily permitted? By special permit?	Not allowed at all
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Boarding house in medium-density residential
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured homes in all residential districts; mobile homes in 3 districts
Does the county have MH standards?	Yes, for manufactured homes and within the manufactured home zone
Does the county have a MH park district?	Yes
Are MHs (parks/single units) allowed in other districts?	Yes, manufactured home parks in recreation-forestry and manufactured home districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	No
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	2 per DU
Are there lower standards for affordable/special needs housing?	Boarding houses: the greater of 1 per BR or 1 per each auto owned by house members
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- Minimum lot size and width are relatively low, but could be lowered for affordability.
- Multifamily provisions could allow higher density to promote affordability.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured home siting and park availability provisions are good.
- Accessory dwelling provisions should be added to the code.
- Single family and multifamily parking standards could be lower.

## Boundary County

The following information was found through review of the Boundary County Zoning and Subdivision Ordinance 99-06.

Potential Affordable Housing Barriers	Boundary County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1/4 acre
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district
Tallest building height in a multifamily district	—
Where is multifamily permitted? By special permit?	Not allowed at all
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	None
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes
Does the county have MH standards?	Yes, for mobile home parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Yes, if they are considered a single family dwelling unit
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	Allowed as long as occupied by family, in all but the industrial district
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	—
Number of parking spaces required for multifamily units	—
Are there lower standards for affordable/special needs housing?	—
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1/4 acre minimum lot size does not promote affordability.
- Multifamily provisions should be added to the code.
- Group living provision addressing FHAA listed groups should be added to the code.
- Manufactured homes and park availability standards are good.
- Accessory dwelling provisions would better promote affordability if not limited to family members.

## Butte County

The following information was found through review of the Butte County Zoning Ordinance 3-99 and Subdivision Ordinance 2-99.

Potential Affordable Housing Barriers	Butte County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1/2 acre
Narrowest lot width in a single family district	100 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 1 DU per 1.2 acre
Tallest building height in a multifamily district	No MF district, 2.5 stories/25 ft.
Where is multifamily permitted? By special permit?	MF (not more than 4 DUs) permitted by CUP in residential districts
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Boarding and rooming house by CUP
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured homes within definition of single family DU; mobile homes on single family lots meeting rehabilitation standards
Does the county have MH standards?	Yes, for single units
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Yes, agricultural and transitional; manufactured home parks in 2 residential districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Not directly
Are ADUs allowed in any districts, which ones?	Agricultural – for farm-related purposes only
Are ADUs allowed by special permit only?	Yes
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	1.5 per DU
Are there lower standards for affordable/special needs housing?	1 per 2 beds
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1/2 acre minimum lot size and 100 ft. minimum width do not promote affordability.
- Multifamily provisions could allow higher density to promote affordability.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured home and park availability standards are good.
- Accessory dwelling provisions would better promote affordability if not limited to farm use.
- Single family parking standards could be lower.

## Camas County

The following information was found through review of the Camas County Zoning and Subdivision Ordinances.

Potential Affordable Housing Barriers	Camas County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1/4 acre
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 1 DU per 1/4 acre
Tallest building height in a multifamily district	No MF district, 35 ft.
Where is multifamily permitted? By special permit?	MF permitted in the commercial district, and by CUP in most agricultural and residential districts
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Rooming-boarding house by CUP
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, mobile homes considered a single family DU
Does the county have MH standards?	Yes, mobile home park standards
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Mobile homes where single family dwelling are permitted, mobile home parks by CUP in low- and high- density residential
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	Agricultural and agricultural transition lots that are 2.5 acres or greater
Are ADUs allowed by special permit only?	No
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	—
Number of parking spaces required for multifamily units	—
Are there lower standards for affordable/special needs housing?	—
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed BR = bedroom	CUP = conditional use permit DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1/4 acre minimum lot size do not promote affordability.
- Multifamily conditional use permits should allow efficient densities and building heights.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured home and park availability standards are good.
- Accessory dwelling provisions would better promote affordability if allowed in more zones and smaller lots.

## Canyon County

The following information was found through review of the Canyon County Code of Ordinances 10-006, Chapter 7, Zoning Regulations., Ordinance 08-026: 2010 Zoning Amendments.

Potential Affordable Housing Barriers	Canyon County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	12,000 sq. ft.
Narrowest lot width in a single family district	60 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	4 DU per 1/2 acre
Tallest building height in a multifamily district	35 ft.
Where is multifamily permitted? By special permit?	4 DU per lot permitted and 8 DU per lot permitted by CUP in R-2 district
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing</b>	
What types of group housing are permitted in single family districts?	8 or fewer unrelated mentally and/or physically handicapped is included in definition of single family DU. Group home by CUP, assisted care facility by administrative approval
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured home is included in definition of single family DU
Does the county have MH standards?	No
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Allowed where single family DU are permitted
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	"Secondary residence" permitted in single family and medium residential density zone
Are ADUs allowed by special permit only?	No
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	2 per DU
Are there lower standards for affordable/special needs housing?	1 per 2 people, 1 per doctor, 3 per 2 employees
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed BR = bedroom	CUP = conditional use permit DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 12,000 sq. ft. minimum lot size and 60 ft. minimum width do not promote affordability.
- Multifamily provisions could allow higher density to promote affordability.
- Group living provisions are among the best reviewed.
- Manufactured home and park availability standards are good.
- Accessory dwelling provisions are good.
- Single family and multifamily parking standards could be lower.

## Caribou County

The following information was found through review of the Caribou County Zoning and Subdivision Ordinances.

Potential Affordable Housing Barriers	Caribou County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1/2 acre
Narrowest lot width in a single family district	75 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	1 two-family per 1/2 acre
Tallest building height in a multifamily district	35 ft.
Where is multifamily permitted? By special permit?	Permitted in high and low density residential districts and by CUP in the agricultural district
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	None
What types of group housing are permitted in multifamily districts?	Institutional residential by CUP in high density residential and commercial
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Not specifically, allowed on county land when certain standards are met
Does the county have MH standards?	Yes, for single units and parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Mobile home parks by CUP in high density residential
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	Yes, by CUP in residential districts
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	1.5 per DU
Are there lower standards for affordable/special needs housing?	1 per 2 beds
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1/2 acre minimum lot size and 75 ft. minimum width do not promote affordability.
- Multifamily conditional use permits should allow efficient densities and building heights.
- Group living provisions are good, but could be allowed in low density residential.
- Manufactured homes should be allowed in residential zone; park availability provisions are good.
- Accessory dwelling provisions are good.
- Single family parking standards could be lower.

## Cassia County

The following information was found through review of the Cassia County Regulations and County Code, Title 9: Zoning Regulations and Title: 10, Subdivision Regulations.

Potential Affordable Housing Barriers	Cassia County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1 acre, may be reduced in approved subdivision
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 1 DU per acre
Tallest building height in a multifamily district	No MF district, 35 ft.
Where is multifamily permitted? By special permit?	Permitted by CUP in multiple use, residential, and agricultural districts
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing</b>	
What types of group housing are permitted in single family districts?	Nursing home and rest homes by CUP in single family and permitted in multiple use district
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, both are considered a single family DU
Does the county have MH standards?	Yes, for single units and parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Mobile home parks by CUP in 2 agricultural residential and multiple use districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	No
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	1.5 per DU
Are there lower standards for affordable/special needs housing?	Boarding house: 1 per sleeping room, nursing home and similar: 1 per 2 beds
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1 acre minimum lot size does not promote affordability; minimum lot sizes in subdivision should be stated.
- Multifamily conditional use permits should allow efficient densities and building heights.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured home and park availability standards are good.
- Accessory dwelling provisions should be added to the code.
- Single family parking standards could be lower.

## Clark County

The following information was found through review of the Clark County Development Code. The county is currently updating the Development Code, so the 2010 Draft was reviewed.

Potential Affordable Housing Barriers	Clark County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	5,000 sq. ft.
Narrowest lot width in a single family district	50 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily district	No MF district, -
Tallest building height in a multifamily district	No MF district, 35 ft.
Where is multifamily permitted? By special permit?	A conditional use in all districts but industrial
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Shelters with 8 or less clients by CUP in all but industrial district
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, both meeting performance standards
Does the county have MH standards?	Yes, for single manufactured homes and mobile/ manufactured home parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Yes, parks by CUP in the residential and rural districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes, "guest house"
Are ADUs allowed in any districts, which ones?	Allowed in residential and rural districts, but not for rental purposes
Are ADUs allowed by special permit only?	A conditional use in the commercial district
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	—
Number of parking spaces required for multifamily units	—
Are there lower standards for affordable/special needs housing?	—
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 5,000 sq. ft. minimum lot size and 50 ft. minimum lot width are among the best reviewed.
- Multifamily conditional use permits should allow efficient densities and building heights.
- Group living provisions are good, but could be expanded to include larger facilities for elderly.
- Manufactured home and park availability standards are good.
- Accessory dwelling provisions would better promote affordability if rental use allowed.

## Clearwater County

The following information was found through review of the Clearwater County Zoning and Subdivision Ordinances.

Potential Affordable Housing Barriers	Clearwater County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	7,500 sq. ft.
Narrowest lot width in a single family district	75 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	1 two family DU per 7,500 sq. ft. + 2,500 for each additional unit
Tallest building height in a multifamily district	45 ft.
Where is multifamily permitted? By special permit?	Permitted in the medium-high residential dist., and by CUP in the suburban residential dist.
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	None
What types of group housing are permitted in multifamily districts?	Nursing, retirement, and boarding houses by CUP in medium-high density residential district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, mobile homes in all residential districts
Does the county have MH standards?	Yes, for mobile home "courts" and within definition
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Mobile home court by CUP in comm. districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	No
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	1 per DU + 1 per each 2 DU over 4 units
Are there lower standards for affordable/special needs housing?	Nursing home: 1 per 2 beds and 1 per employee
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 7,500 sq. ft. minimum lot size and 75 ft. minimum lot width could be lowered for affordability.
- Multifamily conditional use permits should allow efficient densities and building heights.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured home and park availability standards are good.
- Accessory dwelling provisions should be added to the code.
- Single family parking standards could be lower.

## Custer County

The following information was found through review of the Custer County Zoning Ordinance 2007-09 and Subdivision Ordinance 2007-10.

Potential Affordable Housing Barriers	Custer County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	9,000 sq. ft.
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 1 DU per 9,000 sq. ft.
Tallest building height in a multifamily district	No MF district, 35 ft.
Where is multifamily permitted? By special permit?	Permitted in the commercial district, and by SUP in the transitional agricultural and residential districts
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Boarding house by SUP
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Not allowed on any single family lot
Does the county have MH standards?	No
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Mobile home parks allowed in commercial, by CUP in agricultural and agricultural transitional
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	Agricultural, industrial, commercial
Are ADUs allowed by special permit only?	Yes, in residential
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	1.5 per DU
Are there lower standards for affordable/special needs housing?	Boarding house: 1 for each story
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	SUP = special use permit
	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 9,000 sq. ft. minimum lot size does not promote affordability.
- Multifamily conditional use permits should allow efficient densities and building heights.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured homes should be allowed in residential zone; park availability provisions are good.
- Accessory dwelling provisions are good.
- Single family parking standards could be lower.

## Elmore County

The following information was found through review of the Elmore County Title 6: Zoning and Development Regulations.

Potential Affordable Housing Barriers	Elmore County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	0 ft., has to meet setback and parking stds.
Narrowest lot width in a single family district	50 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	45 DU per acre
Tallest building height in a multifamily district	80 ft.
Where is multifamily permitted? By special permit?	Permitted in the recreation and res./mixed-use district, and by CUP in the commercial districts
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing</b>	
What types of group housing are permitted in single family districts?	Assisted living and nursing homes by CUP, boarding house permitted
What types of group housing are permitted in multifamily districts?	Assisted living, boarding house, and nursing home by CUP
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured homes in the definition of single family DU
Does the county have MH standards?	Yes, in definition and manufactured home park standards
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Parks by CUP in general agriculture, residential, and recreation districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	Single family districts
Are ADUs allowed by special permit only?	Yes, by administrative approval
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	1 per DU
Are there lower standards for affordable/special needs housing?	Boarding: 1 per 2 sleeping rooms, nursing: 1 per 8 beds
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed BR = bedroom	CUP = conditional use permit DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- No minimum lot size and 50 ft. minimum lot width are among the lowest reviewed.
- Multifamily density and height standards are among the best reviewed.
- Group living provisions are among the best reviewed.
- Manufactured home and park availability standards are good.
- Accessory dwelling provisions are good.
- Single family parking standards could be lower.

## Franklin County

The following information was found through review of the Franklin County Development Code Ordinance 2007-8-13.

Potential Affordable Housing Barriers	Franklin County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	7,260 sq. ft. (plats)
Narrowest lot width in a single family district	40 ft. (plats)
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 1 DU per 7,260 sq. ft.
Tallest building height in a multifamily district	No MF district, -
Where is multifamily permitted? By special permit?	(only districts are wellhead/watershed, floodplain, and airport overlay districts)
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	—
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	—
Does the county have MH standards?	No
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	—
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	No
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	—
Number of parking spaces required for multifamily units	—
Are there lower standards for affordable/special needs housing?	—
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 7,260 sq. ft. minimum lot size could be lowered for affordability; 40 ft. minimum lot width is the lowest reviewed.
- Multifamily housing provisions should allow efficient densities and building heights.
- Group living provisions addressing FHAA listed groups should be added to the code.
- Manufactured homes should be allowed in residential districts; park availability provisions should be added to the code.
- Accessory dwelling provisions should be added to the code.

## Fremont County

The following information was found through review of the Fremont County Development Code, Public Hearing Draft, October 27, 2010.

Potential Affordable Housing Barriers	Fremont County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1/2 acre
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 2 DU per acre
Tallest building height in a multifamily district	No MF district, 40 ft.
Where is multifamily permitted? By special permit?	All MF requires a Class II permit
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	PUD and rural village districts set out to maintain affordability through flexibility but still have low density standards (PUD: 5 DU per acre, RV: 75 DU per 100 acres)
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	All, group home is included in the definition of single family dwelling
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured homes included in the definition of single family dwelling
Does the county have MH standards?	Yes, for single and parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Only where single family dwellings are allowed
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	Residential districts
Are ADUs allowed by special permit only?	No
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	2 per DU
Are there lower standards for affordable/special needs housing?	No
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1/2 acre minimum lot size does not promote affordability.
- Multifamily housing permits should allow efficient densities and building heights.
- Group living provisions are good, provided definitions cover FHAA listed groups.
- Manufactured home and park availability standards are good.
- Accessory dwelling provisions are good.
- Single family and multifamily parking standards could be lower.

## Gem County

The following information was found through review of the Gem County Title 11: Zoning Regulations and Title 12: Subdivision Regulations.

Potential Affordable Housing Barriers	Gem County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	6,000 sq. ft.
Narrowest lot width in a single family district	75 ft. max
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	1 DU per 6,000 sq. ft.
Tallest building height in a multifamily district	30 ft.
Where is multifamily permitted? By special permit?	Permitted in the MF residential district
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Halfway house by SUP
What types of group housing are permitted in multifamily districts?	Group home by SUP
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured homes permitted where single family is allowed
Does the county have MH standards?	Yes, for single units and manufactured/mobile home parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	—
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	No
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	1.5 per DU
Are there lower standards for affordable/special needs housing?	1 per 2 beds
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	SUP = special use permit
	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 6,000 sq. ft. minimum lot size could be lowered for affordability; 75 ft. maximum lot width is good.
- Multifamily maximum density and height could be raised for efficient development and affordability.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured home siting and park availability standards are good.
- Accessory dwelling provisions should be added to the code.
- Single family parking standards could be lower.

## Gooding County

The following information was found through review of the Gooding County Zoning Ordinance 78 and Subdivision Ordinance.

Potential Affordable Housing Barriers	Gooding County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	10,000 sq. ft.
Narrowest lot width in a single family district	75 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 1 DU per 10,000 sq. ft.
Tallest building height in a multifamily district	No MF district, 40 ft.
Where is multifamily permitted? By special permit?	Permitted by SUP in all districts except industrial
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Rooming house and institutional residential by SUP
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, both considered a single family dwelling
Does the county have MH standards?	Yes, within definition
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Manufactured home “courts” by SUP in transitional, low-density res., industrial and, recreation districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	No
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	—
Number of parking spaces required for multifamily units	—
Are there lower standards for affordable/special needs housing?	—
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	SUP = special use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 10,000 sq. ft. minimum lot size and 75 ft. minimum lot width do not promote affordability.
- Multifamily housing permits should allow efficient densities and building heights.
- Group living provisions are good, provided definitions cover FHAA listed groups.
- Manufactured home siting and park availability standards are good.
- Accessory dwelling provisions should be added to the code.

## Idaho County

The following information was found through review of the Idaho County Ordinance No. 20: Subdivision Regulations.

Potential Affordable Housing Barriers	Idaho County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	8,000 sq. ft.
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	—
Tallest building height in a multifamily district	—
Where is multifamily permitted? By special permit?	—
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	—
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	—
What types of group housing are permitted in multifamily districts?	—
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, considered a single family DU
Does the county have MH standards?	Yes, minimal standards for parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	—
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	—
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	—
Number of parking spaces required for multifamily units	—
Are there lower standards for affordable/special needs housing?	—
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 8,000 sq. ft. minimum lot size does not promote affordability.
- Multifamily housing provisions should be added to the code.
- Group living provisions addressing FHAA listed groups should be added to the code.
- Manufactured home siting and park availability standards are good.
- Accessory dwelling provisions should be added to the code.

## Jefferson County

The following information was found through review of the Jefferson County Ordinance, Title 3: Zoning Ordinance and Subdivision Regulations.

Potential Affordable Housing Barriers		Jefferson County Regulations
<b>Lot Dimensions</b>		
Smallest minimum lot size in a residential district (with services)		1/5 acre
Narrowest lot width in a single family district		—
Minimum house size requirement (any district)		—
Highest density available in a multifamily (MF) district		No MF district, 5 DU per acre
Tallest building height in a multifamily district		No MF District, 35 ft.
Where is multifamily permitted? By special permit?		Not permitted at all
<b>Affordable Housing Provisions</b>		
Are there incentives for affordable housing? (density, lot size, fee waivers, other)		No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>		
What types of group housing are permitted in single family districts?		Convalescent hospital, nursing home, sanitarium, rest home, or home for the aged
What types of group housing are permitted in multifamily districts?		No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>		
Are MHs allowed in residential districts?		Yes, manufactured homes in all residential districts
Does the county have MH standards?		Yes, for single units and manufactured home parks
Does the county have a MH park district?		No
Are MHs (parks/single units) allowed in other districts?		Agricultural and recreation/commercial districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>		
Does the code address accessory dwelling units?		Yes
Are ADUs allowed in any districts, which ones?		Agricultural and R-5 (not R-1)
Are ADUs allowed by special permit only?		Yes, by CUP
<b>Parking Requirements</b>		
Number of parking spaces required for single family units		2 per DU
Number of parking spaces required for multifamily units		—
Are there lower standards for affordable/special needs housing?		1 per 2 beds/residents
<b>ABBREVIATIONS</b>		
"—" = no information was found or there are no regulations listed		CUP = conditional use permit
BR = bedroom		DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1/5 acre minimum lot size does not promote affordability.
- Multifamily housing provisions should be added to the code.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured home siting and park availability standards are good.
- Accessory dwelling provisions are good but could be extended to R-1 district.
- Single family parking standards could be lower.

## Jerome County

The following information was found through review of the Jerome County Zoning Ordinance.

Potential Affordable Housing Barriers	Jerome County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1 acre
Narrowest lot width in a single family district	100 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	1 DU per acre (less with services)
Tallest building height in a multifamily district	35 ft.
Where is multifamily permitted? By special permit?	Permitted in the commercial (4 DUs per building) and city impact area districts
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Nursing and rest homes by CUP
What types of group housing are permitted in multifamily districts?	Nursing and rest homes by CUP
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, considered a single family DU
Does the county have MH standards?	Yes, for MH parks and subdivisions
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Commercial and industrial
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	—
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	1.5 per DU
Are there lower standards for affordable/special needs housing?	1 per 2 beds
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1 acre minimum lot size and 100 ft. minimum lot width do not promote affordability.
- Multifamily housing permits should allow efficient densities and building heights.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured home siting and park availability standards are good.
- Accessory dwelling provisions should be added to the code.
- Single family parking standards could be lower.

## Kootenai County

The following information was found through review of the Kootenai County Title (: Zoning Ordinance No. 401 and Title 10: Subdivision Ordinance No. 394.

Potential Affordable Housing Barriers	Kootenai County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	3,000 sq. ft.
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily district	1 DU per 3,000 sq. ft.
Tallest building height in a multifamily district	—
Where is multifamily permitted? By special permit?	Permitted in comm. and high density res. dists.; by special notice in the ag. suburban dist.
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing</b>	
What types of group housing are permitted in single family districts?	Retirement, nursing, and convalescent homes by CUP
What types of group housing are permitted in multifamily districts?	Retirement and convalescent homes by CUP
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured (mobile) homes are permitted
Does the county have MH standards?	Yes, single standards within definition, have manufactured home park standards as well
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Everywhere single family dwellings are permitted; parks by CUP in high-density res.
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	In all agricultural and residential districts, not for rental purposes
Are ADUs allowed by special permit only?	An accessory land use permit is required
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	1 per DU
Number of parking spaces required for multifamily units	—
Are there lower standards for affordable/special needs housing?	1 per 5 beds
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 3,000 sq. ft. minimum lot size is among the lowest reviewed, and promotes affordability.
- Multifamily housing approvals should allow efficient densities and building heights.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured home siting and park availability standards are good.
- Accessory dwelling provisions are good but would better promote affordability if rental use permitted.

## Latah County

The following information was found through review of the Latah County Ordinance No. 269, Land Use Ordinance.

Potential Affordable Housing Barriers	Latah County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	9,600 sq. ft.
Narrowest lot width in a single family district	70 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 1 DU per 9,600 sq. ft.
Tallest building height in a multifamily district	No MF district, 3 story apartment building by CUP
Where is multifamily permitted? By special permit?	Permitted by CUP in the commercial district
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	None
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, considered a single family dwelling
Does the county have MH standards?	Yes, for manufactured home parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Yes, wherever single family dwellings are allowed
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	All parcels that are not eligible for additional building permits, not for rent
Are ADUs allowed by special permit only?	No
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	—
Number of parking spaces required for multifamily units	—
Are there lower standards for affordable/special needs housing?	—
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 9,600 sq. ft. minimum lot size and 70 ft. minimum lot width do not promote affordability.
- Multifamily housing permits should allow efficient densities and building heights.
- Group living provisions addressing FHAA listed groups should be added to the code.
- Manufactured home siting and park availability standards are good.
- Accessory dwelling provisions are good but would better promote affordability if rental use permitted.

## Lemhi County

The following information was found through review of the Lemhi County Development Code, Ordinance 2009-3.

Potential Affordable Housing Barriers	Lemhi County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1/4 acre
Narrowest lot width in a single family district	100 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 1 DU per 1/4 acre
Tallest building height in a multifamily district	No MF district, 35 ft.
Where is multifamily permitted? By special permit?	(only has overlay districts and districts specific to areas of the county - no standard districts)
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	None
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, both are considered a single family DU
Does the county have MH standards?	Yes, for single units and manufactured/mobile home parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Everywhere single family DU are allowed
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	Residential
Are ADUs allowed by special permit only?	No
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	2 per DU
Are there lower standards for affordable/special needs housing?	Rest homes: 2 per bed
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1/4 acre minimum lot size and 100 ft. minimum lot width do not promote affordability.
- Multifamily housing permits should allow efficient densities and building heights.
- Group living provisions addressing FHAA listed groups should be added to the code.
- Manufactured home siting and park availability standards are good.
- Accessory dwelling provisions are good.
- Single family and multifamily parking standards could be lower.

## Lewis County

The following information was found through review of the Lewis County Zoning and Development Ordinance No. 97-2, Subdivision Ordinance No. 2002-06, and Amendment to the Lewis County Subdivision Ordinance No. 2002-06.

Potential Affordable Housing Barriers	Lewis County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1 acre (will consider less if services are available)
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF District, 1 DU per acre
Tallest building height in a multifamily district	No MF district, 35 ft.
Where is multifamily permitted? By special permit?	Use table does not include MF
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Retirement and group homes by CUP
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, both are in definition of single family DU
Does the county have MH standards?	Yes, within definition
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Only one multiple use district, allowed as a single family DU
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	No
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	—
Number of parking spaces required for multifamily units	—
Are there lower standards for affordable/special needs housing?	Group homes: 1 per 250 sq. ft.
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1 acre minimum lot size does not promote affordability; minimum size with services should be stated.
- Multifamily housing provisions should be added to the code.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured home siting provisions are good; park availability provisions should be added to the code.
- Accessory dwelling provisions should be added to the code.

## Lincoln County

The following information was found through review of the Lincoln County Zoning Ordinance 1212-08-1 and Subdivision Ordinance 1212-08-3.

Potential Affordable Housing Barriers		Lincoln County Regulations
<b>Lot Dimensions</b>		
Smallest minimum lot size in a residential district (with services)		1/2 acre
Narrowest lot width in a single family district		—
Minimum house size requirement (any district)		—
Highest density available in a multifamily (MF) district		1 DU per 1/2 acre
Tallest building height in a multifamily district		—
Where is multifamily permitted? By special permit?		Not allowed at all
<b>Affordable Housing Provisions</b>		
Are there incentives for affordable housing? (density, lot size, fee waivers, other)		No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>		
What types of group housing are permitted in single family districts?		None
What types of group housing are permitted in multifamily districts?		No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>		
Are MHs allowed in residential districts?		Yes, may be placed on any residential lot
Does the county have MH standards?		Yes, for single units within the definition and elsewhere
Does the county have a MH park district?		No
Are MHs (parks/single units) allowed in other districts?		No
<b>Accessory Dwelling Unit (ADU) Regulations</b>		
Does the code address accessory dwelling units?		No
Are ADUs allowed in any districts, which ones?		—
Are ADUs allowed by special permit only?		—
<b>Parking Requirements</b>		
Number of parking spaces required for single family units		—
Number of parking spaces required for multifamily units		—
Are there lower standards for affordable/special needs housing?		—
<b>ABBREVIATIONS</b>		
"—" = no information was found or there are no regulations listed		CUP = conditional use permit
BR = bedroom		DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1/2 acre minimum lot size does not promote affordability.
- Multifamily housing provisions should be added to the code.
- Group living provisions addressing FHAA listed groups should be added to the code.
- Manufactured home siting provisions are good; park availability provisions should be added to the code.
- Accessory dwelling provisions should be added to the code.

## Madison County

The following information was found through review of the Madison County Code Book, Title 10: Unified Development Code as adopted in 2010.

Potential Affordable Housing Barriers	Madison County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	No minimum
Narrowest lot width in a single family district	100 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	2 DU per acre (may be greater in town site zone but it is not in the UDO)
Tallest building height in a multifamily district	35 ft. (may be greater in town site zone but it is not in the UDO)
Where is multifamily permitted? By special permit?	MF permitted in the town site zone
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Minor assisted living allowed in all districts
What types of group housing are permitted in multifamily districts?	See above
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured homes considered a single family DU
Does the county have MH standards?	Yes, for single units in definition and for mobile home parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	In all districts where single family is allowed
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	Permitted in all but comm. and heavy ind. dist.
Are ADUs allowed by special permit only?	No
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	3 per first 20 DU, 2.25 per next 50 DU, 1.75 for each DU over 70
Are there lower standards for affordable/special needs housing?	Sanitariums/nursing homes: 1 per 2 beds Boarding homes: 1 per sleeping room
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- No minimum lot size promotes affordability; 100 ft. minimum lot width does not promote affordability.
- Multifamily housing permits should allow efficient densities and building heights.
- Group living provisions are good, provided definitions cover FHAA listed groups.
- Manufactured home siting and park availability standards are good.
- Accessory dwelling provisions are good.
- Single family and multifamily parking standards could be lower.

## Minidoka County

The following information was found through review of the Minidoka County Zoning Ordinance and General Subdivision Provision.

Potential Affordable Housing Barriers	Minidoka County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1,500 sq. ft.
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	1 DU per 1,500 sq. ft.
Tallest building height in a multifamily district	45 ft.
Where is multifamily permitted? By special permit?	MF (4 DU per building max) permitted in med. and high density residential, and by SUP in the other residential and agricultural districts
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing</b>	
What types of group housing are permitted in single family districts?	Retirement home and senior housing, not in low density residential
What types of group housing are permitted in multifamily districts?	Assisted living, retirement home, sr. housing, congregate res., boarding house
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes
Does the county have MH standards?	Yes, for single units and manufactured (mobile) home parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	All except industrial
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	In definitions as "guest house" but not allowed in any districts
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	2 per DU
Are there lower standards for affordable/special needs housing?	1 per 2 beds
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	SUP = special use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1,500 sq. ft. minimum lot size is the lowest reviewed, and promotes affordability.
- Multifamily housing permits should allow efficient densities and building heights.
- Group living provisions are good, provided definitions cover FHAA listed groups.
- Manufactured home siting and park availability standards are good.
- Accessory dwelling provisions should specify the zones where they are allowed, including residential.
- Single family and multifamily parking standards could be lower.

## Nez Perce County

The following information was found through review of the Nez Perce County Zoning and Subdivision Ordinances.

Potential Affordable Housing Barriers		Nez Perce County Regulations
<b>Lot Dimensions</b>		
Smallest minimum lot size in a residential district (with services)		1/2 acre
Narrowest lot width in a single family district		83 ft.
Minimum house size requirement (any district)		—
Highest density available in a multifamily (MF) district		No MF district, 1 DU per 1/2 acre
Tallest building height in a multifamily district		No MF district, 35 ft.
Where is multifamily permitted? By special permit?		Permitted by CUP in the agricultural and agricultural/residential districts
<b>Affordable Housing Provisions</b>		
Are there incentives for affordable housing? (density, lot size, fee waivers, other)		No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>		
What types of group housing are permitted in single family districts?		None
What types of group housing are permitted in multifamily districts?		No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>		
Are MHs allowed in residential districts?		Yes, all of them
Does the county have MH standards?		Yes, for manufactures/mobile home parks
Does the county have a MH park district?		No
Are MHs (parks/single units) allowed in other districts?		Parks by CUP in ag. and ag. residential districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>		
Does the code address accessory dwelling units?		Yes
Are ADUs allowed in any districts, which ones?		All residential except for the highest density residential district
Are ADUs allowed by special permit only?		No
<b>Parking Requirements</b>		
Number of parking spaces required for single family units		2 per DU
Number of parking spaces required for multifamily units		—
Are there lower standards for affordable/special needs housing?		1 per 2 beds
<b>ABBREVIATIONS</b>		
"—" = no information was found or there are no regulations listed		CUP = conditional use permit
BR = bedroom		DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1/2 acre minimum lot size and 83 ft. minimum lot width do not promote affordability.
- Multifamily housing permits should allow efficient densities and building heights in a residential zone.
- Group living provisions addressing FHAA listed groups should be added to the code.
- Manufactured home siting and park availability standards are good.
- Accessory dwelling provisions are good.
- Single family parking standards could be lower.

## Oneida County

The following information was found through review of the Oneida County Development Code.

Potential Affordable Housing Barriers	Oneida County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	—
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	—
Tallest building height in a multifamily district	—
Where is multifamily permitted? By special permit?	MF permitted with Class II permit
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	—
What types of group housing are permitted in multifamily districts?	—
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured homes included in definition of single family DU
Does the county have MH standards?	Yes, for single units in definition
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	—
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	No
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	—
Number of parking spaces required for multifamily units	—
Are there lower standards for affordable/special needs housing?	—
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- Code only contains airport overlay and flood plain districts.
- No minimum lot size and no minimum lot width standards promote affordability.
- Availability of multifamily housing should be clarified.
- Group living provisions addressing FHAA listed groups should be added to the code.
- Availability of accessory dwelling units should be clarified.

## Owyhee County

The following information was found through review of the Owyhee County Code, Title 9: Zoning Regulations and Title 10: Subdivision Regulations.

Potential Affordable Housing Barriers	Owyhee County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	Determined by Southwest District Health
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	—
Tallest building height in a multifamily district	—
Where is multifamily permitted? By special permit?	MF permitted by CUP in the residential and multi-use district
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	—
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Boarding, nursing, and convalescent homes by CUP
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Mobile home parks by CUP
Does the county have MH standards?	Yes, in definitions
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	—
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	Yes, residential - with a common wall for a member of the family
Are ADUs allowed by special permit only?	No
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	—
Number of parking spaces required for multifamily units	—
Are there lower standards for affordable/special needs housing?	—
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- Minimum lot size with services should be stated; if possible no larger than 5,000 sq. ft.
- Multifamily housing permits should allow efficient densities and building heights.
- A broader range of FHAA group living facilities could be accommodated.
- Manufactured homes should be allowed in residential districts; park availability provisions are good.
- Accessory dwelling provisions would better promote affordability if not limited to family members.

## Payette County

The following information was found through review of the Payette County Code, Title 17: Zoning and Title 16: Subdivisions.

Potential Affordable Housing Barriers	Payette County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	3,500 sq. ft.
Narrowest lot width in a single family district	75 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	1 DU per 3,500 sq. ft.
Tallest building height in a multifamily district	2 stories
Where is multifamily permitted? By special permit?	MF permitted in the higher density residential district
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing</b>	
What types of group housing are permitted in single family districts?	None
What types of group housing are permitted in multifamily districts?	Assisted living, boarding house are permitted - congregate, convalescent, nursing homes by CUP in the higher density residential district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured homes are permitted on single family lots
Does the county have MH standards?	Yes, for single units and manufactured home parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Agricultural and transitional
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	No
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU, 2 per 2-3 BR, 3 per 4-5 BR, + 1 per each BR over 5
Number of parking spaces required for multifamily units	2 per DU, 2 per 2 BR, 3 per 3-4 BR, + 1 per each BR over 5
Are there lower standards for affordable/special needs housing?	1 per 2 beds
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 3,500 sq. ft. minimum lot size promotes affordability; 75 ft. minimum width does not.
- Multifamily housing permits should allow efficient densities and building heights.
- Group living provisions are good, provided definitions cover FHAA listed groups.
- Manufactured home siting and park availability provisions are good.
- Accessory dwelling provisions should be added to the code.
- Single family and multifamily parking standards could be lower.

## Power County

The following information was found through review of the Power County Code, Title 10: Development Code.

Potential Affordable Housing Barriers	Power County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	1 acre
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	12 DU per acre (with SUP)
Tallest building height in a multifamily district	No MF district, 35 ft.
Where is multifamily permitted? By special permit?	Permitted by CUP in the residential district
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	None
What types of group housing are permitted in multifamily districts?	None
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, manufactured homes included in definition of single family DU
Does the county have MH standards?	Yes, for single units and for mobile home parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Mobile home parks by CUP in rural residential district
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	Agricultural and residential
Are ADUs allowed by special permit only?	No
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	2 per DU
Are there lower standards for affordable/special needs housing?	2 per bed
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 1 acre minimum lot size does not promote affordability.
- Multifamily housing permits should allow efficient densities and building heights.
- Group living provisions addressing FHAA listed groups should be added to the code.
- Manufactured home siting and park availability provisions are good.
- Accessory dwelling provisions are good.
- Single family and multifamily parking standards could be lower.

## Shoshone County

The following information was found through review of the Shoshone County Title 9: Zoning Regulations and Ordinance 139: Subdivision Regulations.

Potential Affordable Housing Barriers	Shoshone County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	7,700 sq. ft.
Narrowest lot width in a single family district	70 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	7,700 sq. ft. per unit + 2,000 sq. ft. per each additional DU
Tallest building height in a multifamily district	45 ft.
Where is multifamily permitted? By special permit?	Permitted in the MF district
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Nursing homes and homes for the aged by CUP
What types of group housing are permitted in multifamily districts?	Retirement, nursing, convalescent, and other group homes by CUP
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, both are allowed on most land zoned for residential uses
Does the county have MH standards?	Yes, for single units and mobile home parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Mobile home parks by CUP in residential districts
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	No
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	1.5 per DU
Are there lower standards for affordable/special needs housing?	1 per 2 beds
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 7,700 sq. ft. minimum lot size and 70 ft. minimum lot width do not promote affordability.
- Multifamily housing permits should allow efficient densities and building heights.
- Group living provisions are good, provided definitions cover FHAA listed groups.
- Manufactured home siting provisions are good.
- Accessory dwelling provisions should be added to the code.
- Single family parking standards could be lower.

## Teton County

The following information was found through review of the Teton County Code, Title 8: Zoning Regulations and Title 9: Subdivision Regulations.

Potential Affordable Housing Barriers	Teton County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	7,000 sq. ft.
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	1 DU per 9,000 sq. ft.
Tallest building height in a multifamily district	30 ft.
Where is multifamily permitted? By special permit?	Permitted in the R-1 district
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	Assisted living, retirement, nursing, convalescent, and group homes by CUP
What types of group housing are permitted in multifamily districts?	Assisted living, retirement, nursing, convalescent, and group homes by CUP
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, both manufactured and mobile homes
Does the county have MH standards?	Yes, for parks within the park district and manufactured homes within definitions
Does the county have a MH park district?	Yes
Are MHs (parks/single units) allowed in other districts?	Single units in all but the manufacturing district, manufactured parks allowed in mobile home district
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	Residential and by CUP in agricultural
Are ADUs allowed by special permit only?	In agricultural districts
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	2 per DU
Are there lower standards for affordable/special needs housing?	1 per 4 beds + 1 per employee
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 7,000 sq. ft. minimum lot size does not promote affordability.
- Multifamily housing permits should allow efficient densities and building heights.
- Group living provisions are good, provided definitions cover FHAA listed groups.
- Manufactured home siting and park availability provisions are good.
- Accessory dwelling provisions are good.
- Single family and multifamily parking standards could be lower.

## Twin Falls County

The following information was found through review of the Twin Falls County Code, Title 8: Zoning and Title 10: Subdivisions.

Potential Affordable Housing Barriers	Twin Falls County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	9,000 sq. ft. by CUP
Narrowest lot width in a single family district	80 ft.
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, 1 DU per 9,000 sq. ft.
Tallest building height in a multifamily district	No MF district, 35 ft. (this looks like the standard height, setbacks increase when height is greater than 35 ft.)
Where is multifamily permitted? By special permit?	MF not allowed at all
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	None
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, both where residential use is allowed
Does the county have MH standards?	Yes, for mobile home parks and manufactured/mobile homes
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Agricultural and outdoor recreation
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes, it defines "guesthouse"
Are ADUs allowed in any districts, which ones?	None
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	2 per DU
Are there lower standards for affordable/special needs housing?	No
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- 9,000 sq. ft. minimum lot size does not promote affordability.
- Multifamily housing provisions should be added to the code, and should permit efficient densities and heights.
- Group living provisions should be added to the code.
- Manufactured home siting and park availability provisions are good.
- Accessory dwelling provisions need to specify districts where guesthouse are permitted, including residential.
- Single family and multifamily parking standards could be lower.

## Valley County

The following information was found through review of the Valley County Land Use and Development Ordinance and Subdivision Regulations.

Potential Affordable Housing Barriers	Valley County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	—
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	—
Tallest building height in a multifamily district	No MF district, 35 ft.
Where is multifamily permitted? By special permit?	Permitted by CUP in the one multiple use district
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	None
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, allowed as a single family DU
Does the county have MH standards?	Yes, standards are in a separate document
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Mobile home subdivision by CUP in the one multiple use district
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	Yes
Are ADUs allowed in any districts, which ones?	All districts subject to standards
Are ADUs allowed by special permit only?	No
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	—
Number of parking spaces required for multifamily units	—
Are there lower standards for affordable/special needs housing?	—
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- No minimum lot size or width promotes affordability.
- Multifamily housing permits should allow efficient densities and building heights.
- Group living provisions should be added to the code.
- Manufactured home siting and park availability provisions are good.
- Accessory dwelling provisions are good.

## Washington County

The following information was found through review of the Washington County Title 5: Zoning and Title 6: Subdivisions.

Potential Affordable Housing Barriers	Washington County Regulations
<b>Lot Dimensions</b>	
Smallest minimum lot size in a residential district (with services)	—
Narrowest lot width in a single family district	—
Minimum house size requirement (any district)	—
Highest density available in a multifamily (MF) district	No MF district, -
Tallest building height in a multifamily district	No MF district, 35 ft.
Where is multifamily permitted? By special permit?	Not allowed at all
<b>Affordable Housing Provisions</b>	
Are there incentives for affordable housing? (density, lot size, fee waivers, other)	No
<b>Group Housing (Assisted living, Congregate care, Nursing homes, Boarding homes) Regulations</b>	
What types of group housing are permitted in single family districts?	None
What types of group housing are permitted in multifamily districts?	No MF district
<b>Manufactured Housing/Mobile Home (MH) Regulations</b>	
Are MHs allowed in residential districts?	Yes, both are permitted
Does the county have MH standards?	Yes, for single units and mobile/manufactured home parks
Does the county have a MH park district?	No
Are MHs (parks/single units) allowed in other districts?	Parks by CUP in the commercial district
<b>Accessory Dwelling Unit (ADU) Regulations</b>	
Does the code address accessory dwelling units?	No
Are ADUs allowed in any districts, which ones?	—
Are ADUs allowed by special permit only?	—
<b>Parking Requirements</b>	
Number of parking spaces required for single family units	2 per DU
Number of parking spaces required for multifamily units	1.5 per DU
Are there lower standards for affordable/special needs housing?	1 per 2 beds
<b>ABBREVIATIONS</b>	
"—" = no information was found or there are no regulations listed	CUP = conditional use permit
BR = bedroom	DU = dwelling unit

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

### COMMENT(S):

- No minimum lot size or width promotes affordability.
- Multifamily housing provisions should be added to the code.
- Group living provisions should be added to the code.
- Manufactured home siting and park availability provisions are good.
- Accessory dwelling provisions should be added to the code.
- Single family parking standards could be lower.

## Idaho Summary and Conclusions

The data in the county-by-county review above confirm that Idaho county land use regulations vary widely on most of these topics. In the paragraphs below we summarize the range of responses on each of the 9 key questions and highlight those practices that tend to encourage or discourage the affordability and availability of housing for those individuals and groups protected by the Federal Fair Housing Act Amendments of 1988.

**Minimum lot size.** Given that some of Idaho's counties are very rural, while others are fairly urban, it is not surprising that the smallest lots available vary widely among the counties. On the low end of the range, are Elmore (No requirement, but has to meet setbacks and parking), Minidoka (1,500 sq. ft.), Ada (2,000 sq. ft.), Kootenai (3,000 sq. ft.), Payette (3,500 sq. ft.) and Clark (5,000 sq. ft.). Most counties fall into the middle range from 6,000 sq. ft. to ½ acre as the smallest single family lot available. At the high end of the range are Bannock, Cassia, Jerome, Lewis, Power (1 acre) and Boise (2 acres). As noted above, large minimum lot sizes are the single largest regulatory contributor raising the costs of single family homes.

While it may be appropriate for rural counties to use minimum lot sizes of 1 or 2 acres across much of their land to preserve rural/agricultural character and open vistas, there are usually areas where much smaller lots could be made available without compromising that character. Areas near existing towns or non-agricultural areas can often be zoned for more affordable lots with little or no impact on the general county character. In fact, traditional land use patterns in much of the west included small settlements and old townsites sprinkled among much larger tracts of range and farm land. Even rural counties should strive to zone some lands for smaller lot residential development in appropriate locations. Very importantly, however, smaller lot sizes are only appropriate where community and shared sewer services and treatment are available. Counties that do not have towns or communities with sanitary sewer services will probably not be able to accommodate small single family detached housing development.

**Minimum lot width.** A second, smaller contributor to the price of single family homes is the minimum lot width for a residential lot. When the west was settled, many urban areas were platted with 25 foot wide lots, although builders often combined three lots into two 37.5 foot lot, or four lots into two 50 foot lots. Platting patterns often produced lots that were much deeper (often 100-120 feet) than they were wide. However, post-war platting and house styles were often based on ranch houses that were much wider than they were deep, and so wider lots became the norm in many areas. Unfortunately, wide lots inflate the costs of roads (and in urban areas also the water pipes, sewer pipes, and storm drainage) because it takes a longer road to serve wide lots than to serve narrow lots. When lot widths increased from 25 feet to 75 feet, three times as much road must be paved – and maintained – across the front of the lot. Higher road costs are often recouped by raising lot prices.

Many rural counties avoid this issue by not setting a minimum lot width, but those that do should avoid over-inflating that standard. Twenty-one Idaho counties impose minimum lot size for their smallest residential lots. The low end of the range includes Franklin (40 ft.), Clark (50 ft.), and Elmore (50 ft.). Most counties fall into a middle range with minimum lot widths between 60 and 75 feet. The high end of the range tends to include those counties with the largest minimum lot size. That group includes Bingham and Twin Falls (80 ft.), Nez Perce (83 ft.), and Bannock, Butte, Jerome, Lemhi, and Madison (100 ft.). In many cases, these minimum lot widths work well for the

large lots to which they apply – a large lot with narrow frontage would look odd, would not preserve traditional landscapes, and would not accommodate many larger houses. But as counties move toward smaller and more affordable single family lots, reductions in size should be accompanied by a thoughtful reduction in minimum width (or by dropping minimum width altogether). Usually, a 50 ft. minimum lot width is enough to accommodate a modest house and fit in with traditional western town site patterns.

**Highest multifamily density.** As noted earlier, throughout the country (including the Rocky Mountain west), the need for attached and multifamily housing is rising. For many counties this is an uncomfortable fact, because their residents may dislike attached and multifamily housing or see them as indicators of poverty or urban lifestyles that they moved to the country to avoid. Nevertheless, as average wages continue to lag behind housing prices rural counties may find that even the most affordable of their single family housing stock is not affordable to many of their workers and citizens. The question becomes how to accommodate attached and multifamily product in appropriate (usually more urbanized). The economics—and therefore the price—of multifamily housing depend heavily on how many dwelling units can be built on the lot and how tall the buildings can be.

Very few Idaho counties have adopted zoning districts that accommodate attached or multifamily housing. In fact, only five of the 43 counties have zones that establish maximum densities that accommodate multifamily. They include:

- Ada at 20 dwelling units per acre;
- Bonneville at 4 dwelling units per 9,000 sq. ft. – or about 19 units per acre;
- Elmore at 45 dwelling units per acre;
- Power at 12 dwelling units per acre; and
- Shoshone at one additional dwelling unit for each 2,000 sq. ft. added to the basic minimum 7,700 sq. ft. lot area, or about 19 units/acre.

A few more counties allow additional densities that might permit attached units, but that are not high enough to support multifamily construction. Canyon County, for example, has a district allowing 8 dwelling units per acre, Caribou allows duplexes on half-acre lots, and Teton County allows 1 dwelling unit per 9,000 sq. ft. (approximately 4.8 units per acre). However, single family homes are often developed at these densities, so they may not allow land efficiencies that would encourage builders to provide attached units.

In addition, several counties and have available overlay districts, conditional use permits, or planned unit development tools that could be used to allow higher densities or new types of development on a case-by-case basis. It is difficult to know whether these tools can be or have been used to approve attached or multifamily development.

As Idaho's counties prepare community plans or review development approvals, they should review demographic data to determine whether some of their residents or workers have wages that will only support rents or for attached or multifamily housing. If so, they should consider where in the county those types of units would be appropriate, and at what scale, and should zone land to accommodate those uses. The county should consider that the construction efficiencies of attached housing only begin to appear at densities above 12 dwelling units per acre. While county residents may fear the

zoning of large areas for these types of development, they can be limited in scale (no more than X dwelling units) and in locations where they have the least impact on traditional community character. Pro-active planning for these uses is preferable for these uses and will send clearer signals to the market about the types of housing that the county is prepared to approve.

**Tallest multifamily building.** As with lot size and width above, the issues of multifamily density and height are related. In most non-urban counties tall buildings are not part of the historic development patterns and would only be appropriate near towns or other settlements. Multifamily building height regulations only create barriers to affordable housing if they prohibit the builder from achieving the maximum density allowed in the district or the maximum density achievable without moving to a more complex and expensive building code. The five counties that permit multifamily development in a designated zone district impose the following maximum heights.

- Ada at 40 feet;
- Bonneville at 20 feet;
- Elmore at 80 feet;
- Power at 35 feet; and
- Shoshone at 45 feet.

The “standard” maximum height permitted in most single family residential zone districts is 35 feet, which generally allows a two story building with a pitched roof or a three story building with a flat roof. Zoning ordinances that limit heights in multifamily districts to 35 feet may be making it difficult to achieve the higher densities necessary to make multifamily construction more affordable. Some common building codes allow structures to achieve heights of up to 75 feet before requiring more expensive and fire-resistant building construction techniques. Height limits in the 50 to 75 foot range give multifamily builders more leeway to achieve efficiencies of scale with affordable building techniques. While it may be difficult for counties with only one and two story structure to conceive of areas where taller buildings would be appropriate, those sites can sometimes be found near existing towns or urbanized areas. Importantly, however, the maximum height must be low enough that the local fire department or district can provide effective fire protection with available equipment and manpower.

**Group housing.** The Federal Fair Housing Act Amendments of 1988 (the “FHAA”, 41 U.S.C.A. § 3601 et. seq.) makes it unlawful:

*“To discriminate in the sale or rental, or to otherwise make unavailable, or deny, a dwelling to any buyer or renter because of a handicap of (a) that buyer or renter, or (b) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available, or (c) any person associated with that buyer or renter”.*

A person with a “handicap” is a person with a physical or mental impairment that substantially limits one or more of his or her major life activities; or a person who has a record of such impairment, or a person who is regarded as having that type of impairment. The definition covers the frail, the elderly, persons with HIV, physically disabled, developmentally disabled, mentally ill, and recovering alcoholics and drug addicts. The definition does not cover persons currently using or addicted to alcohol or a controlled substance and not “recovering” and does not cover facilities or halfway houses for those in the criminal justice system. If a local government does not allow for residential uses for the types of individuals listed above, it may be deemed to have made those types of residences “unavailable”. In order to avoid claims under the FHAA, local zoning codes should allow group housing for the protected types of individuals in at least one zone district, and hopefully more than

one. Although it is good practice to allow small group homes by right in at least one zone district, zoning codes that allow those uses by conditional use permit have been upheld.

Our survey of Idaho counties showed that most county code treatments of group living fall into one of three categories containing almost equal number of counties. The first category includes 16 counties whose group living provisions appear to have been drafted with the requirements of the FHAA in mind. In general, these counties were identified because their codes provided for “group homes”, “institutional housing”, “congregate care”, “assisted living”, “halfway houses”, “rehabilitation centers”, or other uses that are traditionally used to provide housing for persons in one or more of the categories listed in the FHAA (not just the elderly).

- **Bannock:** Institutional housing and boarding houses are allowed by conditional use permit.
- **Bingham:** Nursing homes, convalescent homes, congregate care, and boarding houses allowed by conditional use permit.
- **Boise:** Group homes for physically and mentally disabled and elderly with up to 8 residents are allowed in the multiple use district.
- **Canyon:** The definition of a single family dwelling unit includes occupancy by 8 or fewer unrelated mentally and/or physically handicapped. Group homes are available by conditional permit, and assisted care facility by administrative approval.
- **Caribou:** Institutional residential uses are available by conditional use permit in the high density districts.
- **Clark:** Shelters with 8 or fewer clients are allowed in the multiple use district and are available by conditional use permit in the single family districts.
- **Elmore:** Assisted living, boarding houses, and nursing homes allowed by conditional use permit.
- **Fremont:** Group homes are included in the definition of single family residential.
- **Gem:** Nursing and rest homes, halfway houses, and rehabilitation centers allowed by special use permit.
- **Gooding:** Institutional residential and boarding houses allowed by special use permit.
- **Lewis:** Group homes and retirement homes allowed by conditional use permit.
- **Madison:** Minor assisted living facilities allowed in all districts.
- **Minidoka:** Assisted living facilities, retirement homes, senior housings, congregate residences, and boarding houses are permitted in the medium and high density residential districts.
- **Payette:** Assisted living and boarding houses are permitted in the B (higher density) residential zone. Congregate, convalescent, and nursing homes by conditional use permit.
- **Shoshone:** Convalescent, nursing, retirement homes, homes for the aged, and other group homes allowed by conditional use permit.
- **Teton:** Assisted living, retirement, nursing, convalescent, and group homes are permitted by conditional use permit.

In order to confirm that these provisions in fact comply with the FHAA, these counties should review these provisions to ensure that they allow housing for all of the groups for which housing needs to be made available under federal law.

A second category includes 13 counties whose zoning codes appear to address group living for the general population and the elderly but not those other categories of individuals identified in the FHAA. These codes typically permit “boarding houses”, “nursing homes”, “retirement homes”, or “convalescent homes” typically identified with care for the elderly. Counties in this category include:

- **Ada:** Nursing homes and boarding houses are allowed by conditional use permit.
- **Adams:** Nursing homes, retirement homes, and boarding houses allowed by conditional use permit.
- **Blaine:** Continuing care retirement communities are considered “public utilities” and are allowed as a conditional use in the low, medium, and high density residential, and general commercial districts.
- **Bonneville:** Boarding houses allowed in the medium density residential district.
- **Butte:** Boarding and rooming houses by conditional use permit.
- **Camas:** Boarding and rooming houses by conditional use permit.
- **Cassia:** Nursing homes and rest homes allowed by conditional use permit in single family zones and permitted by right in the multiple use district.
- **Clearwater:** Nursing and retirement homes and boarding houses allowed by conditional use permit in the medium-high density residential district.
- **Custer:** Boarding houses are allowed by special use permit.
- **Jefferson:** Convalescent hospital, nursing home, sanitarium, rest home, or home for the aged are permitted.
- **Jerome:** Nursing and rest homes allowed by conditional use permit.
- **Kootenai:** Nursing, retirement, and convalescent homes allowed by conditional use permit.
- **Owyhee:** Boarding, convalescent, and nursing homes allowed by conditional use permit.

Some of these county zoning codes may in fact provide housing for groups other than the elderly, depending on their definitions for the terms listed above.

The third group includes the remaining 14 counties, whose codes do not appear to mention group housing facilities for those types of individuals protected by the FHAA. Once again, several counties have available overlay districts, conditional use permits, or planned unit development tools that could be used to provide housing for groups protected by the FHAA on a case-by-case basis, but it is not clear whether they can or have been used for that purpose.

In addition, § 42 U.S.C. 3604(f)(3)(B) of the FHAA provides that it is a violation of law for a government to make “reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling”. Because suits to enforce the provisions of the FHAA are not uncommon, counties can reduce their liability if they can answer the question “How would we respond to an application for group housing for the types of groups protected by the FHAA, either by pointing to a zone district or permit system by which they can be approved, or to a ‘reasonable accommodation’ process?”

**Manufactured housing and mobile homes.** Manufactured housing and mobile homes remain one of the more affordable forms of housing available, and counties that do not accommodate them in some way may be limiting their citizens’ ability to find housing that they can afford. In general, more modern zoning codes use the terms “mobile homes” to refer to homes (usually “single-wides”) constructed before 1976, when the Federal National Manufactured Housing Construction and Safety Standards Act of 1974 (MHA) came into effect. That Act set safety standards for the construction of manufactured homes and prohibited local governments from adoption different construction and safety standards for those homes. Manufactured homes built before those standards came into effect are considered less safe than those built later, and are subject to lower levels of protection (generally by restricting them to mobile home parks) or are prohibited altogether (subject to nonconforming use principles). Although the MHA addresses building safety—not zoning, subdivision, or land use regulations—its intent was clearly to reduce local government barriers to manufactured housing. It is therefore good practice to permit manufactured homes that meet MHA in at least one residential zone, even if they are subject to design or development standards to ensure that they fit in with the character of the surrounding communities.

Like many states, the Idaho legislature has adopted statutes addressing this topic. Idaho Code Title 44, Chapter 25, Mobile Home Rehabilitation, has been enacted to ensure safe and affordable housing through (among other things) the requires installation of smoke detectors, specific wall materials, and proper electrical, gas, and water systems. A handful of the Idaho county codes specifically reference Idaho code requirements that pre-1976 mobile homes comply with these rehabilitation standards for approval of relocation an installation.

Twenty-four Idaho counties defined manufactured homes and mobile homes separately, while 16 of those counties actually treated them differently with separate standards. Eight counties define the two types of housing differently but did not treat them differently for zoning purposes. The remaining 17 Idaho counties reviewed do not define or differentiate manufactured homes from mobile homes – they use the two terms interchangeably.

Generally, local government codes address manufactured housing and mobile homes in one of two ways, or combinations of those two ways. Forty-two of the 43 Idaho counties adopt one of these two strategies, while the Franklin County code is silent about manufactured homes and only referenced a separate county ordinance.

The first approach is to define single family homes to include manufactured homes that meet applicable development standards, or otherwise allowing them in some or all zones where single family homes are allowed. Counties in this category include:

- **Ada:** Manufactured homes are considered a single family dwelling unit and allowed subject to standards in most residential districts as well as the two established manufactured home districts.
- **Bannock:** Individual manufactured homes are allowed where single family dwellings are permitted subject to standards.
- **Bear Lake:** Individual manufactured homes are allowed in residential districts (subject to standards that do not allow single-wide trailers), and mobile home parks are allowed by conditional use permits.
- **Bingham:** Manufactured homes are considered a dwelling unit and allowed in all residential districts, and manufactured home parks are permitted by special use permit in the residential and commercial districts.
- **Blaine:** Mobile homes are allowed in residential zones, subject to standards that do not allow single-wide trailers.
- **Boise:** Manufactured homes are allowed in residential zones, subject to standards, and manufactured home parks are permitted subject to special subdivision standards.
- **Bonneville:** Manufactured homes are permitted in all residential districts, subject to standards.
- **Boundary:** Manufactured homes are allowed in residential districts subject to standards, if they are considered a single family dwelling unit.
- **Butte:** Manufactured homes are included in the definition of single family homes, and manufactured home parks are permitted in the agricultural and transitional districts.
- **Camas:** Mobile homes are allowed where single family dwelling are permitted, and mobile home parks are permitted by conditional use permit in the low- and high-density residential districts.
- **Canyon:** Manufactured homes are allowed where single family uses are permitted.
- **Cassia:** Manufactured homes are allowed in all residential districts and manufactured home parks are permitted by conditional use permit in the residential agricultural districts and the multiple use district subject to standards.
- **Clark:** Manufactured homes are allowed in residential districts subject to standards and mobile home parks (subject to standards) in the residential and rural districts.
- **Clearwater:** Mobile homes are allowed in residential districts, and manufactured home “courts” are permitted by conditional use permit in the commercial districts.
- **Elmore:** Manufactured homes are allowed in single family residential districts, and manufactured home parks are permitted by conditional use permit in the agricultural, residential, and recreation districts.

- **Fremont:** Manufactured homes are included in the definition of single family homes, and manufactured home parks are permitted in the rural conservation, living and infill districts subject to standards.
- **Gem:** Manufactured homes are allowed in residential districts subject to standards.
- **Gooding:** Manufactured homes are defined as a single family dwelling unit, and manufactured home “courts” are permitted in agriculture, recreation, and commercial districts.
- **Idaho:** Mobile homes are included in the definition of single family homes, and mobile home parks are subject to minimal standards.
- **Jefferson:** Manufactured homes are permitted in residential districts subject to standards. Manufactured home parks are permitted in the agriculture and recreation/commercial districts.
- **Jerome:** Manufactured homes are included in the definition of a dwelling, and are permitted in residential districts subject to standards. Manufactured home parks are permitted in the commercial and industrial districts.
- **Kootenai:** Manufactured homes are permitted subject to standards and manufactured home parks are permitted by conditional use permit in the high-density residential district.
- **Latah:** Manufactured homes are included in the definition of dwelling, and are permitted wherever single family dwelling units are permitted. Manufactured home parks are permitted in the suburban residential district subject to standards.
- **Lemhi:** Manufactured homes are included in the definition of single family dwelling and permitted where single family dwellings are allowed.
- **Lewis:** Manufactured homes are included in the definition of dwelling, and are allowed in the multiple use district subject to standards.
- **Lincoln:** Manufactured homes may be placed on any residential lot, subject to standards.
- **Madison:** Manufactured homes are considered single family dwellings, and manufactured home parks are permitted in districts where single family homes are permitted, subject to special subdivision standards.
- **Minidoka:** Manufactured homes are allowed in all residential districts subject to standards.
- **Nez Perce:** Manufactured homes are allowed in all residential districts, and manufactured home parks are allowed in the agricultural and agricultural-residential districts.
- **Oneida:** Manufactured homes are included in the definition of a single family dwelling, and manufactured home parks are permitted subject to standards.
- **Payette:** Manufactured homes are allowed on single family lots subject to standards, and manufactured home parks are allowed subject to standards.
- **Power:** Manufactured homes are included in the definition of a single family dwelling unit, and manufactured home parks are permitted in the rural residential district subject to standards.

- **Shoshone:** Manufactured homes are allowed, subject to conditions, in the natural resource and multifamily districts and by conditional use permit in the single family residential district. Mobile home parks are permitted by conditional use permit in the residential district.
- **Teton:** Manufactured homes are permitted in all districts except the manufacturing district while manufactured home parks are allowed only in the residential, mobile homes district.
- **Twin Falls:** Manufactured homes are allowed where residential use is permitted, subject to standards.
- **Valley:** Mobile homes are treated as single family dwelling units, and mobile home subdivisions are permitted by conditional use permit subject to compliance with the “Minimum Standards and Criteria for Approval of Development and Operation of Mobile Home Subdivisions and Parks, Travel Trailer Courts and Parks.”
- **Washington:** Manufactured homes are allowed in residential districts, and mobile/manufactured home parks are permitted by conditional use permit in the commercial district subject to standards.

Counties that restrict manufactured homes to manufactured home parks or districts, but do not allow them in other residential zones include:

- **Adams:** Manufactured home parks are allowed in the commercial district, and by conditional use permit in the rural residential district.
- **Bonner:** Manufactured home parks are allowed in the commercial, rural service center, and suburban districts by conditional use permit.
- **Caribou:** Manufactured homes are permitted on lots within the county meeting specific regulations, but the code does not specify which districts. Manufactured home parks are allowed in the high density residential district by conditional use permit.
- **Custer:** Mobile home parks are allowed in the commercial district, and by conditional use permit in the agriculture and agricultural transition district.
- **Owyhee:** Manufactured home parks are allowed by conditional use permit.

In summary, approximately 37 counties treat manufactured homes as the same (or almost the same) as stick-built manufactured homes and five counties limit manufactured homes to parks specially designed for that purpose. The prevailing practice in Idaho is therefore to accept manufactured homes on individual residential lots in at least some zone districts, and those counties that do not allow them on individual lots should consider doing so.

**Accessory Dwelling Units (ADUs).** Accessory dwelling units (a second, smaller residential lot on a parcel that already contains a primary dwelling unit) have been identified as an important tool in promoting housing affordability. Their limited size helps reduce building or conversion costs, and because they are located on already existing lots there are no additional land costs. In some cases they are restricted to “internal” units (i.e. a conversion of space within an existing building), or to “external” units (i.e. a carriage house or barn conversion), but many local governments allow both types.

Over half (25) of Idaho county zoning codes address secondary dwelling units. However, many of those codes limit them to “guest houses” or “farm and ranch” operations or to occupancy by family members. As a practical matter, secondary dwelling units that are only to be occupied on an occasional basis by guests of the owner of the primary structure are not meaningful additions to the stock of affordable housing. They do not increase the amount of long-term housing available for those of limited means to rent or buy. On the other hand, secondary units that can be rented or occupied for support of farm or ranch operations do expand the supply of affordable housing, because they reduce pressures on the remainder of the housing stock to meet the needs of those workers. For the same reason, secondary units limited to family members also represent additions to the pool of affordable housing.

Idaho counties tend to address secondary dwelling units in one of three ways. As noted in the Introduction to this section, 18 counties do not address them at all. This includes two counties that define the term “guest house” but do not indicate where they are allowed and one county that specifically doesn’t include residential uses in the definition of an accessory structure. Of the remaining counties, 6 limit them to guest houses that are probably not available for long-term occupancy in the housing market, or restrict them to use by family members or non-rental purposes, 3 limit them to use in connection with farm and ranch operations, and 17 address them in other ways. The counties in each category are listed below.

- **Limited to guest house, family members, or non-rental:** Counties that limit secondary units to guest house or that restrict them to use by family members or prohibit rental use include:
  - Bannock, Boundary (except in industrial district), Clark, Kootenai, Latah, and Owyhee.
- **Farm/Ranch use:** Counties that limit occupancy to farm and ranch use include:
  - Adams, Bingham, and Butte.
- **Other:** Counties that do not limit the use of secondary dwelling units, or limit them in different ways, include:
  - **Ada:** Permitted in low and medium density residential districts.
  - **Bear Lake:** Secondary residential or caretaker housing permitted in all districts.
  - **Blaine:** Allowed in all residential districts.
  - **Bonner:** One per lot permitted in all districts.
  - **Camas:** Allowed in agricultural and agricultural transition districts on lots of 2.5 acres or larger.
  - **Canyon:** Permitted in single family and medium density residential zones.
  - **Caribou:** Allowed by special permit in residential districts.
  - **Custer:** Allowed in agricultural, commercial, or industrial districts, and by special permit in residential districts.
  - **Elmore:** Allowed in residential districts.
  - **Fremont:** Allowed in residential districts.

- **Jefferson**: Allowed by conditional use permit in agriculture and residential-5 district.
- **Lemhi**: Allowed in all residential districts.
- **Madison**: Allowed in all but commercial and heavy industrial districts.
- **Nez Perce**: Allowed in all residential districts except the highest density district.
- **Power**: Allowed in agricultural and residential districts.
- **Teton**: Allowed in residential districts, and by conditional use permit in agricultural districts.
- **Valley**: Allowed in all districts.

In general, this shows a strong acceptance of secondary dwelling units in many Idaho counties. Those counties that impose family use or non-rental requirements, or that limit these units to farm and ranch operations, should consider removing those restrictions in order to increase the value of secondary units as a form of affordable housing. In many cases, there would be no significant differences in land use impacts (and potential savings in enforcement costs) if those restrictions were removed.

**Parking requirements.** Minimum parking requirements for residential uses affect housing affordability by requiring more land per dwelling unit. While the norm for many years has been to require two off-street parking spaces per dwelling unit, a growing number of communities are lowering that standard for certain types of housing where experience has shown that occupants may own fewer cars. While most single family lots (even small ones) can accommodate space for two cars in addition to the house, most zoning codes prohibit “tandem” parking – i.e. the parking of one car behind another in a garage or driveway – which means that two off-street spaces must be provided in a side-by-side configuration. That tends to lead to wider houses and wider lots to accommodate them, which increases housing prices because of the longer utilities needed to serve wider lots. In the case of multifamily housing, the two-spaces-per-dwelling-unit requirement can significantly reduce the number of dwelling units that a given parcel of land can accommodate. Since the lowest cost parking spaces are those at grade (i.e. not in garages either above or below ground), minimum parking requirements tend to shrink the footprint available for the apartments or condominiums, and that (along with low height limits) often restricts the final density of development below the maximum density that is in theory available under the zoning code.

Unfortunately, minimum off-street parking requirements have a way of increasing over time. In response to a particular parking problem, the council or commissioners may raise parking standards for several types of uses. However, there is no corresponding pressure to reconsider and lower parking standards even if parking spaces are going unused. Studies routinely find that a significant amount of parking required by local governments is seldom if ever occupied, and we routinely find local governments whose parking standards for the same use differ by 100% or more. For these reasons, it is wise to revisit parking standards periodically and to consider which could be lowered in order to promote more efficient and affordable housing development.

Of the 43 Idaho counties surveyed, 29 have minimum parking standards for single family homes; the remaining 14 are silent on the issue. All but two of the counties with minimum parking standards follow the “two-spaces-per-dwelling-unit” norm (or an even higher standard for units with many bedrooms) for minimum off-street parking. The two exceptions are Ada and Kootenai Counties, which use a one-space-per-dwelling-unit standard.

There is much more variation in how Idaho counties address parking for multifamily units. Of the 43 counties surveyed, 27 have multifamily parking standards, while 16 do not.

- **2 per unit:** 13 counties still use the two-per-unit standard (or a higher standard for guest parking and units with many bedrooms). This group includes:
  - Adams, Bingham, Boise, Bonneville, Canyon, Freemont, Lemhi, Madison (although a lower standard is applied to developments with more than 70 units), Minidoka, Payette, Power, Teton, and Twin Falls Counties.
- **1.5 per unit:** Another 11 counties require only one-and-a-half spaces per dwelling unit (although they may require more for larger units). This group includes:
  - Ada, Bannock, Blaine, Butte, Caribou, Cassia, Custer, Gem, Jerome, Shoshone, and Washington Counties.
- **1 per unit:** Finally, a few counties use a one-space-per-unit standard (although larger units may require more). This group includes:
  - Bonner, Clearwater, and Elmore Counties.

With about one-third of Idaho counties not imposing a minimum off-street parking requirement for multifamily housing, and another third using a standard of one or one-and-a-half spaces per unit, there is ample precedent for Idaho counties to reduce minimum parking standards below the traditional two-space standard.

Because lower income households may own fewer cars, and because many special needs residents do not own cars, many local governments adopt lower parking standards for affordable or group housing developments. Twenty-five of the 43 counties surveyed had special parking standards for special types of housing uses. These standards vary greatly depending on the types of group living to which they apply, but the following generalizations can be made.

**Standard:** The most common standard in use is a one-space-per-two-beds standard, which is applied across a wide range of facilities including retirement homes, rest homes, boarding houses, assisted living facilities, and various types of group homes. While far less than 50% of the residents of these facilities may own cars, the “extra” accommodates parking for administrative staff and visitors. Counties using this standard include Butte, Caribou, Cassia (for nursing homes), Gem, Jefferson, Jerome, and Madison (for nursing homes), Minidoka, Nez Perce, Payette, Shoshone, and Washington.

Interestingly, other counties apply a one-space-per-bed standard (100% greater) to some of the same uses. Counties using this standard include Bingham, Blaine, Bonneville, Cassia (for boarding houses), and Madison (for boarding houses). In light of experience in other Idaho counties, these standards could probably be lowered. As shown below, a few counties use standards lower than either the one-space-per-two-beds or the one-space-per-bed standard, and counties seeking to promote affordability should consider those lower standards.

**High:** Some of the group living parking standards appear higher than is normal for the use involved, and might be lowered. These include:

- Two spaces per rest home bed (Lemhi County).
- One space per 250 sq. ft. of group living (Lewis County).
- Two spaces per bed (Power County).

**Low:** On the other hand, some parking standards used by Idaho counties are significantly lower than those in common use. Counties seeking to promote more affordable group housing may want to consult with these jurisdictions about the performance of these standards and (if the lower standards are working well) consider lowering their own standards.

- One space per eight beds in nursing facilities (Ada and Elmore Counties).
- One space per floor of boarding house (Custer County).
- One space per five beds in nursing, retirement, or convalescent homes (Kootenai County).

**Housing incentives.** Generally, the profitability of residential development depends strongly on the price for which the final units can be sold or rented. So dwelling units designed (or required) to be sold or rented at more affordable rates produce smaller profits – and smaller profit margins increase development risk. To maintain the same profit margin on affordable units (as compared with market rate units), the builder has to either (1) obtain the land a lower price than the market rate developer, or (2) build more units on the land than market rate developers, or (3) In most communities, however, land is sold to the buyer able to pay the highest price, so it is not likely that an affordable builder will obtain land at a lower price. In order to avoid paying subsidies, many local governments offer incentives that effectively allow affordable builders to build more units on the site. Typically, that involves allowing a higher development density, a taller height limit, smaller lot sizes, or lower parking requirements, or some combination of those tools.

Unfortunately, none of the 43 counties survey had objective affordable housing incentives included in their zoning or subdivision ordinances. Fremont county includes a reference to affordability as an intended purpose behind both its PUD regulations and its Rural Village district, but it is not clear what types of incentives or flexibility is offered or whether those tools have been applied to promote affordable housing development. In addition, several counties and have available overlay districts, conditional use permits, or planned unit development tools that could be used to provide affordable housing incentives on a case-by-case basis, but it not clear whether they have been used for that purpose.

**SECTION VII.**  
**Impediments to Fair Housing Choice**

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## SECTION VII.

# Impediments to Fair Housing Choice

This section summarizes the impediments to fair housing choice identified in the State of Idaho AI. These impediments are based on the research conducted for the study and discussed in Sections II through VI of this report. The section begins with a discussion of current activities to further fair housing.

### Fair Housing Activities

There are three primary entities that provide fair housing education and outreach statewide:

- ▶ The Idaho Housing and Finance Association (IHFA);
- ▶ Idaho Legal Aid; and
- ▶ The Intermountain Fair Housing Council (IFHC).

The Idaho Human Rights Commission enforces the state's fair housing laws.

**IHFA—Current activities to further fair housing choice.** Idaho Housing and Finance Association (IHFA) and the Idaho Department of Commerce (IDC), in partnership with a Coalition of various stakeholders, promotes awareness of fair housing and accessibility issues among housing and community professionals, customers and partners, and the general public. The Coalition's main focus is to ensure that programs, services and activities are known and accessible to eligible individuals and entities in Idaho's service area.

IHFA has also been instrumental in expanding the Fair Housing Campaign developed by the City of Boise's Fair Housing Task Force. This campaign—*Good Neighbors + Fair Housing = Strong Communities*—includes a toll free, statewide fair housing hotline through the already familiar 2-1-1 service.

IHFA and IDC continue to affirmatively further fair housing in the following ways:

- IHFA and the IDC formed a coalition in early 2010 with Idaho's seven entitlement communities to coordinate the current Analyses of Impediments process for all jurisdictions in Idaho. The object of this collaboration is to achieve consistency across the state in identifying areas of noncompliance and to more efficiently develop and implement best practices in light of current case law and regulatory reform. The work of the coalition will extend forward over time to further a statewide culture of awareness and compliance.
- IHFA (with initial co-sponsorship from the City of Boise) created and will continue to support [www.fairhousingforum.org](http://www.fairhousingforum.org), the only Idaho-based online resource dedicated to providing practical informational resources and promoting awareness through respectful collaboration and cooperation among all stakeholders. IHFA and IDC will continue their active participation in and support of the Idaho Fair Housing Forum ('the Forum'), a HUD-facilitated group of housing stakeholders working together to promote the principles of fair and accessible housing for all Idahoans.

- IHFA will continue to sponsor and expand [www.housingidaho.com](http://www.housingidaho.com)/[www.viviendaidaho.com](http://www.viviendaidaho.com), a free, multilingual and ADA-compliant rental listing and locator service. The purposes of this site are to increase efficiencies in Idaho's rental market, offer providers a free and effective affirmative marketing tool, promote awareness of rights and responsibilities, and expand housing choices for tenants and case managers. IHFA has also introduced its Housing Assistance Guide in multiple languages via [www.housingidaho.com](http://www.housingidaho.com) (currently available in English, Spanish, French and Arabic.) Target audiences for this resource include tenants and the general public, housing providers, case managers, employers, and housing advocates. The guide provides information and referrals related to rental housing, fair housing, emergency shelter and other resources.
- Using tools such as [www.housingidaho.com](http://www.housingidaho.com), IHFA will continue to train Idaho case managers to expand the scope and diversity of housing search strategies on behalf of their clients. In this way IHFA supports expanded housing choice for all tenants.
- IHFA will continue to distribute education and outreach materials (developed in partnership with Forum partners) to stakeholders throughout Idaho during scheduled regional Housing Coordination Roundtable meetings and other activities. These include the Forum pocket folders that contain information on fair housing basics, protected classes, prohibited activities and contact information to learn more or to file a fair housing complaint. Most recently, IHFA distributed over 600 pocket folders statewide: 300 to the NW Disability Action Center for use during fair housing training in early 2010, and 300 used during the April 19 Fair Housing conference featuring speaker Michael Allen.
- IHFA is currently hosting a series of fair housing-related webinars presented by HUD FHEO professionals, and will continue to accommodate housing and community partners who wish to participate.
- As resources allow, IHFA and IDC will support accredited training for Idaho planning professionals, policy makers and government staff to improve compliance in land-use, zoning and building codes, and other housing policies. Letters of support for such training have been provided by the Association of Idaho Cities, The Community Planning Association of Southwest Idaho (COMPASS), The Idaho Chapter of the American Planning Association, and the University of Idaho Urban Research and Design Center. (this training was to have been funded by a FHIP-EOI grant)
- IHFA and IDC (with other Idaho stakeholders) have produced and distributed tens of thousands of fair housing calendars, pocket folders and informational materials over the past decade. These partners have also co-sponsored numerous statewide fair housing conferences, workshops and other events designed to promote awareness of fair housing among diverse populations. Partners will continue to work with interested parties to combine resources and achieve common goals.
- Since 1998, IHFA has sponsored biannual Regional Housing Roundtable meetings in each of Idaho's key regions. These meetings are open to all housing and community partners, including lenders, homeless service providers, property managers, and developers, advocates, along with elected officials and their staff. IHFA uses this opportunity to share information and outreach materials related to fair housing and related laws. Together with lists for IDC's sub grantees and Fair Housing Forum stakeholders, the Roundtable partners offer a cross-section of housing and related interest groups.

- IDC will continue to maintain and update the fair housing chapter of its ICDBG Grant Administration Manual. This chapter provides information and guidance to assist cities and counties in meeting their obligation to further fair housing.
- IDC has structured its application scoring criteria to ensure that cities and counties that have adopted the 2006 International Building Code will receive additional points. IHFA requires all sponsors to follow the 2006 International Building Code and applicable state and local building codes.
- IDC will require each ICDBG grantee to develop a Fair Housing Plan as per the ICDBG Grant Administration Manual. As part of the plan, grantees are required to promote and educate their community about fair housing and assessing their fair housing impediments.
- IDC and IHFA will continue to follow Section 3 requirements on all applicable HUD-funded projects. Grantees, contractors, and subcontractors must demonstrate a good faith effort to award contracts to Section 3 business concerns and utilize Section 3 residents for new employment, training, and contracting opportunities within the local community. IDC recently expanded its definition of Section 3 residents to include Section 8 housing assistance beneficiaries. IDC and IHFA will also continue to utilize the Idaho Procurement Technical Assistance Center (IPTAC). This helps ensure that each ICDBG funded project's solicitation and/or RFP is sent to disadvantaged businesses. IHFA encourages all project sponsors to use the IPTAC to meet Section 3 outreach requirements.
- IDC will require each ICDBG grantee to develop a Fair Housing Plan as per the ICDBG grant manual. As part of the plan, grantees are required to promote and educate their community about fair housing and assess fair housing impediments.

**IHFA—Proposed activities to further fair housing choice.** In late 2010, IHFA, IDC and other partners applied for FHIP-EOI funds. Specific items addressed by the proposal included:

- Multilingual public education and outreach to housing consumers (2011-2012 and beyond).
- Training for planning professionals, elected officials and local government on the relationship among land-use policy, planning and zoning, building codes and fair housing.
- Multimedia presentation made available through media outlets, online and through K-12 and higher education with potential national distribution.

HUD denied funding for the proposal. It is therefore unclear which of the proposed initiatives will likely be implemented in the near future, although Coalition partners remain committed to pursuing informed fair housing strategies with productive outcomes.

**Idaho Legal Aid—Activities to further fair housing choice.** In 2010, HUD awarded Idaho Legal Aid a Fair Housing Initiatives Program grant to “provide a statewide fair housing/fair lending education and outreach program targeted at low-income rural populations, persons with disabilities, recent immigrants, and single female heads-of-households with children. This program will include counseling homeowners at risk for mortgage default or foreclosure; conducting fair housing/fair lending presentations; staffing a bilingual, toll-free housing hotline; and maintaining a website. Idaho Legal Aid Services will advertise its services in English and Spanish. ILAS will refer housing discrimination complaints to HUD.”

**Intermountain Fair Housing Council—Activities to further fair housing choice.** In 2010, HUD awarded IFHC a Fair Housing Initiatives Program grant to provide a full-service fair housing enforcement program throughout Idaho. As demonstrated in the Legal Cases analysis conducted for this AI, IFHC has an impressive record in prosecuting fair housing violations in Idaho.

With funding received by HUD, IFHC will conduct complaint intake, investigation, mediation, and referral and will conduct tests for rental, sales, lending, and insurance discrimination. IFHC also will conduct inspections of multifamily housing for compliance with fair housing accessibility requirements. Additionally, IFHC will conduct six fair housing education and outreach events for housing providers, six events for community organizations, and three events for persons with limited English proficiency. IFHC also will appear on Spanish television and radio programs.

## **Fair Housing Concerns and Impediments**

This section presents the fair housing impediments identified through the research conducted in this AI. Quantitative research involved a review of concentrations of race, ethnicity, single parent household and persons with disabilities; an analysis of home mortgage lending data; a review of fair housing complaints and legal cases; and an analysis of each county’s land use and zoning regulations for barriers to fair housing choice. Qualitative research—a stakeholder survey and interviews—was conducted to garner the perceptions of real estate, housing and social service professionals about fair housing barriers.

The research conducted for the State of Idaho AI found several fair housing concerns and three fair housing impediments.

- For the purposes of this section, a “concern” is a fair housing issue that may create an impediment to fair housing choice; however, there is not a direct link to the cause or effect of the action.
- An “impediment” has the cause or effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, or national origin.

The concerns and impediments presented below are not presented in any particular order.

### **Fair Housing Concern No. 1. Fair housing information can be difficult to find and is not presented in Spanish or in a format accessible to persons with disabilities.**

A review of Idaho websites dedicated to fair housing found only two fair housing websites in the state ([www.fairhousingforum.org](http://www.fairhousingforum.org) and <http://ifhcidaho.org>) with information in Spanish or languages other than English. The Legal Aid website has a Spanish conversion option; however, it did not translate the fair housing information page. None have information about alternative formats that persons with disabilities can access.

In addition, no housing authorities’ websites were found to contain information about fair housing, even a “Q&A” about how to file a complaint or links to website of HUD, the Fair Housing Forum, Legal Aid or the Idaho Commission on Human Rights. In fair housing surveys of residents BBC has conducted in other states and cities, when residents are asked who investigates housing discrimination, one of the top answers is almost always “a Housing Authority.” As such, it is important that all public housing authorities in the state have fair housing information on their

websites and, at the very least, a link to organizations with which a complaint can be filed (HUD, IFHC, Idaho Human Rights Commission).

Fair housing information was not found on individual county websites.

Service providers who responded to the survey conducted for this study estimate that 40 percent of housing violations go unreported. When asked to describe the reasons why some people do not report incidents, most service providers said this was due to a lack of knowledge of fair housing laws by certain segments of the population, in addition to fear of losing housing and/or retaliation as a result of filing a complaint. Lack of knowledge can be related to lack of information and/or the failure of fair housing campaigns, training and educational opportunities to reach residents most vulnerable to housing discrimination.

*Why is this a concern?* Lack of fair housing information can become an impediment if such information is not equally available to all protected classes. In addition, an impediment could be created if inadequate fair housing information leads to lack of corrective action by housing providers and real estate professionals.

**Fair Housing Concern No. 2. Disability is the most common reason for fair housing complaints and legal action. This suggests that persons with disabilities may face difficulties accessing housing, yet Idaho counties have few or no strategies to address accessibility needs.**

From January 2006 through October 2009, almost 60 percent of the fair housing complaints filed in the state were related to discrimination related to disability. Fair housing lawsuits that have found fair housing violations have been largely related to 1) Failure of housing providers to make reasonable accommodations to persons with disabilities; and 2) Noncompliance with design and construction accessibility provisions.

*Why is this a concern?* Based on the complaints and lawsuits, persons with disabilities appear to have more difficulty finding housing because of discrimination and lack of accessibility. As part of their requirement to affirmatively further fair housing choice, local governments must work to remove fair housing barriers faced by persons with disabilities—particularly noncompliance with design and accessibility provisions, which can be identified through building inspections. Yet local governments in Idaho lack incentives for incorporating accessibility provisions into new construction. State law does not mandate accessibility provisions in new construction.

In addition, as the state ages—especially rural areas that are losing population or growing very slowly—accessible housing, infrastructure and transportation will become increasingly important to ensure that all residents have equal access to basic community services.

And, increasing the percentage of homes that are built with minimum accessibility standards can save public dollars by helping residents avoid institutionalization.

**Fair Housing Concern No.3. Fair housing education and outreach is conducted within the domain of enforcement. This may discourage housing and real estate professionals from receiving the assistance they need to comply with fair housing laws.**

The State of Idaho has two primary organizations that enforce federal and state fair housing laws: The Idaho Human Rights Commission and the Intermountain Fair Housing Council (IFHC).

A review of the effectiveness of these organizations in enforcing fair housing laws and conducting fair housing education and outreach is beyond the scope of this study. Such monitoring is more appropriate for the funding and monitoring entities (e.g., HUD). However, in the stakeholder survey conducted for this AI, stakeholders consistently described the fair housing environment in Idaho as being litigious and hostile.

Stakeholders responding to the AI survey and representing both the real estate and service provider industries requested that the fair housing training and education function be separated from the enforcement function. Stakeholders perceive this as necessary to create a cooperative relationship to fair housing compliance in Idaho. One respondent recommended that a fund be established solely for “training, technical assistance and for individuals and landlords to access to provide reasonable modification to housing units.”

*Why is this a concern?* To the extent that an enforcement-oriented culture of education and training discourages housing and real estate professionals from seeking the assistance they need to comply with fair housing laws, an impediment to fair housing choice is created.

**Fair Housing Impediment No. 1. Idaho counties’ land use regulations and zoning policies may create barriers to fair housing.**

Section VI of this AI contains a review of land use regulations for every county in Idaho in the context of creating or reducing barriers to fair housing choice. The review found that every county in the state has the opportunity to make changes to their land use regulations to expand housing options for existing and new residents. Most of the barriers to fair housing choice were found in group home regulations.

Specifically, some counties do not allow group housing in residential zones; others have very narrow definitions of the types of group homes allowed (e.g., nursing and rest homes). In addition, no counties have provisions in their code that encourage affordable or accessible housing development. Some counties lack land use regulations.

In addition, IFHC estimates that there could be hundreds of Homeowner Association Organization (HOA) covenants that restrict group homes outright.

*Why is this an impediment?* Regulations that have the effect of excluding certain protected classes can be found to be in violation of the Federal Fair Housing Act. Exclusion can take the form of disallowing group homes in certain areas and/or not providing an adequate supply of accessible and affordable housing. Persons with disabilities, because of limitations on their ability to work, have a disproportionate need for affordable housing.

Lack of land use regulations can lead to inadvertent violations of fair housing law in land use and zoning decisions.

**Fair Housing Impediment No. 2. Idaho’s state fair housing law does not provide protections based on familial status.**

Idaho’s fair housing law should offer the same protections as the federal law.

*Why is this an impediment?* Residents who are unfamiliar with fair housing law may believe that they are not protected from housing discrimination based on familial status because Idaho’s law does not

cover familial status. In addition, housing providers may believe they can discriminate based on familial status because state law does not offer such protections.

**Fair Housing Impediment No. 3. State policies that limit local government ability to raise revenues for housing activities may restrict the ability of counties to address impediments.**

In the interviews conducted for the State of Idaho AI, stakeholders frequently mentioned that revenue opportunities that are utilized in other states are not available to Idaho communities. Furthermore, legislative restrictions on local government taxation and the formulaic distribution of state revenue sharing limit the ability of individual communities to address their specific housing needs.

A review of the revenue sources available in Idaho communities relative to peer states—Montana, Nevada, Utah and Wyoming—found that local governments in Idaho have more restrictions than peer states on their ability to raise additional revenue to fund priorities, including affordable housing.<sup>1</sup> Specifically;

- Idaho redistributes a much smaller proportion of sales taxes revenues back to cities and counties (11.5 percent) than Utah and Wyoming. Nevada allows local governments more latitude to impose additional sales taxes.
- Idaho limits how much property taxes can be raised each year. Property tax revenues are used by cities to support General Fund operations.
- Local governments in Idaho are significantly constrained in their ability to issue general obligation and revenue bond debt. Aside from the issuance of bonds judicially confirmed as being of an immediate or emergency need, all bond issuances must be approved by voters, some issuances needing a 2/3 majority to pass.
- Local governments are restricted in the percentage they charge utilities companies for public right of ways.

However, with the exception of Utah, few peer states appear to be using their broader revenue-generating authority for the specific purposes of addressing affordable housing needs and reducing impediments to fair housing choice.

*Why is this an impediment?* Improving fair housing conditions in a community requires funding. In some cases, the required funding is minimal, but in most communities reducing barriers to housing choice involves construction of new (affordable and accessible) housing and modifications to public infrastructure and transportation systems to accommodate persons with disabilities. The State of Idaho's restriction on the ability of local governments to raise revenues means that funding for fair housing activities must be diverted from other areas of need. The state should give local governments the flexibility to raise revenues as residents choose which could include addressing fair housing impediments.

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<sup>1</sup> Please see the memorandum in Appendix D prepared by Galena Consulting for a full review of revenue generating ability in Idaho compared to these peer states.

## Fair Housing Action Plan

### Statewide Recommendations

**Action item No. 1: Improve access to fair housing information.** Legal Aid and the Idaho Human Rights Commission have websites with easy-to-understand fair housing information, including how to file a complaint. However, the information is not provided in a format that is equally accessible to Spanish speakers and some residents with disabilities.

These websites could be improved with the following changes:

- The Fair Housing Forum website ([www.fairhousingforum.org](http://www.fairhousingforum.org)) and IFHC's website (<http://ifhcidaho.org/>) use the Google translator tool to offer information on the site in numerous languages. The Idaho Commission on Human Rights and Legal Aid websites should do the same.
- Additionally, all fair housing websites should contain accessibility provisions for persons with disabilities. For example, some communities adopt the Section 508 web accessibility standards, <http://www.section508.gov/index.cfm?fuseAction=stdsSum>
- Idaho Legal Aid Services, Inc. has both a short description of fair housing protected classes and a link to HUD (<http://www.idaholegalaid.org/node/1355>) and a very comprehensive, but lengthy, website dedicated to fair housing protections, <http://www.idaholegalaid.org/node/1035>. It would be useful if the websites could be consolidated into one, so that a Google search on housing discrimination in Idaho brings up the second site. The website could be improved by moving the information about filing a complaint to the top of the webpage and providing information in Spanish as well as in an accessible format. Residents seeking information on filing a complaint must scroll down 4 pages before they see which phone numbers to call.

IFHC's website is new (<http://ifhcidaho.org/index.html>) and is currently difficult to find. A Google search for the organization reroutes to a mortgage lending organization (<http://www.idahofairhousing.org/>). It is unclear if this lender is regulated financial institution or predatory lending institution. IFHC should examine how to raise its visibility through search engines and/or purchase back its domain name.

All housing authorities' websites should contain fair housing information.

Finally, Idaho should make the state AI and Fair Housing Action Plan available online to all cities and counties. A designated contact should be available to share information about the state AI and to assist with mitigating barriers in non entitlement areas, including land use and zoning laws.

**Action Item No. 2: Encourage amended land use and zoning codes to reduce fair housing barriers, especially those related to group homes.** Every city and county within the state's non entitlement areas should be encouraged to amend its land use and zoning codes to reduce fair housing barriers. The most important change is to allow group homes in all residential districts. IDC should consider penalizing a county's application if the county is not (or has not) taken the identified proactive steps in its existing planning and zoning codes to reduce barriers to fair housing. In addition, cities/counties that adopt provisions to encourage accessibility standards in new construction and/or affordable housing incentives should score higher on funding applications.

**Action item No. 3: Amend state fair housing law to include familial status.** Idaho’s fair housing law should offer the same protections as federal law. The state needs to add familial status as a protected class to its law.

The state should also pursue “substantial equivalent status” with the Federal Fair Housing Act, so the state may receive federal funding and authorization to investigate fair housing complaints. This status can bring in approximately \$3,000 per fair housing case and enhance the efficiency and capacity of both the federal and state government to address fair housing barriers.

**Action Item No. 4: Improve the fair housing education and outreach climate to further fair housing choice.** Stakeholders who responded to the open-ended questions in the survey conducted for this AI (“Please feel free to add comments about fair housing and housing issues”) were critical of the process through which fair housing education and outreach is conducted in Idaho.

It is important that the organizations conducting fair housing education, outreach and enforcement are doing it in a way that encourages fair housing compliance. Education and outreach processes that feel threatening and hostile will isolate stakeholders and real estate professionals and discourage them from furthering positive fair housing practices. If the current providers of fair housing education and outreach continue to be seen as ineffective, other organizations should be chosen to conduct fair housing activities.

Funding organizations should separate the fair housing enforcement and education and training functions. The organization tasked with enforcement should be doing this independent of an objective, third party organization whose main role is business and consumer education and outreach.

### **Local Government Recommendations**

Figure VII-1 on pages 14 through 16 details the recommendations for addressing impediments by county. In general, the impediments fall into a few primary areas: 1) Barriers created by land use and zoning regulations; 2) Lack of incentives to promote affordable and/or accessible housing; and 3) Limited fair housing education. One barrier was identified for Blaine County related to the results of the HMDA data analysis.

**Land use and zoning regulations modifications.** All counties could improve some aspects of their zoning and land use regulations to encourage basic accessibility standards in new construction and allow placement of group homes in residential districts. Counties that have not adopted the International Building Code should do so. Counties lacking land use and zoning regulations should create them. In addition, counties where affordable housing is lacking should add provisions to their regulations that incentivize the development of affordable and mixed-income housing.

**Increasing accessible and affordable housing.** Counties should update their zoning and subdivision codes to adopt standards addressing impediments to accessibility for the elderly and handicapped. Examples of ordinances addressing this issue can be found in the Arvada, Colorado, Municipal Code, (Chapter 18, Article XIV, 'Visitability') and the Pima County, Arizona, Inclusive Home Design Ordinance (which are based on the American National Standards Institute's publication A117.1, 'Accessible and Usable Buildings and Facilities', published by the International Code Council.) Pima County's authority to adopt these types of building standards was upheld in *Washburn v. Pima County*, 81 P.3d 1030 (Az. Ct. Ap. ,2003)."

In sum, the Pima County ordinance requires all new houses in the unincorporated areas of the county around Tucson be built with at least one entrance with no step, and doors at least 32 inches wide. It also requires

- Lever door handles;
- Reinforced walls in ground-floor bathrooms so it's easy for an occupant to install grab bars;
- Switches no higher than 48 inches; and
- Hallways 36 inches wide throughout the main floor.

The Pima County ordinance was the first in the nation to require a zero-step entry in a single family home.

Other critical changes for reducing barriers to housing choice and increasing affordability include:

- Adopting minimum lot sizes that promote the development of affordable housing, at least in some residential zones. For example, the lot minimum in Kootenai County is 3,000 square feet. Elmore has no minimum. Minidoka allows 1,500 square feet. Most other counties have minimums in the range of 8,000 square feet to ½ acre. (As noted elsewhere, local availability of shared sewer and water systems and/or firefighting capacities may drive minimum lot sizes.)
- Establishing multifamily districts.
- Providing affordable housing incentives. These are most important in the least affordable counties of Blaine, Bonner, Boundary, Kootenai, Teton and Valley.

Less critical, but other changes counties should consider include:

- Allowing Accessory Dwelling Units (ADUs) for residential use.
- Making adjustments to parking requirements for density, senior/disabled and affordable housing. Kootenai County has the best regulations in this area.

**Housing choice toolkit.** County land use regulations that attempt to promote housing choice should include as many of the following tools as is consistent with the county's future development plans. While it is not necessary that each county code include all of these types of provisions, including more of them will further reduce barriers to housing choice.

- **Purpose statement.** The code should reflect the county's purpose to provide housing choice for its residents and to comply with applicable federal and state law regarding housing choice.
- **Small lots.** At least one zone district (or overlay district or permit system) that allows small lots for single-family detached housing in some locations. While the appropriate minimum lot size will vary with the character of the county, a zone allowing minimum lot sizes in the 3,000-6,000 square foot range would be appropriate for more urbanized areas of many counties. In addition, lot width requirements should be reasonable and consistent with minimum lot sizes; while some codes require minimum lot widths of 70 feet or more, small homes can be constructed on lots as narrow as 40 feet (or even less). Minimum lot size requirements are the type of regulation most responsible for increasing housing costs.

- **Multifamily parcels.** At least one zone district (or overlay district or permit system) that allows the construction of multifamily housing, and mapping enough land into this district to allow a reasonable chance that some multifamily housing will be developed. In many rural counties, these mapped areas may be close to incorporated or urbanized areas. Maximum heights should be reasonable and consistent with the maximum density permitted; avoid mapping areas for multifamily densities and then imposing height restrictions that prohibit efficient development at those densities. Failure to provide opportunities for multifamily development has been identified as one of the four leading regulatory causes of increased housing costs.
- **Manufactured homes.** Manufactured housing meeting HUD safety standards should be allowed somewhere (per the federal Manufactured Housing Act of 1974). While restricting these homes to manufactured home parks is common, the better practice is to allow them in at least one residential zone where the size and configuration matches the scale and character of the area.
- **Minimum house sizes.** The zoning and subdivision regulations should not establish minimum house or dwelling unit sizes (beyond those in the building code). Minimum house size requirements have also been identified as a significant cause of increased housing prices in those communities where they are in place.
- **Group housing.** The code should clarify that housing for groups protected by the Fair Housing Act Amendments of 1988 are treated as residential uses, and should generally allow those group housing uses in at least one residential district. While some communities require a special permit for these uses, others find that they can be allowed by right provided that they comply with standards limiting scale, character, and parking. Failure to provide for these uses in the code could subject the county to a developer's request for "reasonable accommodation" under the Act, and failure to provide "reasonable accommodation" could be a violation of federal law. In light of the aging of the American population, the code should also provide areas where congregate care, nursing home, and assisted living facilities may be constructed.
- **Accessory Dwelling Units.** The code should allow accessory dwelling units in at least one zone district—either as an additional unit within an existing home structure or in an accessory building on the same lot. While some communities require a special permit for these uses, others find that they can be allowed by right provided that they comply with standards limiting scale, character, and parking.
- **Mixed Use.** In order to promote affordability, housing should be allowed near businesses that employ workers, particularly moderate- and lower-income employees. To do that the code should permit residential units in at least one commercial zone district or should map some lands for multifamily development in close proximity to commercial districts.
- **Lower parking standards.** Although the traditional standard of two parking spaces per dwelling unit may be reasonable for many areas of a county, a lower standard can and generally should be used for affordable housing, multifamily housing, group housing and special needs housing.
- **Flexibility on nonconforming structures.** Although zoning codes generally require that nonconforming structures damaged or destroyed through fire or natural causes can only be rebuilt in compliance with the zoning code, an increasing number of codes are exempting affordable housing from this requirement. Often the most affordable housing in a community is located on lots that are too small or narrow for the district where they are located, or in

multifamily buildings that have too many units for the district where they are located. If forced to replat with larger lots or to reduce density following a disaster, those affordable units may be lost, and allowing rebuilding with the same number of units as before may be the most efficient way to preserve these units in the housing stock.

- **Incentives.** In order to encourage the development of affordable housing, the code should recognize the difficult economics involved and should offer incentives. Common incentives include smaller lots, increased density in multifamily areas, reduced parking requirements, or waivers or reductions of application fees or development impact fees. Some communities provide additional incentives for housing that is restricted for occupancy at lower percentages of the Area Median Income (AMI). For example, developments restricted for households earning less than 50 percent of AMI could receive more generous incentives than those for households earning less than 80 percent of AMI. While zoning and subdivision incentives alone are often not enough to make development for lower levels of AMI economically feasible, they can be part of a broader package of incentives (for example, including financial incentives or land contributions) that make those projects feasible. Any incentives offered should be updated as new housing studies are completed and new information about specific affordable housing needs is obtained.
- **Growth management exemptions.** Most communities that operate a growth management system exempt affordable housing or allow it to compete for a separate pool of development rights in order to encourage this type of housing.

**Address lending disparities in Blaine County.** In Blaine and Gooding Counties, Hispanics had much lower loan origination rates than non-Hispanic applicants.

- In Blaine County, 29 percent of Hispanic applicants had their mortgage loans originated, compared with 57 percent of non-Hispanic applicants — *a difference of 28 percentage points*. Hispanic applicants had their loans denied 38 percent of the time, compared to 22 percent for non-Hispanics.
- In Gooding County, 39 percent of Hispanic applicants had their mortgage loans originated, compared with 47 percent of non-Hispanic applicants (a much smaller difference than in Blaine). Hispanic applicants had their loans denied 34 percent of the time, compared to 27 percent for non-Hispanics.

Blaine County should examine why its lending disparities between Hispanics and non-Hispanics are so high. Using this information, the county should work with local lenders, developers and funders to develop programs that will, for example, assist Hispanics with repairing credit histories, provide downpayment assistance and interest rate buy-downs, and/or increase the stock of affordable housing for purchase.

Blaine is the most expensive county in the state and opportunities for workforce to reside in the county are already limited. Difficulty accessing credit to purchase a home exacerbates an already tough environment in which all but the highest income households can purchase homes.

**Figure VII-1.  
County Level Fair Housing Recommendations, Idaho Counties, 2011**

County	Adjust Minimum Lot Sizes	Provide Affordable Housing Incentives	Amend Group Housing Regulations	Other Zoning/Land Use Changes	Fair Housing Information	Encourage Accessibility in Housing
<b>Ada</b>	Among the lowest reviewed. Min. width could be lower. Multifamily density and building height could be higher.	None; should consider offering.	Need to allow more group home types.	Allow manufactured housing parks in residential zones. Lower multifamily parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Adams</b>	Should lower minimum lot sizes; have multifamily district with density.		Need to allow more group home types.	Allow manufactured homes outside of parks. Lower parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Bannock</b>	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.			Lower parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Bear Lake</b>	Should be lower; do not facilitate affordability of housing.		Need to add group home provisions to code.		County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Benewah</b>	N/A			Adopt a zoning code.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Bingham</b>	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.		Need to allow more group home types.	Lower parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Blaine</b>	Should be lower; do not facilitate affordability of housing. Multifamily densities should be higher.	None; should offer, given expensive housing.	Need to allow more group home types.	Adopt manufactured home park standards. Lower parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Boise</b>	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.		Among the best reviewed.	Lower multifamily parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Bonner</b>	Should be lower; do not facilitate affordability of housing. Multifamily densities should be higher.	None; should offer, given expensive housing.	Need to add group home provisions to code.	Allow manufactured parks in residential zones. Lower single family parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Bonneville</b>	Relatively low. Multifamily density could be higher.		Need to allow more group home types.	Allow manufactured parks in residential zones. Lower parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Boundary</b>	Should lower minimum lot sizes; add multifamily provisions to code.		Need to add group home provisions to code.		County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Butte</b>	Should be lower; do not facilitate affordability of housing.		Need to allow more group home types.	Lower single family parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Camas</b>	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.		Need to allow more group home types.		County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Canyon</b>	Should be lower; do not facilitate affordability of housing. Multifamily provisions should allow higher densities.		Among the best reviewed.	Lower parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Caribou</b>	Should be lower; do not facilitate affordability of housing.		Should be allowed in low density residential.	Allow manufactured parks in residential zones. Lower single family parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Cassia</b>	Should be lower; minimum lot sizes in subdivisions should be given.		Need to allow more group home types.	Lower single family parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

Source: Clarion Associates and BBC Research & Consulting.

**Figure VII-1. (continued)**  
**County Level Fair Housing Recommendations, Idaho Counties, 2011**

County	Adjust Minimum Lot Sizes	Provide Affordable Housing Incentives	Amend Group Housing Regulations	Other Zoning/Land Use Changes	Fair Housing Information	Encourage Accessibility in Housing
<b>Clark</b>	Among the best reviewed. Multifamily permits should allow efficient densities and heights.	None.	Could be expanded to include large facilities for elderly.		County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Clearwater</b>	Generally good, could be slightly lower. Multifamily permits should allow efficient densities and heights.	None.	Need to allow more group home types.	Lower single family parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Custer</b>	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	None.	Need to allow more group home types.	Lower single family parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Elmore</b>	Among the best reviewed; promotes affordability.	None.	Among the best reviewed.	Lower single family parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Franklin</b>	Good, could be lower, smallest minimum lot width. Multifamily permits should allow efficient densities and heights.	None.	Need to add group home provisions to code.	Should be allowed in residential zones. Park provisions should be added to code.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Fremont</b>	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	Yes. PUD and rural village districts set out to maintain affordability through flexibility.	Good, but should define groups.	Lower parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Gem</b>	Good, could be lower. Multifamily maximum density and height could be raised.	None.	Need to allow more group home types.	Lower single family parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Gooding</b>	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	None.	Good.		County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Idaho</b>	Should be lower; do not facilitate affordability of housing. Multifamily provisions should be added to the code.	None.	Need to add group home provisions to code.		County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Jefferson</b>	Should be lower; do not facilitate affordability of housing. Multifamily provisions should be added to the code.	None.	Need to allow more group home types.	Lower single family parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Jerome</b>	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	None.	Need to allow more group home types.	Lower single family parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Kootenai</b>	Among the best reviewed; promotes affordability.	None; should offer, given expensive housing.	Need to allow more group home types.	Best single family requirements at 1/DU	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Latah</b>	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	None.	Need to add group home provisions to code.		County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Lemhi</b>	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	None.	Need to add group home provisions to code.	Lower parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Lewis</b>	Should be lower; should state minimum size with services. Should add multifamily provisions to code.	None.	Could allow more group home types.	Add park provisions.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Lincoln</b>	Should be lower; should add multifamily housing provisions.	None.	Need to add group home provisions to code.	Add park provisions.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Madison</b>	No minimum lot size promotes affordability, but minimum width does not.	None.	Need to add group home provisions to code.	Lower parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

Source: Clarion Associates and BBC Research & Consulting.

**Figure VII-1. (continued)  
County Level Fair Housing Recommendations, Idaho Counties, 2011**

County	Adjust Minimum Lot Sizes	Provide Affordable Housing Incentives	Amend Group Housing Regulations	Other Zoning/Land Use Changes	Fair Housing Information	Encourage Accessibility in Housing
<b>Minidoka</b>	Among the best reviewed; promotes affordability. Multifamily permits should allow efficient density and height.	None.	Among the best reviewed.	Lower parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Nez Perce</b>	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	None.	Need to add group home provisions to code.	Lower single family parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Oneida</b>	N/A	N/A	N/A	Adopt code that addresses more than airport overlay and flood plain districts.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Owyhee</b>	Minimum lot size with services should be stated. Multifamily permits should allow efficient density and height.	None.	Need to allow more group home types.	Allow manufactured homes in residential zones.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Payette</b>	No minimum lot size promotes affordability, but minimum width does not.	None.		Lower parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Power</b>	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	None.	Need to add group home provisions to code.	Lower parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Shoshone</b>	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	None.		Lower single family parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Teton</b>	Should be lower; do not facilitate affordability of housing. Multifamily permits should allow efficient density and height.	None; should offer, given expensive housing; also use in Valley	Good.	Lower parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Twin Falls</b>	Should be lower; do not facilitate affordability of housing. Multifamily provisions should be added to the code.	None.	Need to add group home provisions to code.	Lower parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Valley</b>	No minimum lot size promotes affordability. Multifamily permits should allow efficient density and height.	None.	Need to add group home provisions to code.		County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.
<b>Washington</b>	No minimum lot size promotes affordability. Multifamily provisions should be added to the code.	None.	Need to add group home provisions to code.	Lower single family parking requirements.	County website should contain fair housing information and links.	Adopt standards for accessibility in new construction.

Note: Increasing lot dimensions may be restricted to the availability of shared sewer systems, shared water systems and the firefighting capacities of the county or local fire district.

Source: Clarion Associates and BBC Research & Consulting.