

COUNTY CODE

of

BONNER COUNTY, IDAHO

Code current through:

Ord. 647, passed 9-22-2021

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PREFACE

This code of the County of Bonner County, as supplemented, contains ordinances up to and including ordinance 647, passed September 22, 2021. Ordinances of the County adopted after said ordinance supersede the provisions of this code to the extent that they are in conflict or inconsistent therewith. Consult the County office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

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ORDINANCES PENDING CODIFICATION

Listed ordinances have been passed, but they have not been incorporated into the code and they may not show the original ordinances in their entirety. Please contact the office of the clerk if there are any questions concerning the ordinances listed.

ORDINANCE NO. 648

DEVELOPMENT IMPACT FEE ORDINANCE

AN ORDINANCE AMENDING THE BONNER COUNTY REVISED CODE BY THE ADDITION OF A NEW TITLE 15, CHAPTER 1 ENTITLED DEVELOPMENT IMPACT FEES FOR FIRE DISTRICTS; PROVIDING FOR: A SHORT TITLE, AUTHORITY, APPLICABILITY, AND PURPOSE; DEFINITIONS; THE ESTABLISHMENT OF SERVICE AREAS, THE IMPOSITION OF IMPACT FEES, AND EXEMPTIONS; THE METHOD OF THE COLLECTION OF IMPACT FEES AND ENFORCEMENT THEREOF; ESTABLISHING A PROCESS FOR IMPACT FEE CERTIFICATION; ESTABLISHING A PROCESS FOR INDIVIDUAL ASSESSMENT; DEVELOPER CREDITS AND REIMBURSEMENTS; THE METHODOLOGY FOR CALCULATION OF IMPACT FEES; THE ESTABLISHMENT OF A PROCESS FOR EXTRAORDINARY IMPACTS; THE ESTABLISHMENT OF A PROCESS FOR FEE PAYER REFUNDS; ESTABLISHMENT OF IMPACT FEE CAPITAL PROJECTS FUNDS AND FUND ACCOUNTS; THE USE AND EXPENDITURE OF IMPACT FEES; THE ESTABLISHMENT FOR APPEALS, PROTEST AND MEDIATION; THE PERIODIC REVIEWS OF THE CAPITAL IMPROVEMENTS PLANS; THE FILING OF AN ANNUAL REPORT; THE CREATION OF A DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE; MISCELLANEOUS PROVISIONS; CONSTRUCTION OF ORDINANCE INTENT.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BONNER COUNTY, IDAHO, THAT BONNER COUNTY CODE BE AMENDED TO ADOPT A NEW **TITLE 15, CHAPTER 1 DEVELOPMENT IMPACT FEES FOR FIRE DISTRICTS** TO READ AS FOLLOWS:

TITLE 15: DEVELOPMENT IMPACT FEES

CHAPTER 1: FIRE DISTRICT DEVELOPMENT IMPACT FEES

SHORT TITLE, APPLICABILITY, EXEMPTIONS, AND PURPOSE

Short Title: This Chapter shall be known and may be cited as the Bonner County Fire District Development Impact Fee Ordinance.

Findings: The Board of Bonner County Commissioners finds that:

Within unincorporated Bonner County, the County is experiencing considerable growth and development.

The new growth and development occurring within unincorporated Bonner County will place ever-increasing demands on any Fire District whose boundaries include land in unincorporated Bonner County to provide, improve and expand existing public safety facilities to serve that new growth and development and the tax revenues generated from that new growth and development often does not generate sufficient funds to provide the necessary improvements and expansion of the public safety facilities to protect the public health, safety and welfare. Those users that create the increased demand should bear their proportionate share of the cost of public safety facilities needed to serve the new growth and development.

Fire Districts organized pursuant to Idaho Code § 31-1401 et seq. do not have authority to make and adopt ordinances as a method of carrying out their statutory duties.

The Idaho Development Impact Fee Act (Act) at Idaho Code § 67-8201 et seq. requires an entity to adopt an ordinance in order to impose and collect development impact fees.

The Act does provide, pursuant to Idaho Code § 67-8204A, in circumstances where the County and the Fire District are both affected by the considerable growth and development as is occurring within the County, that the County and the Fire District may enter into an intergovernmental agreement for the purpose of agreeing to collect and expend Development Impact Fees for System Improvements which provides for a new funding mechanism for those System Improvements Costs incurred by the Fire District to meet the demand and growth occurring within the County and which promotes and accommodates orderly growth and development and protects the public health, safety and general welfare of the people, residential and non-residential establishments within the boundaries of the County.

The County has statutory authority to make and adopt ordinances pursuant to Idaho Code § 31-714.

Authority: This ordinance is enacted pursuant to the County's general police powers, its authority to enact ordinances, and its authority as provided by the Act and other applicable laws of the state of Idaho to impose and collect development impact fees on behalf of the Fire District; and the County's and the Fire District's authority to enter into an Intergovernmental Agreement as provided for in Idaho Code § 67-8204A when jointly affected by growth and development for the purpose of agreeing to impose, collect and expend Development Impact Fees in order for new growth and development to pay their proportionate share of the cost of public facilities to serve that new growth and development.

Applicability: This Chapter shall apply to the Development of property located within the boundaries of the Northside Fire District in unincorporated Bonner County.

Purpose: The intent of this Chapter is to ensure that new residential and non-residential development bears a proportionate share of the cost of System Improvements; to ensure that such proportionate share does not exceed the cost of such System Improvements required to accommodate new Development; and to ensure that funds collected from new Development are actually used for System Improvements in accordance with the Act.

DEFINITIONS

As used in this Chapter, the following words and terms shall have the following meanings, unless another meaning is plainly intended and words and terms appearing in the singular number includes the plural and the plural the singular:

APPROPRIATE shall mean to legally obligate by contract or otherwise commit to the expenditure of funds by appropriation or other official act of the Board of Commissioners of any Fire District.

BOARD OF COMMISSIONERS shall mean the Board of Commissioners of the Fire District, which is its governing board.

BUILDING LOCATION PERMIT shall mean the permit required for foundations, new construction and additions pursuant to Chapter 1, Title 11 of Bonner County Revised Code.

CAPITAL IMPROVEMENTS shall mean improvements with a useful life of ten (10) years or more, by new construction or other action, which increases the service capacity of the Fire District's Capital Facilities.

CAPITAL IMPROVEMENTS ELEMENT shall mean a component of the Capital Improvements Plan adopted by the Fire District and the County pursuant to Chapters 65 and 82 of Title 67, Idaho Code, as they may be amended, which component meets the requirements of the capital improvements plan required by the Act.

CAPITAL IMPROVEMENTS PLAN shall mean the Impact Fee Study and Capital Improvements Plan recommended by the Impact Fee Advisory Committee and adopted by the Fire District and the County that identifies the Fire District Capital Facilities for which the Fire District's Impact Fees may be used as a funding source.

CAPITAL PROJECTS FUND (the "Capital Projects Fund") shall mean and refer to the Fire District's Development Impact Fee Capital Projects Fund established by action of the Board of Commissioners of the Fire District as set forth respectively in the Board of Commissioners' Resolutions and pursuant to SUBCHAPTER 15.11 of this Chapter and Idaho Code § 67-8210(1) is the respective Capital Projects Fund into which the Fire District's Impact Fees shall be deposited and maintained by the Fire District.

COUNTY shall mean Bonner County, Idaho.

COUNTY BOARD OF COMMISSIONERS shall mean the Board of Commissioners of Bonner County.

DEVELOPER shall mean any person or legal entity undertaking Development and/or the subdivision of property pursuant to Idaho Code § 50-1301 through § 50-1334, as may be amended.

DEVELOPMENT shall mean any construction or installation of a building or structure, or any change in use of a building or structure, or any change in the use, character or appearance of land, which creates additional demand and need for public facilities and/or subdivision of property that would permit any change in the use, character or appearance of land.

DEVELOPMENT APPROVAL shall mean any written duly authorized document from the County which authorizes the commencement of a Development.

DEVELOPMENT REQUIREMENT shall mean a requirement attached to a Developmental approval or other County governmental action approving or authorizing a particular Development project including, but not limited to, a rezoning, which requirement compels the payment, dedication or contribution of goods, services, land or money as condition of approval.

DWELLING UNIT shall mean any structure, or portion thereof, providing living facilities for one family as herein defined, including provisions for living, sleeping, eating, cooking and sanitation.

EXTRAORDINARY COSTS shall mean those costs incurred as result of an extraordinary impact.

EXTRAORDINARY IMPACT shall mean an impact which is reasonably determined by the Fire District to: (i) result in the need for Fire District system improvements, the cost of which will significantly exceed the sum of the development impact fees to be generated from the project or the sum agreed to be paid pursuant to a development agreement as allowed by Idaho Code § 67- 8214(2), as it may be amended; or (ii) result in the need for Fire District system improvements which are not identified in the Capital Improvements Plan.

FAMILY shall mean:

A person living alone or two (2) or more persons related by blood or marriage.

A group of not more than ten (10) persons who need not be related by blood or marriage living together in a dwelling unit.

Eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons residing in a dwelling unit who are supervised at the dwelling in connection with their handicap or age-related infirmity, provided that no more than two (2) staff members reside in the dwelling unit at any one time. (Resident staff shall not be counted toward the "8 or fewer" criterion.)

FEE PAYER shall mean the person who pays or is required to pay the Fire District's Impact Fee. A fee payer may include a Developer.

FIRE DISTRICT shall mean and refer to a Fire District organized and existing by virtue of the Fire District Law, Chapter 14, Title 31, Idaho Code and which has entered into an intergovernmental agreement with the County for the collection and expenditure of development impact fees.

FIRE DISTRICT ADMINISTRATOR shall mean the Fire District Administrator of the Fire District, and their designee.

FIRE DISTRICT CAPITAL FACILITIES shall mean stations, apparatus, vehicles and equipment of the Fire District which is identified in Exhibit III-2 of the Fire District's Capital Improvements Plan as adopted by the County, and specifically including those related costs including System Improvement Costs, but not including maintenance, operations, or improvements that do not expand their capacity.

FIRE DISTRICT IMPACT FEE shall mean a payment of money imposed as condition of Development Approval to pay for a proportionate share of the costs of System Improvements needed to serve the Development. The term does not include the following:

A charge or fee to pay the administrative plan review, or inspection cost associated with permits required for Development.

Connection or hookup charges;

Availability charges for drainage, sewer, water or transportation charges for services provided directly to the development; or

Amounts collected from a Developer in a transaction in which the Fire District has incurred expenses in constructing Capital Improvements for the Development if the owner or developer has agreed to be financially responsible for the construction or installation of those Capital Improvements, unless a written agreement is made, pursuant to Idaho Code § 67- 8209(3) as it may be amended, for credit or reimbursement.

INTERGOVERNMENTAL AGREEMENT shall mean and refer to the Fire District's intergovernmental agreement with the County pursuant to Idaho Code § 67-8204A for the collection and expenditure of Fire District Impact Fees established pursuant to this Chapter.

IMPACT FEE ADVISORY COMMITTEE shall mean the Fire District's Joint Development Impact Fee Advisory Committee ("Impact Fee Advisory Committee") formed and staffed by the Fire District pursuant to Idaho Code § 67-8205 to prepare and recommend the Fire District's Capital Improvements Plan and any amendments, revisions or updates of the same.

LAND USE ASSUMPTIONS shall mean a description of the service area and projections of land uses, densities, intensities and population in the service area over at least a ten (10) year period.

LEVEL OF SERVICE shall mean a measure of the relationship between service capacity and service demand for Public Facilities.

MANUFACTURED/MOBILE HOME shall mean a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in such structure, except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. § 5401 et seq.

MODULAR BUILDING shall mean any building or building component other than a manufactured/mobile home, which is constructed according to the International Building Code, as adopted or any amendments thereto, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

PRESENT VALUE shall mean the total current monetary value of past, present or future payments, contributions or dedications of goods, services, materials, construction or money.

PROJECT shall mean a particular Development on an identified parcel of land.

PROJECT IMPROVEMENTS, in contrast to System Improvements, shall mean site improvements and facilities that are planned and designed to provide service for a particular Development Project and that are necessary for the use and convenience of the occupants or users of the Project.

PROPORTIONATE SHARE shall mean that portion of System Improvement Costs determined pursuant to Idaho Code § 67-8207 which reasonably relates to the service demands and needs of the Project.

PUBLIC FACILITIES shall mean land, buildings, apparatus, vehicles and equipment used for fire, emergency medical and rescue, and water supply production, storage and distribution facilities which have a useful life of ten (10) years or more.

RECREATIONAL VEHICLE shall mean a vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

SERVICE AREA shall mean land within the boundaries of the Fire District within unincorporated Bonner County as established pursuant Chapter 14, Title 31, Idaho Code, in which specific Public Facilities provide service to Development on the basis of sound planning or engineering principles or both as identified in the Fire District's Capital Improvements Plan.

SERVICE UNIT shall mean a standardized measure of consumption, use, generation or discharge attributable to an individual unit of Development calculated in accordance with generally accepted engineering or planning standards for a particular category of Capital Improvements. As specifically used in this Ordinance, service units include all dwelling units as defined herein and includes, on the square foot basis, nonresidential Development.

SYSTEM IMPROVEMENTS, in contrast to Project Improvements, shall mean Capital Improvements to Public Facilities which are designed to provide service to a Service Area. For the purpose of this Chapter, System Improvements are for Fire District Capital Facilities designed to provide both fire protection and emergency medical services.

SYSTEM IMPROVEMENT COSTS shall mean costs incurred for construction or reconstruction of System Improvements, including design, acquisition, engineering and other costs, and also including, without limitation, the type of costs described in Idaho Code § 50-1702(h), as it may be amended, to provide additional Public Facilities needed to service new growth and Development.

For clarification, System Improvement Costs do not include:

Construction, acquisition or expansion of Public Facilities other than Capital Improvements identified in the Capital Improvements Plan; Improvements, repair, operation or maintenance of existing or new capital;

Upgrading, updating, expanding or replacing existing Capital Improvements to serve existing Development in order to meet stricter safety, efficiency, environmental or regulatory standards;

Upgrading, updating, expanding or replacing existing Capital Improvements to provide better service to existing Development;

Administrative and operating costs of the Fire District and/or the County unless such costs are attributable to Development of the Capital Improvements Plan, as provided in Idaho Code § 67-8208, as it may be amended; and

Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the Fire District to finance Capital Improvements identified in the Capital Improvements Plan.

TRUST ACCOUNT shall mean the interest-bearing account within the Fire District's Impact Fee Capital Projects Fund as established in this Chapter.

ESTABLISHMENT OF FIRE DISTRICT SERVICE AREAS; IMPOSITION OF FIRE DISTRICT IMPACT FEE; FEE SCHEDULE; EXEMPTIONS

Establishment of Fire District Service Areas. There is hereby established a Service Area for the Fire District which includes all land in unincorporated Bonner County within the boundaries of the Fire District as established pursuant to Chapter 14, Title 31, Idaho Code.

Imposition of Fire District Impact Fees. Fire District Impact Fees for the Fire District are hereby imposed on all new Development located within the boundaries of the Fire District in unincorporated Bonner County.

Fee Schedule. Fire District's Impact Fees shall be calculated in accordance with the fee schedule set forth below providing for standard fees based on the total number of Dwelling Units or square feet of nonresidential space in the Development, unless (a) the Fee Payer requests an individual assessment pursuant to SUBCHAPTER 15.6 of this Chapter; or (b) the Fire District finds the Development will have an Extraordinary Impact pursuant to SUBCHAPTER 15.9 of this Chapter. The methodology for determining the costs per service unit provided for in the fee schedule is set forth in the Fire District's Capital Improvements Plan as adopted by the County pursuant to Idaho Code § 67-8208, as it may be amended.

Northside Fire District Impact Fee Schedule:

Residential (per Dwelling Unit) \$ 785.00

Non-Residential (per square foot) \$ 0.39

Developer's Election. A Developer shall have the right to elect to pay a project's proportionate share of System Improvement Costs by payment of Impact Fee according to the fee schedule as full and complete payment of the Development project's proportionate share of System Improvements Costs, except as provided in Idaho Code § 67-8214(3), as it may be amended.

Procedures:

BUILDING LOCATION PERMIT. Upon submittal of complete building location permit plans for the Development to the County, the County shall calculate the Fire District Impact Fee for the Development within thirty (30) days of submittal unless:

The Fee Payer had previously requested and been granted an individual assessment pursuant to this Chapter; or

The Fire District has previously determined the Development may have an Extraordinary Impact pursuant to this Chapter.

Exemptions. The provisions of this Chapter shall not apply to the following:

Rebuilding the same amount of floor space of a structure which is destroyed by fire or other catastrophe, provided the structure is rebuilt and ready for occupancy within two (2) years of its destruction;

Remodeling or repairing a structure which does not increase the number of Service Units;

Replacing a residential unit, including a manufactured/mobile home, with another residential unit on the same lot; provided that, the number of Service Units does not increase;

Placing a temporary construction trailer or office on a lot;

Constructing an addition on a residential structure which does not increase the number of Service Units;

Adding uses that are typically accessory to residential uses, such as tennis court or a clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of System Improvements; or

The installation of a modular building, manufactured/mobile home or recreational vehicle if the Fee Payer can demonstrate by documentation such as utility bills and tax records that either: (a) a modular building, manufactured/mobile home or recreational vehicle was legally in place on the lot or space prior to the effective date of this Chapter; or (b) a Fire District Impact Fee has been paid previously for the modular building, manufactured/mobile home or recreational vehicle on that same lot or space.

Exemption Claim Process. A Fee Payer shall claim an exempt development activity upon application of a Building Location Permit or manufactured/mobile home installation permit, or if no building permit or manufactured/mobile home installation permit required, prior to the time construction commences. Any exemption not so claimed shall be deemed waived by the Fee Payer. Claims for exemption shall be determined by the County within fifteen (15) days of receipt of the claim for exemption.

COLLECTION OF FIRE DISTRICT IMPACT FEES; ENFORCEMENT

Payment of Fees. The Fire District Impact Fee shall be paid to the County at the following times:

If a Building Location Permit is required, then before or at the time the permit is issued;

If no Building Location Permit is required, then at the time that construction commences; or

At such other time as the Fee Payer or Developer and the Fire District have agreed upon in writing with notice to the County.

Enforcement. When any Fire District Impact Fee is due pursuant to this Chapter, or pursuant to the terms of any written agreement between a Fee Payer and the Fire District, and such Fire District Impact Fee has not been paid in a timely manner, the County may exercise any or all of the following powers as applicable to its authority, in any combination, to enforce the collection of the Fire District Impact Fee:

Withhold Building Location Permits, manufactured home installation permits, or other County Development Approval related to the Development for which the Fire District Impact Fee is due until all Fire District Impact Fees due have been paid, and issue stop work orders, and revoke or suspend a Building Location Permit;

Withhold utility services from the Development for which the Fire District Impact Fee is due until all Fire District Impact Fees due have been paid;

Add interest to the Fire District Impact Fee not paid in full at the legal rate provided for in Idaho Code § 28-22-104, as it may be amended, plus five percent (5%) beginning on the date at which the payment of the Fire District Impact Fee was due until paid in full;

Impose a penalty of five percent (5%) of the total Fire District Impact Fee (not merely the portion dishonored, late or not paid in full) per month beginning on the date at which the payment of the Fire District Impact Fee was due until paid in full; and

Impose a lien pursuant to the authority of Idaho Code § 67-8213(4) for failure to timely pay a Fire District Impact Fee following the procedures contained in Idaho Code Title 45, Chapter 5.

In the event a Fire District Impact Fee is paid to the Fire Protection District, then the Fire District Administrator shall immediately notify the County of said payment.

All Fire District Impact Fees paid to the County shall be transferred to the Fire District Administrator on a once-a-month basis.

CERTIFICATION

A Fee Payer may request a written certification of the impact fee schedule or individual assessment which shall establish the impact fee for that Development. Such certification shall establish the Fire District Impact Fee so long as there is no material change to the particular Development as identified in the individual assessment application, or the impact fee schedule. A certification may be applied for in the following manner:

Requests for certification shall be in writing and made to the Fire District Administrator. Within thirty (30) days after receiving such request, the Fire District Administrator shall issue a written certification of the amount of the Fire District Impact Fee due for the proposed Development. The certification shall include an explanation of the calculation of the Fire District Impact Fee including an explanation of factors considered under Idaho Code § 67-8207 and shall also specify the System Improvement(s) for which the Fire District Impact Fee is intended to be used. The Fire District Administrator shall provide the certification to the Fee Payer and the County.

INDIVIDUAL ASSESSMENT

In lieu of calculating the amount of the Fire District Impact Fee using the impact fee schedule in SUBCHAPTER 15.3 of this Chapter, an individual assessment of Impact Fees is permitted when the Fee Payer demonstrates by clear and convincing evidence that the established Impact Fee is inappropriate.

INDIVIDUAL ASSESSMENT PROCESS. A Fee Payer may file a written request for an individual assessment of the Development by the Fire District with the Fire District Administrator prior to the receipt of a Building Location Permits or other necessary approvals or entitlements from Bonner County. A request for an individual assessment process shall involve consideration of studies, data, and any other relevant information submitted by the Fee Payer to adjust the amount of the Fire District Impact Fee. If a Fee Payer files a request for the use of an individual assessment, the Fee Payer shall be responsible for retaining a qualified professional to prepare the individual assessment that complies with the requirements of this Chapter, at the Fee Payer's expense. The Fee Payer shall bear the burden of proving by clear and convincing evidence that the resulting individual assessment is a more accurate measure of its proportionate share of the cost of System Improvements, based on the Fire District's adopted Level of Service, than the development impact fees that would otherwise be due pursuant to the fee schedule.

Each individual assessment request and supporting documentation submitted by the Fee Payer shall be based on the same level of service standards and unit costs for System Improvements used in the Fire District's Capital Improvements Plan, shall use an average cost (not a marginal cost) methodology, and shall document the relevant methodologies and assumptions used.

Each individual assessment request delivered to the Fire District Administrator may then be accepted, rejected, or accepted with modifications by the Fire District Administrator as the basis for calculating the Fire District Impact Fee. The criteria for acceptance, rejection or acceptance with modifications shall be whether the individual assessment is a more accurate measure of demand for System Improvements element(s) created by the proposed Development, or the costs of those facilities, than the applicable fee shown in the fee schedule.

The Fire District Administrator shall issue a written decision within thirty (30) days following receipt of a completed request for individual assessment together with all supporting information from the Fee Payer, so as not to unreasonably delay the Developer's (Fee Payer's) subsequent applications to the County for Building Location Permits.

The decision by the Fire District Administrator on an application for an individual assessment shall include an explanation of the calculation of the Fire District Impact Fee, shall specify the System Improvement(s) for which the Fire District Impact Fee is intended to be used, and shall include an explanation of those factors identified in Idaho Code § 67-8207.

If an individual assessment is accepted or accepted with modifications by the Fire District Administrator then the Fire District Impact Fee due under this Chapter for such Development shall be calculated according to such individual assessment.

The Fire District Administrator shall provide notice of final determination of an individual assessment to the Fee Payer and Bonner County.

DEVELOPER CREDITS AND REIMBURSEMENT

When a Developer or their predecessor in title or interest has constructed System Improvements of the same category as a Fire District's Capital Improvements Element, or contributed or dedicated land or money towards the completion of System Improvements of the same category as the Fire District's Capital Improvements Element, and the Fire District has accepted such construction, contribution or dedication, the Fire District shall issue a credit against the Fire District's Impact Fees otherwise due for the same Fire District's Capital Improvements Element in connection with the proposed Development, as set forth in this Subchapter, credit shall be issued regardless of whether the contribution or dedication to System Improvements was required by the Fire District as a condition of Development Approval or was offered by the Developer and accepted by the Fire District in writing, and regardless of whether the contribution or dedication was contributed by the Developer or by a local improvement District controlled by the Developer.

Credits against a Fire District Impact Fee shall not be given for: (a) Project Improvements; or (b) any construction, contribution or dedication not agreed to in writing by the Fire District prior to commencement of the construction, contribution, or dedication. Credits issued for one Fire District Capital Improvements Element may not be used to reduce Fire District Impact Fees due for a different capital improvement. No credits shall be issued for System Improvements contributed or dedicated prior to the effective date of this Chapter.

Valuation of Credit at Present Value:

LAND. Credit for qualifying land dedications shall, at the Fee Payer's option, be valued at the present value of: (a) one hundred percent (100%)

of the most recent assessed value for such land as shown in the records of the county assessor; or (b) that fair market value established by a private appraiser acceptable to the Fire District in an appraisal paid for by the Fee Payer.

IMPROVEMENTS. Credit for qualifying acquisition or construction of System Improvements shall be valued by the Fire District at the present value of such improvements based on complete engineering drawings, specifications, and construction cost estimates submitted by the Fee Payer to the Fire District. The Fire District Administrator shall determine the amount of credit due based on the information submitted, or, if it determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the Fire District as a more accurate measure of the value of the offered System Improvements to the Fire District.

When Credits Become Effective:

LAND. Approved credits for land dedications shall become effective when the land has been conveyed to the Fire District in a form acceptable to the Fire District, at no cost to the Fire District, and has been accepted by the Fire District. Upon request of the Fee Payer, the Fire District shall issue a letter stating the amount of credit available.

IMPROVEMENTS. Approved credits for acquisition or construction of System Improvements shall generally become effective when (a) all required construction has been completed and has been accepted by the Fire District, (b) a suitable maintenance and warranty bond has been received and approved by the Fire District, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements of the Fire District and the state of Idaho. Upon request of the Fee Payer, the Fire District shall issue a letter stating the amount of credit available.

Credit Request Process:

REQUEST. In order to obtain a credit against a Fire District Impact Fee otherwise due, a Fee Payer shall submit to the Fire District Administrator a written offer of request to dedicate to the Fire District specific parcels of qualifying land or a written offer to contribute or construct specific System Improvements to the Fire District Capital Facilities in accordance with all applicable State or County design and construction standards, and shall specifically request a credit against the type of Fire District Impact Fee for which the land dedication or System Improvements is offered.

REVIEW. After receipt of the written offer of request for credit, the Fire District Administrator shall review the request and determine whether the land or System Improvements offered for credit will reduce the costs of providing Fire District Capital Facilities by an amount at least equal to the value of the credit. If the Fire District Administrator determines that the offered credit satisfies that criteria and will be acceptable to the Fire District's Board of Commissioners, then the credit shall be issued. The Fire District shall complete its review and determination of an application within thirty (30) days after receipt of an application for credit.

CREDITS EXCEEDING FEE AMOUNTS DUE. If the credit due to a Fee Payer pursuant to Section 15-703 exceeds the Fire District Impact Fee that would otherwise be due from the Fee Payer pursuant to the Chapter (whether calculated through the Impact Fee schedule in SUBCHAPTER 15.3 of this Chapter or through an individual assessment), the Fee Payer may choose to receive such credit in the form of either: (a) a credit against future Fire District Impact Fee due for the same System Improvements; or (b) a reimbursement from Fire District Impact Fees paid by future Development that impacts the System Improvements contributed or dedicated by the Fee Payer. Unless otherwise stated in an agreement with the Fee Payer, the Fire District shall be under no obligation to use any of the Fire District funds – other than Fire District Impact Fees paid by other Development for the same System Improvements – to reimburse the Fee Payer for any credit in excess of Fire District Impact Fees that are due.

WRITTEN AGREEMENT REQUIRED. If credit or reimbursement is due to the Fee Payer pursuant to this Subchapter, the Fire District shall enter into a written agreement with the Fee Payer, negotiated in good faith, prior to the contribution, dedication, or funding of the System Improvements giving rise to the credit. The agreement shall provide for the amount of credit or the amount, time and form of reimbursement, and shall have a term not exceeding ten (10) years.

The Fire District Administrator's determination on the written offer of request for credit shall be provided to the Fee Payer and the County.

METHODOLOGY FOR THE CALCULATION OF FIRE DISTRICT IMPACT FEES

General Provisions.

ACCOUNTING PRINCIPLES. The calculation of the Fire District Impact Fee shall be in accordance with generally accepted accounting principles. A development impact fee shall not be deemed invalid because payment of the fee may result in an incidental benefit to owners or Developers within the service area other than the Fee Payer.

LEVELS OF SERVICE. The Fire District Impact Fee shall be calculated on the basis of levels of service for Public Facilities in the adopted Capital Improvement Plan that are applicable to existing Development as well as new growth and Development. The construction, improvement, expansion or enlargement of new or existing Public Facilities for which the Fire District Impact Fee is imposed must be attributable to the capacity demands generated by the new Development.

Methodology; Proportionate Methodology. The Fire District Impact Fee shall not exceed a proportionate share of the cost of the System Improvements determined in accordance with Idaho Code § 67-8207, as it may be amended. Fire District Impact Fees shall be based on actual System Improvements Costs or reasonable estimates of such costs. The amount of the Fire District Impact Fee shall be calculated using the methodology contained in the adopted Capital Improvements Plan.

Proportionate Share Determination.

The Fire District Impact Fee shall be based on a reasonable and fair formula or method under which the Fire District Impact Fee imposed does not exceed a proportionate share of the costs incurred or to be incurred by the Fire District in the provision of System Improvements to serve the new Development. The proportionate share is the costs attributable to the new Development after the Fire District considers the following:

Any appropriate credit, offset or contribution of money, dedication of land or construction of System Improvements;

Payments reasonably anticipated to be made by or as a result of a new Development in the form of user fees and debt service payments;

That portion of general tax or other revenues allocated by the Fire District to System Improvements; and

All other available sources of funding such System Improvements.

In determining the proportionate share of the cost of System Improvements to be paid by the Developer, the following factors shall be considered by the Fire District and accounted for in the calculation of the Fire District's Impact Fee:

The costs of existing System Improvements within the Service area;

The means by which existing System Improvements have been financed;

The extent to which the new Development will contribute to System Improvements Costs through taxation, assessments, or developer or landowner contributions, or has previously contributed to System Improvements Costs through Developer or landowner contributions;

The extent to which the new development is required to contribute to the cost of existing System Improvements in the future;

The extent to which the new Development should be credited for providing System Improvements, without charge to other properties within the Service Area;

Extraordinary costs, if any, incurred in serving the new Development;

The time and price differential inherent in a fair comparison of fees paid at different times; and

The availability of other sources of funding System Improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers and special taxation.

EXTRAORDINARY IMPACT

A Fire District may make an initial determination that Development may impose an Extraordinary Impact due to a review of a development application transmitted by the County to a Fire District pursuant to the County's zoning authority under the Local Land Use Planning Act, Chapter 65, Title 67, Idaho Code.

Process:

Within thirty (30) days after Fire District Administrator's receipt from the County of the development application, the Fire District Administrator will notify the Fee Payer and the County of the Fire District Administrator's initial determination that the Development may impose an Extraordinary Impact. Such notice shall include that a supplemental study, at the Fee Payer's expense will be required.

Within thirty (30) days following the designation of a Development with Extraordinary Impact, the Fire District Administrator shall meet with the Fee Payer to discuss whether the Fee Payer wants to: (a) pay for the supplemental study necessary to determine the System Improvements Costs related to the proposed Development; (b) modify the proposal to avoid generating Extraordinary Impact; or (c) withdraw the application for certification, or Development approval.

If the Fee Payer agrees to pay for the supplemental study required to document the proposed Development's proportionate share of System Improvements Costs, then the Fire District and the Fee Payer shall jointly select an individual or organization acceptable to both to perform such study. The Fee Payer shall enter into a written agreement with such individual or organization to pay the costs of such study. Such agreement shall require the supplemental study to be completed within thirty (30) days of such written agreement, unless the Fee Payer agrees to a longer time.

Once the study has been completed, the Fee Payer may choose to: (a) pay the proportionate share of System Improvements Costs documented by the supplemental study; or (b) modify the proposed Development to reduce such costs; or (c) withdraw the application. The Fire District Administrator shall notify the County of the Fee Payer's choice within fifteen (15) days of the Fee Payer's decision.

If the Fee Payer agrees to pay the System Improvements Costs documented in the supplemental study, that agreement shall be reduced to writing between the Fire District and the Fee Payer prior to review and consideration of any application for any Development approval or Building Location Permits related to the proposed Development. The Fire District Administrator shall provide a copy of the agreement to the County within fifteen (15) days after the agreement has been signed by both parties.

Notwithstanding any agreement by the Fee Payer to pay the proportionate share of System Improvements Costs documented by the supplemental study, nothing in this ordinance shall obligate the County to approve Development that results in an Extraordinary Impact to the Fire District.

FEE PAYER REFUNDS

Duty to Refund:

A Fire District's Impact Fee shall be refunded to a Fee Payer, or successor in interest, or a property owner in the following circumstances:

Service is available but never provided;

A Building Location Permit, or permit for installation of a manufactured home, is denied or abandoned;

The Fee Payer pays a Fire District Impact Fee under protest and a subsequent review of the fee paid or the completion of an individual assessment determines that the fee paid exceeded the proportionate share to which the Fire District was entitled to receive;

The Fire District has collected a Fire District Impact Fee and the Fire District has failed to appropriate or expend the collected fees pursuant to 15-1001.B below; or

Failure of the Fire District to commence construction or encumber the fund in the Fire District's Development Impact Fee Capital Projects Fund.

Any Fire District Impact Fee paid shall be refunded if the Fire District has failed to commence construction of System Improvements in accordance with this Chapter, or to appropriate funds for such construction, within eight (8) years after the date on which such fee was collected by the Fire District. Any refund due shall be paid to the owner of record of the parcel for which the Fire District's Impact Fee was paid. The Fire District may hold Fire District Impact Fees for longer than eight (8) years but in no event longer than eleven (11) years from the date collected if the Fire District identifies in writing: (a) a reasonable cause why the fees should be held longer than eight (8) years; and (b) an anticipated date by which the fees will be expended. If the Fire District complies with the previous sentence, then any Fire District Impact Fees so identified shall be refunded to the Fee Payer if the Fire District has failed to commence construction of System Improvements in accordance with the written notice, or to appropriate Funds for such construction on or before the date identified in such writing.

After a Fire District Impact Fee has been paid pursuant to this Chapter and after a Notice of Completion has been issued by the County, no refund of any part of such fee shall be made if the project for which the fee was paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the project or the number of units in the project.

Each refund shall include a refund of interest at one-half the legal rate provided for in Idaho Code § 28-22-104 from the date on which the fee was originally paid.

Process: The Fire District shall make a determination of whether a refund is due within thirty (30) days after receipt of a written request for a refund from the Fee Payer, successor in interest, or an owner of record of the property for which the fee was paid. When the right to a refund

exists, the Fire District shall send the refund within ninety (90) days after the Fire District determines that a refund is due.

ESTABLISHMENT OF FIRE DISTRICT CAPITAL PROJECTS FUND; TRUST ACCOUNTS

Capital Projects Funds Established. The Capital Projects Fund established by the Fire District will be maintained by the Fire District for the purpose of ensuring that all Fire District Impact Fees collected, pursuant to this Chapter, are used to address impacts reasonably attributable to new Development for which the Fire District Impact Fees are paid. The Capital Projects Fund shall have its own interest-bearing Account. The interest earned on the account pursuant to Idaho Code § 67-8210(1) shall not be governed by Idaho Code § 57-127, as it may be amended, but shall be considered funds of the Capital Projects Fund and shall be subject to the same restrictions on uses of funds as the Fire District Impact Fees on which the interest is generated.

Deposit of Fire District Impact Fees. All monies paid by a Fee Payer, pursuant to this Chapter, shall be identified as Fire District Impact Fees and upon receipt by the Fire District shall be promptly deposited by the Fire District Administrator in the Capital Projects Fund Account.

Monies in the Capital Projects Fund Account shall be spent in the order collected, on a first- in/first-out basis.

The Fire District shall maintain and keep accurate financial records for the Account which records shall:

Show the source and disbursement of all revenues;

Account for all monies received;

Ensure that the disbursement of funds from the Account shall be used solely and exclusively for the provisions of projects specified in the Capital Improvements Plan; and

Provide an annual accounting for the Fire District Impact Fee Capital Projects Fund Account showing the source and amount of all funds collected and the projects that were funded, which annual accounting shall be provided to the County as part of the annual audit process of this Chapter.

EXPENDITURE OF FIRE DISTRICT IMPACT FEES

Expenditures. Expenditures of Fire District Impact Fees collected and deposited in the Capital Projects Fund shall be made only for System Improvements within the Service Area for which the Impact Fee was collected in accordance with the Capital Improvements Plan.

Capital Improvements Plan Reimbursement; Surcharge. A portion of each Impact Fee collected may be designated as a surcharge for reimbursement of the Fire District for the cost of preparing the Capital Improvements Plan in accordance with Idaho Code § 67-8208. The surcharge shall not exceed the Development's proportionate share of the cost of preparing the Capital Improvements Plan.

APPEALS, PROTEST AND MEDIATION

Appeals. Any Fee Payer that is or may be obligated to pay a Fire District Impact Fee, individual assessment or an Extraordinary Impact, or that claims a right to receive a refund, reimbursement, exemption or credit under this Chapter, and who is dissatisfied with a decision made either by the County or by the Fire District Administrator in applying this Chapter, may appeal such decision. The Fee Payer shall have the burden on appeal of proving by clear and convincing evidence that the decision was in error.

Appeal Process.

Appeals of denials of an exemption from Impact Fees under SUBCHAPTER 15.3 of this Chapter.

A Fee Payer shall file a written notice of the appeal with the Bonner County Planning Department within thirty (30) days after the date of a denial of an exemption. Such notice of appeal shall include a statement describing why the Fee Payer believes that the appealed decision was in error, together with copies of any documents that the Fee Payer believes support the claim.

The Bonner County Planning Department shall schedule a hearing in front of the County Board of Commissioners within thirty (30) days of receiving the appeal. The Fee Payer or its representative shall have a right to be present and to present evidence in support of the appeal. The County personnel who made the decision under appeal or their representatives shall likewise have the right to be present and to present evidence in support of the decision.

The County Board of Commissioners shall consider the decision denying the exemption and also consider any additional evidence that may be offered by the Fee Payer and County staff. The County Board of Commissioners may affirm, reverse, or modify in whole or in part the decision appealed from and issue a written decision within thirty (30) days.

A final decision of the County Board of Commissioners may be judicially reviewed pursuant to Idaho Code § 31-1506.

Appeals of impact fee schedule assessments, refunds, reimbursements, credits, individual assessments, or extraordinary impacts under this Chapter.

The Fee Payer shall file a written notice of the appeal with the Fire District Administrator within thirty (30) days after the date of the Fire District Administrator's decision, or the date on which the Fee Payer submitted a payment of the Fire District Impact Fee under protest, whichever is later. Such written application shall include a statement describing why the Fee Payer believes that the appealed decision was in error, together with copies of any documents that the Fee Payer believes support the claim.

The Fire District's Board of Commissioners, shall hear the appeal within sixty (60) days after receipt of a written notice of appeal. The Fee Payer or its representative shall have a right to be present and to present evidence in support of the appeal. The Fire District Administrator who made the decision under appeal or its representatives shall likewise have the right to be present and to present evidence in support of the decision. The criteria to be used by the Fire District's Board of Commissioners in considering the appeal shall be whether: (a) the decision or interpretation made by the Fire District Administrator; or (b) the alternative decision or interpretation offered by the Fee Payer, more accurately reflects the intent of this Chapter that new development in the Service Area pay its proportionate share of the costs of system improvements to Fire District facilities necessary to serve new development and whether the Chapter has been correctly applied. The Fire District's Board of Commissioners shall issue a decision upholding, reversing, or modifying the decision being appealed within thirty (30) days after hearing the appeal.

Payment under Protest. A Fee Payer may pay a Fire District Impact Fee under protest in order not to delay in the issuance of a Building Location Permit by the County. A Fee Payer making a payment under protest shall not be estopped from exercising the right to appeal provided herein, nor shall such Fee Payer be estopped from receiving a refund of any amount deemed to have been illegally collected.

Mediation.

Any Fee Payer that has a disagreement with a decision made by the County or a decision made by the Fire District Administrator regarding a Fire District Impact Fee determination that is or may be due for a proposed Development pursuant to this Chapter, may enter into a voluntary

agreement with the County, or the Fire District, as the case may be, to subject the disagreement to mediation by a qualified independent party acceptable to both parties to the mediation.

Mediation may take place at any time following the filing of a timely appeal, or as an alternative to such appeal, provided that the request for mediation is filed no later than the last date on which a timely appeal could be filed pursuant to this Subchapter.

Participation in mediation does not preclude the Fee Payer from pursuing other remedies provided for in this Subchapter.

If mediation is requested, any related mediation costs shall be shared equally by the parties to the mediation, the Fire District, or the County, and a written agreement regarding the payment of such costs shall be executed prior to the commencement of mediation.

In the event that mediation does not resolve the issues, the Fee Payer retains all rights of appeal as set forth in this Subchapter.

PERIODIC REVIEWS; ANNUAL BUDGET

Review and Modification of Capital Improvements Plan. Unless the Board of Commissioners of a Fire District deems some other period is appropriate, the Board of Commissioners of a Fire District shall, at least once every five (5) years, commencing from the date of the original adoption of the Capital Improvements Plan, review the Development potential and update the Capital Improvements Plan in cooperation with the County and in accordance with the procedures set forth in Idaho Code § 67-8206, as it may be amended. Each update shall be prepared by the Fire District Administrator in consultation with the Impact Fee Advisory Committee.

Annual budget. The Fire District shall annually adopt a capital budget and deliver a copy to the County within 30 days of adoption.

AUDIT

As part of its annual audit process, the Fire District shall prepare and forward to the County an annual report: (a) describing the amount of all Fire District Impact Fees collected, appropriated or spent during the preceding year; and (b) describing the percentage of taxes and revenues from sources other than the Fire District Impact Fees collected, appropriated or spent for System Improvements during the preceding year.

IMPACT FEE ADVISORY COMMITTEE

Purpose. Pursuant to Idaho Code § 67-8205, there is an Impact Fee Advisory Committee whose purpose is to carry out the duties as set forth in Idaho Code § 67-8205(3), as it may be amended.

Membership. The Impact Fee Advisory Committee shall be composed of not fewer than five (5) members. Two (2) or more members shall be active in the business of development, building or real estate.

Meetings. Meetings may be called by the Impact Fee Advisory Committee by giving reasonable notice of the time and place of the meeting in accordance with the Open Meetings Law, Idaho Code § 74-201 et seq., as may be amended. The Impact Fee Advisory Committee shall adopt reasonable rules as are necessary to carry out the duties and responsibilities of the committee subject to the joint approval of the Fire District and County, and elect such officers as deemed necessary.

Continuation of existing Committees: Any impact fee advisory committee established as part of the preparation of the respective Capital Improvements Plans shall become the Impact Fee Advisory Committee and shall continue in existence.

MISCELLANEOUS PROVISIONS

Nothing in this Chapter shall prevent the Fire District from requiring a Developer to construct reasonable Project Improvements, as are required by the fire codes and other rules that are adopted by the state fire marshal, in conjunction with a Development.

Nothing in this Chapter shall be construed to prevent or prohibit private agreements between property owners or developers, the Idaho Transportation Department and governmental entities in regard to the construction or installation of System Improvements or providing for credits or reimbursements for System Improvements Costs incurred by a Developer including inter-project transfers of credits or providing for reimbursement for Project Improvements which are used or shared by more than one (1) Development project.

Nothing in this Chapter shall obligate the County to approve Development which results in an Extraordinary Impact.

Nothing in this Chapter shall obligate the Fire District to approve any Development request which may reasonably be expected to reduce levels of service below minimum acceptable levels established in this Chapter.

Nothing in this Chapter shall be construed to create any additional right to develop real property or diminish the County in regulating the orderly development of real property within its boundaries.

Nothing in this Chapter shall work to limit the use by the County of the power of eminent domain or supersede or conflict with requirements or procedures authorized in the Idaho Code for local improvement District or general obligation bond issues.

Notwithstanding any other provision of this Chapter, that portion of a Project for which a complete application for a Building Location Permit has been received by the County, prior to the effective date of this Chapter, shall not be subject to the Fire District Impact Fee imposed by this Chapter. If the resulting Building Location Permit is later revised or replaced after the effective date of the ordinance codified in this Chapter, and the new Building Location Permit(s) reflects a development density, intensity, development size or number of Service Units more than ten percent (10%) higher than that reflected in the original Building Location Permit, then the Fire District Impact Fee may be charged on the difference in density, intensity, development size or number of Service Units between the original and the revised or replacement Building Location Permit.

Any monies, including any accrued interest not assigned to specific System Improvements within such Capital Improvements Plan and not expended or refunded pursuant to this Chapter shall be retained in the same account until the next Fire District fiscal year.

If the Fire District discovers an error in the Capital Improvements Plan that results in assessment or payment of more than a proportionate share of System Improvement Costs on any proposed Development, the Fire District Administrator shall: (a) adjust the Fire District Impact Fee to collect no more than a proportionate share; or (b) discontinue the collection of any Fire District Impact Fees until the error is corrected by ordinance.

If Fire District Impact Fees are calculated and paid based on a mistake or misrepresentation, they shall be recalculated. Any amounts overpaid by a Fee Payer shall be refunded by the Fire District within thirty (30) days after the Fire District's acceptance of the recalculated amount, with interest at the legal rate provided for in Idaho Code § 28-22-104 from the date on which the fee was paid. Any amounts underpaid by the Fee Payer shall be paid to the Fire District within thirty (30) days after the Fire District Administrator's acceptance of the recalculated amount, with interest at the legal rate provided for in Idaho Code § 28-22-104 from the date on which the fee was paid. In the case of an underpayment to the Fire District, the Fire District Administrator may request the County and the County may withhold issuance of the Building Location Permit or Development Approval for the project for which the Fire District Impact Fee was paid until such underpayment is corrected, and if amounts owed

to the Fire District are not paid within such thirty-day (30) period, the Fire District Administrator may also ask the County to and the County may revoke any Building Location Permit or Development Approval issued in reliance on the previous payment of such Fire District Impact Fee and refund such fee to the Fee Payer.

RULES OF CONSTRUCTION

All provisions, terms, phrases and expressions contained in this Chapter shall be liberally construed in order that the true intent and meaning of the Act and the Bonner County Board of Commissioners and the Board of Commissioners of the Fire District may be fully carried out.

ADOPTED this 22nd day of September, 2021.

BONNER COUNTY BOARD OF COMMISSIONERS

Dan McDonald, Chairman

Jeff Connolly, Commissioner

Steve Bradshaw, Commissioner

ATTEST: Michael W. Rosedale, Clerk

By Deputy Clerk Date

Legal: _____

ORDINANCE NO. 649

Reed ZONE CHANGE

FILE NO. ZC0030-21

AN ORDINANCE OF BONNER COUNTY, IDAHO, CITING ITS AUTHORITY, AND PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP OF BONNER COUNTY BY THE RECLASSIFICATION OF LANDS GENERALLY LOCATED IN SECTION 9, TOWNSHIP 57 NORTH, RANGE 4 WEST FROM A/F-20 TO A/F-10, AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the Bonner County Planning and Zoning Commission did hold a public hearing on October 7, 2021 on the File ZC0030-21 request for a change in zoning designation according to the requirements for such hearings set forth at Section 67-6509, Idaho Code, and at Title 12, Bonner County Revised Code; and

Whereas, the Bonner County Planning and Zoning Commission did find that the zone change request File ZC0030-21 is in accordance with the Bonner County Comprehensive Plan and did recommend to the Board of County Commissioners that the zone change request be approved; and

Whereas, the Board of County Commissioners did hold a public hearing on November 10, 2021 on the File ZC0030-21 request for a change in zoning designation according to requirements of such hearings set forth at Section 67-6509, Idaho Code and at Title 12 of the Bonner County Revised Code; and

Whereas, the Board of County Commissioners did find that the zone change request File ZC0030-21 is in accordance with the Bonner County Comprehensive Plan;

Now, therefore be it ordained, by the Board of County Commissioners that the following be and is hereby adopted as an ordinance of Bonner County, Idaho:

SECTION 1: AUTHORITY

This ordinance is adopted pursuant to authority granted to BonnerCounty at Chapter 65 of Title 67, Idaho Code.

SECTION 2: AMENDING THE OFFICIAL ZONING MAP

The Official Zoning Map of Bonner County, Idaho is hereby amended by the reclassification of the following described lands from A/F-20 to A/F-10:

West Half of the Southwest Quarter; the Northeast Quarter of the Southwest Quarter; the Northwest Quarter of the Southeast Quarter of the Southwest Quarter; the North Half of Southwest Quarter of Southeast Quarter of Southwest Quarter; and the West Half of Northeast Quarter of Southeast Quarter of Southwest Quarter, all in Section 9, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho.

Less the following described parcel of land:

A parcel of land located in a portion of the Southwest quarter of Section 9, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho, being more particularly described as follows:

Commencing at the Southwest corner of said Southwest quarter;

Thence along the South line of the Southwest quarter North 88°08'49" East a distance of 455.95 feet to an intersection with the Easterly right of way of East Side Road, a 50-foot-wide Bonner County Road No. 453 prescriptive easement, said point being the **True Point of Beginning**;

Thence continuing along said South line North 88°08'49" East a distance of 883.59 feet to the Southeast corner of the Southwest quarter of the Southwest quarter;

Thence along the East line of said Southwest quarter of the Southwest quarter North 00°35'27" West a distance of 1305.67 feet;

Thence South 88°12'43" West a distance of 648.38 feet to an intersection with the Easterly right of way of said East side Road;

Thence along said right of way the following 5 (five) courses:

- 1) South 05°29'40" West, 73.75 feet;
- 2) 203.19 feet along a clockwise curve with a radius of 2025.00 feet (the chord of which bears South 08°22'08" West, 203.11 feet);
- 3) South 11°14'36" West, 736.14 feet;
- 4) 184.22 feet along a counter clockwise curve with a radius of 1975.00 feet (the chord of which bears South 08°34'17" West, 184.15 feet);
- 5) South 05°53'57" West, 136.20 feet to the **True Point of Beginning**.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

& ATTACH SURVEYORS LEGAL W/PDF

Said parcel # RP57N04W094801A containing approximately 76.87 acres

SECTION 3: EFFECTIVE DATE

This ordinance shall be in full force and effect upon its passage, approval, and publication in one (1) issue of the Bonner County Daily Bee Newspaper, and upon the entry of the above-described zoning reclassification upon the Official Zoning Map or a Supplemental Zoning Map in accordance with the provisions set forth at Chapter 4 of Title 12 of the Bonner County Revised Code.

Regularly considered, passed, and approved as an ordinance of Bonner County, Idaho, done this 10th day of November 2021, upon the following roll call vote:

Chairman Dan McDonald: _____

Commissioner Jeff Connolly: _____

Commissioner Steve Bradshaw: _____

BONNER COUNTY BOARD OF COMMISSIONERS

Dan McDonald, Chairman

Jeff Connolly, Commissioner

Steve Bradshaw, Commissioner

ATTEST: Michael W. Rosedale, Clerk

By Clerk Date

Legal: _____

Ordinance No. 650

Title 12, Land Use Regulations, Amendment

12-333: COMMERCIAL USE TABLE: TABLE 3-3, STANDARD (33)

Bonner County Revised Code

An Ordinance of Bonner County, Idaho, setting forth its authority; amending Bonner County Revised Code Title 12 (Land Use Regulations), to make the following change 12 333: Commercial Use Table: Table 3-3, Standard (33).Providing for severability, and providing for an effective date.

Whereas, Idaho Code, Title 67, Chapter 65, provides for the adoption of land use standards and processes for the purposes of protecting property rights and enhancing property values, together with the purposes of promoting the health, safety, and general welfare of the people and to ensure that the development on land is commensurate with the physical characteristics of the land; and

Whereas, The Board of County Commissioners has amended these sections in accordance with Idaho Code 67-6511; and

Whereas, Idaho Code 67-6511 provides for the governing board to establish standards to regulate and restrict uses and standards within the varying zone districts in the County; and

Whereas, The Planning Department initiated a review of the **Title 12, Sections 12-333 Table 3-3 Standard (33)** to address the limitation of ministorage facilities size in the comercial district; and

Whereas, the Bonner County Planning and Zoning Commission did hold a public hearing October 7, 2021, on the amendment and did recommend unanimous approval to the Board of County Commissioners; and

Whereas, the Bonner County Board of County Commissioners did hold a public hearing on Novermber 10, 2021, providing notice as required by Idaho Code, Title 67, Chapter 65.

Now, therefore be it ordained by the Board of County Commissioners of Bonner County, Idaho that the following be and is hereby adopted as an ordinance of Bonner County:

Section 1: Authority

This Ordinance is adopted pursuant to the authority granted at Chapter 65, Title 67, Idaho Code, and pursuant to the procedural requirements contained at Section 67-6509, Idaho Code.

Section 2: Amending Bonner County Revised Code Title 12, Sections 12-333 Table 3-3 Standard (33).

TABLE 3-3 COMMERCIAL USE TABLE

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Rental warehouses/ ministorage (17), (33)					P	P	C	C	

(33) Maximum square footage for ministorage, boat storage, and rental warehouse facilities on a single lot or parcel shall be 10,000 square feet for the rural service center and recreation districts. The maximum square footage for ministorage ~~, boat storage, and facilities on a single lot or parcel in the commercial district shall be 40,000 square feet and unlimited within the industrial district.~~ Maximum square footage for rental warehouses in the commercial and industrial districts shall be unlimited.

Section 3: Severability

The provisions of this Ordinance are hereby declared to be individually severable. Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining provisions.

Section 4: Effective Date

This ordinance shall be in full force and effect upon its passage, approval, and publication in one (1) issue of the Bonner County Daily Bee Newspaper.

Regularly considered, passed and approved as an ordinance of Bonner County, Idaho, done this 10th day of November, 2021, upon the following roll call vote:

Chairman Dan McDonald: _____

Commissioner Steve Bradshaw: _____

Commissioner Jeff Connolly: _____

BONNER COUNTY BOARD OF COMMISSIONERS

Dan McDonald, Chairman

Steve Bradshaw, Commissioner

Jeff Connolly, Commissioner

ATTEST: Michael W. Rosedale, Clerk

By Deputy Clerk:

Date

Legal Approval:

TITLE 1

COUNTY OPERATIONS

CHAPTER 1

COUNTY OPERATIONS

SECTION:

1-100: Hours Of Operation

1-120: Smoking Areas Designated

1-130: Accessibility For Disabled Persons

1-100: HOURS OF OPERATION:

A. The Bonner County Courthouse and county offices shall be open for the transaction of public business between the hours of nine o'clock (9:00) A.M. and five o'clock (5:00) P.M. on weekdays, excepting holidays. Upon approval of the board, any department may establish differing hours; provided, that the business hours for such department be posted on the door.

B. Notwithstanding the above provision, the board may order or authorize the closure of the courthouse or any county office to accommodate emergency or other unusual situations. Should the emergency relocation of any county office become necessary, public notification of such relocation shall occur consistent with the provisions of title 4 of this code. (Ord. 277, 3-29-1995)

1-120: SMOKING AREAS DESIGNATED:

A. The practice of smoking or use of tobacco products, including cigarettes, cigars, e-cigarettes, vapor devices and pipes is hereby prohibited within Bonner County public administration buildings. (Ord. 545, 4-14-2015)

B. Violations of the provisions of this section shall be punishable as set forth in Idaho Code sections 18-5906 and 39-5507. (Ord. 277, 3-29-1995)

1-130: ACCESSIBILITY FOR DISABLED PERSONS:

A. The board of county commissioners adopts a policy of nondiscrimination on the basis of disability.

B. It is the policy of the county that with reasonable accommodation, all programs and activities shall be accessible to, and usable by, qualified persons with disabilities. (Ord. 208, 7-26-1991; amd. Ord. 277, 3-29-1995)

CHAPTER 2

BOARD OF COUNTY COMMISSIONERS MEETINGS

SECTION:

1-200: Purpose

1-201: Conduct Of Meetings

1-202: Regular Meetings

1-203: Special Meetings (Rep. by Ord. 545, 4-14-2015)

1-204: Emergency Meetings (Rep. by Ord. 545, 4-14-2015)

1-205: Meeting Place

1-206: Office Hours

1-200: PURPOSE:

This chapter is enacted for the purpose of establishing a regular meeting schedule for the Bonner County board of commissioners in order that board activities can be carried out with greater public participation and awareness. (Ord. 192, 4-9-1990)

A. Regular Meeting: The purpose of the regular business meeting is for the board of county commissioners to conduct the business of Bonner County publicly. Regular business meetings do not constitute public hearings wherein the public has the right to be heard on every agenda item. However, at the discretion of the chair, everyone may be afforded an opportunity to speak on a particular issue, if recognized by the chair. Any unrecognized comments or disruptive behavior will be grounds for removal from the board meeting by the chair and may subject the person being removed to criminal prosecution according to law.

B. Public Comment Segment: The purpose for the public comment segment of the board of county commissioners business meeting is to enable citizens with issues or concerns which they wish to bring to the board's attention and afford an opportunity for consideration on a future agenda for possible board action. The board will not engage in dialogue with the presenter during this session, but rather may choose to schedule the presenter's topic for board consideration at a future business meeting. Questions may be directed to individual board members for the purpose of clarifying issues or to obtain additional information for the purpose of scheduling the matter for a future business meeting.

However, no action will be taken on any issue or concern brought to the board's attention during this session. The chair will not entertain under any circumstance comments derogatory in nature toward any board member, staff member, elected official or member of the public. (Ord. 408, 5-31-2001)

C. Procedure For Calendaring Item For Consideration By The Board: The procedure for calendaring shall be determined annually and set forth in the annual regular meeting notice. Further, the procedure shall be posted at the board of county commissioners' office. (Ord. 545, 4-14-2015)

1-201: CONDUCT OF MEETINGS:

A. The chair shall call the meeting to order, stating the time, date and place of the meeting, and stating the county commissioners present and absent.

B. The chair shall read the next item to be addressed from the noticed agenda.

C. The chair, or another member of the board, may explain the agenda item and may present documents, or the chair may call on staff, other personnel or a member of the public to present the information.

D. The board may deliberate on the agenda item, and in doing so may ask questions of anyone present.

E. Upon concluding deliberations, the chair shall call for a motion on the agenda item.

F. Upon entertaining a motion, the chair shall note the motion made and shall call for a second to said motion. If the motion receives a second from the other board member, or the chair upon vacating the chair, the chair may ascertain if there are members of the public who wish to speak to the issue and the chair may recognize one member of the public at a time. In the event that any motion does not receive a second, the chair shall declare the motion "dead" and, absent another motion, the chair shall continue to the next agenda item.

G. After having been recognized by the chair, each member of the public shall state for the record their name and place of residence prior to making their statement. Questions or comments made by the recognized member of the public shall be directed to the chair. Statements shall be relevant to the issue being considered. The chair shall not entertain irrelevant statements, and shall not entertain statements that are inflammatory, personally attacking or derogatory toward any board member, staff member, elected official or member of the public. Members of the public may be permitted to speak for three (3) minutes and will not be afforded another opportunity until all members of the public have had an opportunity to speak. A three (3) minute rebuttal or offer of further testimony may then be permitted at the discretion of the chair.

H. After all persons recognized by the chair on the item being considered have had an opportunity to speak, the chair shall ask if there is any additional deliberation or questions from the board. The chair, having entertained such additional comment, if any, shall call for a vote at the conclusion of the deliberation. (Ord. 408, 5-31-2001)

I. Upon calling for and receiving the vote, the chair shall declare the motion either "passed", "failed" or "continued date and time certain". (Ord. 545, 4-14-2015)

J. Upon concluding the meeting, having addressed all agenda items, the chair shall adjourn the meeting. (Ord. 408, 5-31-2001)

1-202: REGULAR MEETINGS:

A. Regular business meetings of the board shall be held weekly on Tuesday, commencing at nine o'clock (9:00) A.M. until the conclusion of business or until continued to a later time and date by a majority vote of the board, excepting when such days occur on regular holidays. This weekly meeting is designated for general external business of the board, including, but not limited to:

1. Consideration of claims;
2. Consideration and approval of minute records;
3. Consideration and approval of proposed ordinances;
4. Review of license applications;
5. Adoption of necessary resolutions;
6. Conduct public hearings;
7. Conduct such other business as it may schedule;
8. Conduct such business as may be required by Idaho Code.

B. The agenda for regular meetings shall be posted at least forty eight (48) hours in advance on the board of county commissioners' bulletin board, the county courthouse door, and one other conspicuous location in accordance with the requirements of 31-710(4) and 67-2343, Idaho Code. Such notice and agenda shall be in accordance with the requirements of 67-2345, Idaho Code. (Ord. 531, 2-26-2013)

C. All other meetings shall be conducted in accordance with Idaho Code. (Ord. 545, 4-14-2015)

1-203: SPECIAL MEETINGS:

(Rep. by Ord. 545, 4-14-2015)

1-204: EMERGENCY MEETINGS:

(Rep. by Ord. 545, 4-14-2015)

1-205: MEETING PLACE:

All meetings shall take place at the Bonner County Administration Building, 1500 Highway 2, suite 308, Sandpoint, Idaho, unless notice is otherwise provided. (Ord. 545, 4-14-2015)

1-206: OFFICE HOURS:

The office of the board of county commissioners shall be open for the conduct of business from nine o'clock (9:00) A.M. until five o'clock (5:00) P.M., excepting holidays. (Ord. 545, 4-14-2015)

CHAPTER 3

PUBLIC CORPORATION

SECTION:

1-300: Definitions

1-301: Created

1-302: Title

1-303: Authority

1-304: Charter

1-305: Board Of Directors

1-306: Financial Interest

1-307: Powers

1-308: Indemnification

1-309: Earnings

1-300: DEFINITIONS:

As used in this chapter, the following words shall have the following meanings:

ACT: Chapter 27, title 50, Idaho Code.

BOARD OF DIRECTORS: The board of directors of the public corporation.

CORPORATION: The Industrial Development Corporation of Bonner County, Idaho.

COUNTY: The county of Bonner, Idaho.

FACILITIES: Land, rights in land, buildings, structures, docks, wharves, machinery, transmission equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.

INDUSTRIAL DEVELOPMENT FACILITY OR INDUSTRIAL DEVELOPMENT FACILITIES: Manufacturing, processing, production, assembly, warehousing, solid waste disposal, recreation and energy facilities, excluding facilities to transmit, distribute or produce electrical energy. Recreation facilities shall be limited to ski areas, and funds raised pursuant to the act shall be limited in application to the acquisition and preparation of land, acquisition and construction of ski lifts, lighting of ski slopes, construction of access and interior roadways, parking lots, maintenance facilities and maintenance equipment, administrative facilities, and utilities. (Ord. 165, 11-4-1985)

1-301: CREATED:

The county of Bonner does hereby create a public corporation to carry out the purposes of chapter 27, title 50, Idaho Code (the "act"), as that law may from time to time hereinafter be amended. (Ord. 165, 11-4-1985)

1-302: TITLE:

The name of the public corporation shall be the "Industrial Development Corporation Of Bonner County, Idaho" (the "corporation"). (Ord. 165, 11-4-1985)

1-303: AUTHORITY:

The corporation shall have all the powers and be subject to all of the limitations and provisions contained in the act, as that law may hereinafter from time to time be amended. (Ord. 165, 11-4-1985)

1-304: CHARTER:

A charter shall be issued to the corporation by this board of commissioners, which shall grant to the corporation authority to act pursuant to the act. A copy of the initial charter to be issued is attached to the ordinance codified herein marked exhibit A. Said charter may be amended from time to time by the county board of commissioners and shall contain the limitations set forth in the act. (Ord. 165, 11-4-1985)

1-305: BOARD OF DIRECTORS:

A. The board of directors of the corporation shall be composed of the members of the board of county commissioners of Bonner County, as constituted from time to time. A majority of the members of the board of directors shall constitute a quorum.

B. The affairs of the corporation shall be conducted and carried out by the board of directors. The board shall elect among its own members, its president, a vice president, a treasurer and a secretary, one of whom shall be eligible to hold two (2) offices. The board of directors shall adopt bylaws (rules and regulations) governing the conduct of the corporation.

C. Members of the board of directors shall serve with such compensation as may be provided in the bylaws to be adopted by the board of directors. (Ord. 165, 11-4-1985)

1-306: FINANCIAL INTEREST:

No director, officer, agent or employee of the corporation shall have directly or indirectly any financial interest in any property to be included in or any contract for property, service or materials to be furnished or used in connection with any industrial development facilities financed through the corporation. (Ord. 165, 11-4-1985)

1-307: POWERS:

The corporation shall have all the powers granted by, as well as limited by, the act and shall include the following:

A. To construct and maintain one or more industrial development facilities;

B. To lease to a lessee all or any part of any industrial development facility for such rentals and upon such terms and conditions, including options to purchase, as its board of directors considers advisable and not in conflict with the act;

C. To sell by installment contract or otherwise and convey all or any part of any industrial development facility for such purchase price and upon such terms and conditions as its board of directors considers advisable, which are not in conflict with the act;

D. To make loans for the purpose of providing temporary or permanent financing or refinancing of all or part of the project cost of any industrial development facility, including the refunding of any outstanding obligations, mortgages, or advances issued, made, or given by any person for the project costs; and to charge and collect interest on the loans for the loan payments upon such terms and conditions as its board of directors considers advisable which are not in conflict with the act;

E. To issue revenue bonds for the purpose of financing all or part of the project cost of any industrial development facility and to secure the payment of the revenue bonds as provided in the act;

F. As security for the payment of the principal of and interest on any revenue bonds issued and any agreements made in connection therewith, to mortgage, pledge, or otherwise encumber any or all of its industrial development facilities or any part or parts thereof, whether then owned or thereafter acquired, and to assign any lease or mortgage and repledge any security conveyed to the corporation, to secure any loan made by the corporation and to pledge the revenues and receipts therefrom;

G. To sue and be sued, complain, and defend in its corporate name;

H. To make contracts and to execute all instruments necessary or convenient for the carrying out of its business;

I. To have a corporate seal and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced;

J. Subject to the limitations of section 50-2706, Idaho Code, to borrow money, accept grants from, or contract with any local, state, or federal governmental agency or with any financial public, or private corporation;

K. To make and alter bylaws not inconsistent with its charter for the administration and regulation of the affairs of the corporation;

L. To collect fees or charges from users or prospective users of industrial development facilities to recover actual or anticipated administrative costs;

M. To execute financing documents incidental to the powers enumerated in this section;

N. The corporation created under this chapter may not operate any industrial development facilities as a business other than as lessor, seller, or lender. The purchase and holding of mortgages, deeds of trust, or other security interests and contracting for any servicing thereof is not considered the operation of an industrial development facility;

O. The corporation created by this chapter may not exercise any of the powers authorized in this section or issue any revenue bonds with respect to any industrial development facility unless the industrial development facility is located wholly within the boundaries of the county;

P. The county of Bonner may not give or lend any money or property nor exercise its power of eminent domain in aid of the corporation. This provision shall not preclude the county from dealing with the corporation on an arm's length basis;

Q. The corporation may not issue revenue obligations except upon approval of Bonner County, and upon approval of the city within whose planning jurisdiction the proposed industrial development facility lies. (Ord. 165, 11-4-1985)

1-308: INDEMNIFICATION:

Every person who was or is a party, or is threatened to be made a party to, or is involved in any action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he or a person of whom he is the legal representative is or was a director or officer of the corporation, or is or was serving at the request of the corporation as a director or officer of another corporation, or as its representative in a partnership, joint venture, trust or other enterprise, shall be indemnified and held harmless to the fullest extent legally permissible under the law of the state of Idaho from time to time against all expenses, liability and loss (including attorney fees, judgments, fines and amounts paid or to be paid in settlement), reasonably incurred or suffered by him in connection therewith. Such rights of indemnification shall be a contract right which may be enforced in any manner desired by such person. Such right of indemnification shall not be exclusive of any other right which such directors, officers, or representatives may have or hereafter acquire, and without limiting the generality of such statement, they shall be entitled to their respective rights of indemnification under any bylaw, agreement, vote of stockholders, provision of law, or otherwise, as well as their rights under this section. The board of directors may adopt bylaws from time to time with respect to indemnification to provide at all times the fullest indemnification permitted by the laws of the state of Idaho, and may cause the corporation to purchase and maintain insurance on behalf of any person who is or was a director or officer of the corporation as a director or officer of another corporation, or as its representative in a partnership, joint venture, trust or other enterprise, against any liability asserted against such person and incurred in any such capacity or arising out of such status, whether or not the corporation would have the power to indemnify such person. (Ord. 165, 11-4-1985)

1-309: EARNINGS:

Any net earnings of the corporation, beyond those necessary for retirement of indebtedness incurred by it, shall inure to the county of Bonner, and not for the benefit of any other person. Alteration of the charter of or dissolution of or audits of the corporation shall be as provided by the act and by subsequent ordinances of the county. Upon dissolution of the corporation, title to all property owned by the corporation shall vest in the county of Bonner. (Ord. 165, 11-4-1985)

TITLE 2

COUNTY ROADS AND RIGHTS OF WAY

CHAPTER 1

RESERVED

CHAPTER 2

OFFICIAL COUNTY HIGHWAY SYSTEM AND MAPS

SECTION:

2-201: Adoption Of County Highway System

2-201: ADOPTION OF COUNTY HIGHWAY SYSTEM:

A. The board of county commissioners does hereby adopt official maps which shall display, designate and establish the Bonner County highway system pursuant to the provisions set forth at Idaho Code section 40-202. Said maps shall be maintained in the possession of the Bonner County commissioners and shall be identified by the certification: (Ord. 284, 6-7-1995; amd. Ord. 329, 1-22-1997)

Chairman, Board of County Commissioners

Date

B. The Bonner County highway system shall also include those rights of way, not appearing on the official highway system map, but which have been deeded, dedicated or conveyed to Bonner County, Idaho, as disclosed by instruments recorded in the office of the Bonner County Clerk.

C. The Bonner County highway system shall also include those roads which exist within easements by prescription and easements by prescription established pursuant to the provisions for the establishment of such easements set forth at Idaho Code title 40, whether or not such easements appear on the official highway system map. (Ord. 284, 6-7-1995)

CHAPTER 3

FROST LAW, WEIGHT AND HAULING LIMITS

SECTION:

2-300: Purpose

2-301: Imposition Of Speed, Weight And Hauling Limits By Commissioners

2-302: Imposition Of Limits By Commissioners, Or Any Commissioner In Emergency

2-310: Notice Of Imposition Of Speed, Weight And Hauling Limits By Public Works Director

2-311: Weight

2-312: Speed Restrictions

2-315: Exceptions To Weight Limits

2-350: Inspections, Violations, Penalty

2-300: PURPOSE:

This chapter is established for the safety, prosperity, good order, convenience and protection of property for Bonner County and its inhabitants. (Ord. 236, 1-29-1994)

2-301: IMPOSITION OF SPEED, WEIGHT AND HAULING LIMITS BY COMMISSIONERS:

A. From time to time impending danger to the roads of Bonner County due to unusual and extreme weather conditions, requires the immediate operation and effectiveness of this chapter.

B. Whenever in the judgment of the Bonner County board of commissioners the operation of vehicles, upon roads over which Bonner County has jurisdiction, will cause damage to the road in question by reason of the climatic weather, or the condition affecting the safe or efficient use of the road, then the board of county commissioners shall have the authority to make regulations reducing the otherwise permissible size, weight or speed of vehicles operated on said roads for such periods as may be necessary for protection of the road or for public safety. The limitations shall be imposed depending upon the moisture, temperature, heaves and severity of frost or other conditions of the road. (Ord. 236, 1-29-1994)

2-302: IMPOSITION OF LIMITS BY COMMISSIONERS, OR ANY COMMISSIONER IN EMERGENCY:

A. The provisions and restrictions contained in this chapter shall have immediate force and effect upon the motion and resolution of the board of county commissioners at any regular or special meeting.

B. Any member of the board of county commissioners is hereby empowered to impose the restrictions contained in this chapter when, in his professional judgment, road or weather conditions are such that immediate damage to county roads or danger to the traveling public will occur if such restrictions are not imposed. Such imposition of the restrictions in this chapter by any individual county commissioner shall be for a period not in excess of thirty (30) calendar days, or until the next regular meeting of the board of county commissioners, whichever is shorter. (Ord. 236, 1-29-1994; amd. Ord. 329, 1-22-1997)

2-310: NOTICE OF IMPOSITION OF SPEED, WEIGHT AND HAULING LIMITS BY PUBLIC WORKS DIRECTOR:

A. When imposing the limits and restrictions of this chapter, the public works director shall cause signs to be erected on each affected road, so as to reasonably give notice to the road user. Signs shall designate the limitations of weight and speed of the vehicles subject to the restrictions.

B. Reasonable effort shall be made to ensure that signs are posted with red indicators when the restrictions imposed by this chapter are in force, and that signs are posted with green indicators when the restrictions imposed by this chapter are not in force. However, if neither color indicator is in place, the restrictions imposed by this chapter shall be in force.

C. When possible, prior to implementing the restrictions imposed by this chapter for the first time each year, the signs will be posted with green indicators. This posting shall serve as notice that weight limits are imminent and any equipment that needs to be hauled or other hauling must be accomplished immediately. When the signs are posted with red indicators, the restrictions imposed by this chapter shall be in full effect. (Ord. 422, 3-12-2002)

2-311: WEIGHT:

Unless otherwise ordered, vehicles using county roads when this chapter is in effect shall be limited to two hundred fifty (250) pounds per inch, or ninety eight (98) pounds per centimeter per tire width times the number of tires. The tire width shall be determined by the manufacturer's description marked on the sidewall of the tires. (Ord. 368, 1-22-1999)

2-312: SPEED RESTRICTIONS:

The maximum allowable speed for all trucks with a gross vehicle weight of sixteen thousand (16,000) pounds or greater traveling upon county controlled roads shall be thirty (30) miles per hour when the restrictions of this chapter are in force. Violation of this section shall be punishable by a misdemeanor not to exceed two hundred dollars (\$200.00), plus court costs. (Ord. 422, 3-12-2002)

2-315: EXCEPTIONS TO WEIGHT LIMITS:

- A. The vehicle weight restrictions of this chapter shall not apply to emergency vehicles and buses operating upon the county roads.
- B. Providers of heating fuel, septic pumping service, milk trucks, hay or feed providers and garbage trucks shall be allowed to apply for a permit that will allow the provider to haul half loads (defined as $\frac{1}{2}$ the gross vehicle weight rating GVWR, as defined in Idaho Code title 49-108 (3)) while the restrictions imposed by this chapter are in place (except as provided for in subsection E of this section). Permits may be issued after the requested information on each truck is provided to the Bonner County public works department. Each vehicle must be permitted separately, and each vehicle must have a valid permit on board during vehicle operations on county controlled roads.
- C. In the event of power outages, or other damaged utilities, those utilities shall be exempt from the provisions of this chapter for the sole purpose of repairing damage. This shall in no way exempt utilities for the purpose of providing new services, hookups or routine maintenance.
- D. In the event of catastrophic emergency, such as landslide endangering a household, potable water well failure, tree on house, etc., the public works director may issue permission for remedial action to take place on a case by case basis. Emergency permits shall not be granted based on an activity involving new construction, logging operations, deliveries to businesses (except as provided for in subsection B of this section), contractual deadlines or other circumstances where prior planning or scheduling could have avoided the situation.
- E. If, at the discretion of the public works director, any roadway becomes adversely affected due to spring break up or any other reason, the director may close the road to all hauling, including those vehicles excepted by this section. Under no circumstances shall emergency vehicles be restricted from any roadway.
- F. In an effort to treat all haulers equally, no single trip permits will be issued (except as provided for in subsection D of this section). Roads will either be available for use to all haulers, or to none. If equipment must be moved, it will be the responsibility of the owner to ensure he provides a trailer with enough axles to legally move the equipment.
- G. During times of extreme cold weather, some roads may be opened for early morning hauling, at the direction of the public works director. It shall be the responsibility of the hauler to contact the public works department to determine whether or not these modified restrictions are in place. (Ord. 422, 3-12-2002)

2-350: INSPECTIONS, VIOLATIONS, PENALTY:

- A. The operator of a vehicle using roads referred to herein shall submit his vehicle to a peace officer, immediately upon request, for the purpose of inspection or weighing the vehicle for the purpose of enforcing compliance with this chapter. Failure to submit the vehicle as aforementioned shall further be in violation of this chapter and is punishable as set forth.
- B. Any person found to have violated any provision established by this chapter by a court of competent jurisdiction shall be deemed guilty of a misdemeanor, punishable as set forth at Idaho Code section 49-1013. (Ord. 236, 1-29-1994)

CHAPTER 4**REGULATIONS FOR USES OF COUNTY ROADS AND RIGHTS OF WAY**

SECTION:

2-401: Prohibitions On Parking**2-420: Vehicles Not To Be Parked During Snow Removal Operations****2-430: Removal Of Vehicles Impeding Traffic Or Impeding Snow Removal****2-440: Bonner County Dust Abatement Policy****2-480: Evidence****2-490: Penalties****2-401: PROHIBITIONS ON PARKING:**

- A. It shall be unlawful for any person to park, or leave parked, a vehicle upon any county street, road or highway within Bonner County in such manner as to impede the free flow of vehicle traffic or where official signs prohibit parking.
- B. Except when necessary to avoid conflict with other traffic in compliance with applicable traffic laws, the directions of a peace officer, or any traffic control device, no person shall stop, stand or park a motor vehicle, whether occupied or not, at any place where a posted parking regulation or official sign prohibits parking.
- C. No person shall stop, stand or park a motor vehicle on property owned by the county or under the regulatory control of the county or any highway district located therein, in violation of any posted parking regulation.
- D. Notwithstanding the prohibitions contained in subsections B and C of this section, a person may temporarily stop, stand or park a motor vehicle for the purpose of loading or unloading merchandise or passengers while actually engaged in such activity.
- E. No person shall tear down, deface or otherwise alter any traffic control device containing a posted parking regulation without previous authorization from an appropriate local authority.
- F. The sheriff and/or a city or fire district chief, with concurrence of the Bonner County road and bridge director or independent highway district within their maintenance jurisdiction, may request official "No Parking" signs to be installed on county roads in areas with limited or restricted access to protect public safety vehicle access. Requesting agencies must furnish such signs to be installed by the county road and bridge department or independent highway district within their maintenance jurisdiction. In the event the agency and road and bridge director are unable to agree on the placement of the signs, the matter will be determined by the board of county commissioners. (Ord. 542, 12-23-2014)

2-420: VEHICLES NOT TO BE PARKED DURING SNOW REMOVAL OPERATIONS:

It shall be unlawful for any person to park, or leave parked, a vehicle upon any county street, road or highway within Bonner County in such

manner as to impede county snow removal, crews and their equipment in their operation. (Ord. 112, 1-1-1976)

2-430: REMOVAL OF VEHICLES IMPEDING TRAFFIC OR IMPEDING SNOW REMOVAL:

A. Whenever a peace officer finds a vehicle which is parked in violation of section 2-401 or 2-420 of this chapter, he is authorized to remove and tow away said vehicle, or cause the same to be removed and towed away by any county road crew or commercial towing service.

B. Vehicles towed away for illegal parking pursuant to subsection A of this section shall be placed in a storage garage or compound, and shall be restored to the owner upon satisfactory proof of such ownership to the sheriff and the storage operator, and upon payment of the towing and storage charges.

C. The impounding of a vehicle under this section shall not prevent or preclude the institution of criminal proceedings charging the violator with any violation of law on account of which the vehicle was impounded. (Ord. 112, 1-1-1976)

2-440: BONNER COUNTY DUST ABATEMENT POLICY:

A. Requirements: Prior to contractor being allowed to apply dust suppressant in Bonner County:

1. A Bonner County dust abatement contractor's permit is required each year by anyone applying a dust suppressant on Bonner County roads. It is unlawful for any dust suppressant to be applied on county roads without a permit.
2. Permit bond requirement: Ten thousand dollars (\$10,000.00).
3. Liability insurance: Five hundred thousand dollars (\$500,000.00) naming Bonner County as additional insured.
4. Materials certification: Submit current (not more than 30 days old) certified test report and current MSDS (material safety data sheet) for products proposed for dust abatement on county roads. (Products must meet the requirements below.)
5. Current Idaho public works license.
6. Addresses of storage tanks owned by contractor.
7. Contractor must provide a legal, physical address for their office or home for notification purposes.
8. Contractor must submit a copy of their claim process prior to issuance of permit. (This process must be acceptable to the public works director.)

B. Application Process: Process for applying dust suppressant on Bonner County roads:

1. Each applicator shall contact and gain the approval of the Bonner County public works department prior to applying any dust suppressant material to public roadways.
2. Application for road grading shall be made by facsimile or e-mail request from an approved contractor. Contractor shall provide the name, physical address and telephone number of applicant, as well as dust suppressant that will be used and application rate.
3. Contractor will be given a notice to proceed by facsimile or e-mail when the road is ready for suppressant.
4. Contractor shall complete the application of dust suppressant within one week of the notice to proceed, or sooner if the public works personnel advise that the road should be treated within a shorter time period. Failure to complete the treatment within the time specified may result in the county regrading the area where the dust suppressant is applied. In this case, the contractor will be obliged to reapply the suppressant at his/her expense, after a new notice to proceed is issued. Under these circumstances, this location will not be made a priority as crews will be grading other roads.
5. It shall be a violation of this section for any dust suppressant to be applied, or to migrate, to a ditch or other drainage facility.
6. Asphalt emulsions shall be placed one lane at a time. The opposing lane can be treated once the emulsion has "cured" to the extent that it does not pick up on vehicles traveling ten (10) miles per hour or slower. The contractor shall be responsible for any and all claims resulting from vehicle damage due to not following this procedure.
7. The Bonner County public works department will issue permits for all non-water soluble products used as dust suppressants if such application is approved. The Bonner County public works department employees will fill out these permits and a facsimile copy will be sent to the applicator. These permits can be generated by phone without necessitating an office visit by the resident. The application of these products without a permit is prohibited. If these materials are applied to a county maintained roadway without a permit, the roadway will be graded as soon as practicable.
8. No dust suppressant material shall be applied prior to final spring grading and approval of the public works department. If this occurs, the public works department will grade the section of road that was treated during normal spring grading. It will be the homeowner's/applicator's responsibility to reapply dust suppressant if grading damages the dust suppressant.
9. Bonner County assumes no liability or responsibility for damages due to the application of dust suppressants.
10. Parties who contract for the application of asphalt emulsions or lignosulfonates shall be responsible for the maintenance of the roadway that has been treated. Potholes must be filled regularly, or within five (5) days of a request from the public works department. If the potholes are not filled, the roadway will be graded.
11. "Fresh Oil" or other appropriate signs that state the contractor's name and phone number shall be required at each end of dust suppressant application.

C. Materials:

1. Contractor shall provide a current certified test report of the product proposed for use on county roads. Petroleum products, other than county approved emulsified asphalt products, are no longer allowed on Bonner County roads. Only products specifically labeled as "dust palliative", by the manufacturer, will be approved for use in Bonner County. The manufacturer or supplier must submit a letter to the county stating that the product is labeled as a dust palliative and must also include instructions, recommendations and/or guidelines for the application of such product as a dust suppressant. The contractor must provide a current MSDS report on the material. Copies of the MSDS shall be carried on the applicator truck and made available for inspection by county personnel upon request.
2. The county will sporadically take samples of the dust suppressant products. The contractor and operators shall cooperate with county personnel in obtaining the samples from the distributing trucks. An MSDS must be provided at the time the sample is obtained. If a truck is said to be empty, a county employee must still be allowed to attempt to obtain a sample.
3. If a certified test report shows a significant variation from the approved dust suppressant as determined by the public works director, the

contractor will no longer be allowed to apply dust suppressant in Bonner County until quality control procedures are approved by Bonner County.

4. When the contractor changes products, a new certified test report will be required. Failure to provide current information on a dust suppressant shall result in the termination of contractor's permit.

D. Restrictions:

1. Petroleum based dust suppressant products, other than approved asphalt emulsions, are no longer approved for use as a dust suppressant on Bonner County roads. "Road oils" are no longer allowed in Bonner County.

2. Emulsified asphalt products will not be allowed near streams or in watersheds where the product could migrate into lakes, streams, wetlands or other water sources.

3. Calcium chloride, magnesium chloride or lignosulfonates may be used in watershed areas. However, care must be taken in all cases and with all products to ensure that no product is applied to groundwater or other water sources, or to any area that is close enough to a water source that would allow even the slightest migration to enter that water source.

4. If any product is misapplied within a watershed area, it will be the contractor's responsibility to remove the product in the manner approved by the Idaho department of environmental quality (IDEQ) at his/her own expense. If IDEQ has to respond to a "spill", the contractor assumes full legal and financial responsibility for the removal process and any fines related to the misapplication.

E. Remediation: Where unauthorized dust suppressants are used, or where dust suppressant is applied too heavily on hard surface, it may be necessary for the county to take immediate corrective measures. If such measures are deemed necessary by the public works director, the contractor shall pay for all labor and materials involved in the remediation. The contractor shall not be allowed to apply any dust suppressant within Bonner County until the bill is paid in full.

F. Penalties:

1. There shall be a three hundred dollar (\$300.00) penalty per incident for any applicator violating any provision of this policy, in addition to any expenses incurred in any corrective measures taken.

2. If a contractor violates any provision of this policy, the contractor's permit shall be revoked until penalty and damages are paid.

3. A permit may be denied to any contractor who repeatedly or blatantly violates the provisions of this policy.

G. Permit:

1. By his/her signature on the permit, the contractor agrees to follow each provision of this policy.

2. The permit may be canceled at any time the public works director determines any contractor has violated the provisions herein. (Ord. 409, 6-9-2001)

2-480: EVIDENCE:

A. Registered Owners:

1. In any prosecution against the registered owner of a motor vehicle charging a violation of any regulation governing the standing or parking of a vehicle under this chapter or other regulation of a local authority, proof that the particular vehicle described in the complaint was parked in violation of any such provision or regulation, together with proof that the defendant named in the complaint, was, at the time of parking, the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

2. The presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the time and place where the violation occurred may be rebutted with evidence that the registered owner of the vehicle was not the person who parked or placed the vehicle at the time and place where the violation occurred. Such evidence may include, but shall not be limited to, a written lease or rental agreement for a particular vehicle described in the complaint on the date and time of the violation, which lease or rental agreement includes the name and address of the person to whom the vehicle is leased or rented.

3. In the event that there is more than one registered owner of a vehicle cited for a violation of this chapter, the first named person on the registration shall be the person subject to prosecution for such violation. This person shall be subject to the presumption set forth in subsection A1 of this section, which may be rebutted as set forth in subsection A2 of this section.

4. For purposes of this subsection, proof that a person is the registered owner of a vehicle is not prima facie evidence that the registered owner has violated any other provision of law.

B. Lessees And Renters:

1. In any prosecution against the lessee or renter of a motor vehicle charging a violation of any regulation governing the standing or parking of a vehicle under this chapter or other parking regulation of a local authority, proof that the particular vehicle described in the complaint was parked in violation of any provision of this chapter or regulation, together with proof that the defendant named in the complaint was, at the time of parking, the lessee or renter of the vehicle, shall constitute prima facie evidence that the lessee or renter of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

2. The presumption that the lessee or renter of the vehicle was the person who parked or placed the vehicle at the time and place where the violation occurred may be rebutted with evidence that the lessee or renter of the vehicle was not the person who parked or placed the vehicle at the time and place where the violation occurred.

3. For purposes of this subsection, proof that a person is the lessee or renter of a vehicle is not prima facie evidence that the lessee or renter has violated any other provision of this law. (Ord. 542, 12-23-2014)

2-490: PENALTIES:

Any person found in violation of section 2-401 or 2-420 of this chapter shall be guilty of an infraction and subject to a fixed penalty of one hundred dollars (\$100.00). (Ord. 561, 3-7-2017)

CHAPTER 5

SNOWMOBILES

SECTION:

2-501: Title

2-502: Purpose

2-503: Definitions

2-504: General Applicability And Prohibitions

2-505: Establishment Of Fees

2-506: Payment And Collection Of Fees

2-507: Use Of User Fee Revenues

2-508: Operator Qualifications

2-509: Equipment

2-510: Regulations For Operation

2-511: Designated Roadways

2-512: Penalties

2-501: TITLE:

This chapter shall be known as the *BONNER COUNTY SNOWMOBILE ORDINANCE*. (Ord. 380, 10-21-1999)

2-502: PURPOSE:

The purpose of this chapter shall be to provide for the regulation of the operation of snowmobiles on trails and roadways designated and maintained by Bonner County, and to provide for the collection of a voluntary user fee from those who use and benefit from said trails, in order to partially cover the cost of maintenance efforts. (Ord. 380, 10-21-1999)

2-503: DEFINITIONS:

The definitions listed in this section shall apply throughout this chapter:

GROOMED TRAIL: A snowmobile trail that is maintained upon public or private property located within Bonner County and maintained by funds collected by a "trail maintenance fee".

OPERATOR: Each person who operates and is in physical control of the snowmobile.

SNOWMOBILE: Every self-propelled device upon any combination of skis, skids, tracks or endless belts, in and upon or by which any person or property is or may be transported or drawn upon snow or snow covered surface areas, and expressly includes devices known as "snowmobiles" or "ski-mobiles".

TRAIL MAINTENANCE FEE: The annual voluntary user fee charged by Bonner County for the ability of an operator to operate a snowmobile upon a maintained trail.

TRAIL MAINTENANCE STICKER: A payment receipt issued by Bonner County that may be affixed to the snowmobile as a convenient way for the operator to demonstrate that the operator has paid the voluntary maintenance fee.

WINTER SEASON: That period of time from November 1 to April 15. (Ord. 380, 10-21-1999)

2-504: GENERAL APPLICABILITY AND PROHIBITIONS:

A. From the effective date as required by law, all operators of "snowmobiles", as defined in section 2-503 of this chapter, upon maintained trails within the boundaries of Bonner County, may display voluntary proof that the operator has paid the annual voluntary trail maintenance fee for use of said trail or trails.

B. The operation of any vehicle other than a "snowmobile", as defined in section 2-503 of this chapter, upon a maintained trail, with the exception of duly authorized emergency vehicles, is expressly prohibited, regardless of the payment of use fee by the operator. (Ord. 380, 10-21-1999)

2-505: ESTABLISHMENT OF FEES:

The Bonner County board of commissioners is hereby authorized to adopt a voluntary maintenance program to effect the purposes of this chapter. Said voluntary fees shall be set forth in a resolution of the board. (Ord. 380, 10-21-1999)

2-506: PAYMENT AND COLLECTION OF FEES:

A. The voluntary user fees provided for in this chapter shall be collected by the snowmobile advisory committee east/west at such locations as the committee from time to time authorizes and directs.

B. Upon payment of the voluntary annual fee, the payer shall be issued a written receipt that identifies the operator being credited with payment by name and address. The receipt shall be considered to be issued to the named operator as an individual. The snowmobile advisory committee east/west shall also provide the payer with a suitable decal sticker that the payer may display on a snowmobile as evidence that the operator thereof has paid the annual voluntary fee. (Ord. 380, 10-21-1999)

2-507: USE OF USER FEE REVENUES:

The annual revenues derived from the payment of said voluntary user fees shall be used and distributed as follows:

One hundred percent (100%) shall be placed in the county snowmobile fund to be used only for the county snowmobile groomer operation, including equipment, maintenance on any groomed trails, posting signs, supplies, fuel and wages for operation of the equipment. (Ord. 380, 10-21-1999)

2-508: OPERATOR QUALIFICATIONS:

No person shall operate a snowmobile upon Bonner County roadways and trails unless designated herein. (Ord. 380, 10-21-1999)

2-509: EQUIPMENT:

No snowmobile shall be operated on the roadways of Bonner County, as designated herein, unless it is equipped with the following:

A. At least one and not more than two (2) headlights sufficient to render clearly discernible persons and vehicles at a distance of two hundred fifty feet (250') ahead.

B. At least one tail lamp and brake lamp which, when lighted, shall emit a red light plainly visible to the rear at a distance of two hundred fifty feet (250').

C. At least one brake which may be operated by hand or foot. (Ord. 380, 10-21-1999)

2-510: REGULATIONS FOR OPERATION:

A. It shall be unlawful to operate a snowmobile at a speed in excess of twenty (20) miles per hour on the county roadways as designated herein;

B. No sled, toboggan, inner tube, or any other similar equipment or device, shall be towed by a snowmobile upon the roadways of Bonner County, as designated herein, unless the item being towed is a disabled snowmobile or a trailer manufactured for towing behind a snowmobile;

C. No person on skis, snowboards or similar devices shall be towed behind a snowmobile on the roadways of Bonner County, as designated herein;

D. All snowmobile drivers utilizing the roadways of Bonner County, as designated herein, shall abide by the same traffic rules required of motorized vehicle operators in the state of Idaho and shall comply with the speed limits designated in subsection A of this section;

E. All snowmobiles operated on the roadways of Bonner County, as designated herein, shall be operated only in a single file manner on the extreme right hand side of the designated routes described herein and attached hereto;

F. Operations of snowmobiles on the roadways of Bonner County, as designated herein, shall be limited to ingress and egress to snowmobile trails and said roadways are not to be used as a place of recreation for snowmobiles. (Ord. 380, 10-21-1999)

2-511: DESIGNATED ROADWAYS:

It shall be unlawful to operate a snowmobile upon any roadway in Bonner County, except those designated county roadways and trails for use upon which to operate a snowmobile are identified herein. Said road designations may be amended by resolution of the board. Bonner County roads authorized for use are those portions of:

A. Caribou Creek Road;

B. Baldy Road;

C. Ruen Road;

D. Dry Creek Road;

E. Lightning Creek Road;

F. The bridge over the Priest River on Dickensheet Road;

G. Main Street in Coolin from its intersection with the Dickensheet Road at Coolin Corners through Coolin to the eastern most public launching ramp on Priest Lake in Coolin;

H. Johnson Creek Road;

I. Trestle Creek Road. (Ord. 380, 10-21-1999)

2-512: PENALTIES:

Any violation of subsection 2-504B of this chapter shall be a misdemeanor with a fine of three hundred dollars (\$300.00) or thirty (30) days in jail, or both. (Ord. 380, 10-21-1999)

CHAPTER 6

USE OF SNOWMOBILES ON COUNTY ROADS AND RIGHTS OF WAY

(Rep. by Ord. 375, 6-10-1999)

CHAPTER 7

NAMING OF ROADS AND ROAD SIGNS

SECTION:

2-701: Road Naming And Addressing

2-701: ROAD NAMING AND ADDRESSING:

Road names and addressing shall comply with title 13, Bonner County Revised Code, Bonner County road naming and addressing system ordinance. (Ord. 496, 10-23-2007)

CHAPTER 8

BONNER COUNTY ROAD SPECIFICATIONS

SECTION:

2-801: Purpose And Authority

2-803: Applicability; Disclaimers

2-804: Classification Of Existing County Roads; Adoption Of Road Classification Map

2-805: Classification Of New County Roads

2-810: Adoption Of Road Standards Manuals; Compliance Required

2-811: Removal Of Encroachments; Restoration Of Road Right Of Way Authorized

2-820: Variances From Chapter Or Road Standards Manual

2-830: Penalties And Remedies

2-840: Issuance Of Stop Work Order; Unlawful Continuance

2-801: PURPOSE AND AUTHORITY:

A. It is the purpose of this chapter to provide consistent standards for construction of new roads and appurtenant structures built for dedication to Bonner County, and all roads new or existing to be entered into the county maintenance system and for those portions of approaches and driveways which enter upon county roads, within rights of way owned by Bonner County or onto county roads maintained by Bonner County but not within dedicated rights of way, and for construction and maintenance of utilities within rights of way owned by Bonner County or onto roads maintained by Bonner County but not within dedicated rights of way. (Ord. 426, 6-28-2002)

B. This chapter is adopted pursuant to the authority granted to Bonner County at Idaho Code title 40, and Idaho Code title 31, chapters 7 and 8. (Ord. 269, 1-17-1995)

2-803: APPLICABILITY; DISCLAIMERS:

A. The provisions of this chapter shall be applicable to:

1. The construction of all new roads and appurtenant structures proposed and built for dedication to Bonner County, and all roads to be entered into the county maintenance system;

2. The construction and maintenance of all utility facilities located within rights of way owned by Bonner County, or within twenty five feet (25') of centerline of roads maintained by Bonner County, but not within dedicated rights of way;

3. The construction of all new approaches and driveways entering upon county maintained roads or located within rights of way owned by Bonner County, and existing approaches and driveways entering upon county maintained roads or located within rights of way owned by Bonner County where property improvements require Bonner County road and bridge department approval;

4. The erection or placement of all new road signs within rights of way owned by Bonner County or within twenty five feet (25') of centerline of roads maintained by Bonner County. (Ord. 426, 6-28-2002)

B. Nothing in this chapter shall be construed to require that Bonner County undertake to reconstruct, widen or improve an existing county road within the Bonner County highway system to the standards and specifications contained in or adopted by this chapter.

C. Nothing in this chapter shall be construed to require that those portions of new or existing private roads, approaches or driveways outside of rights of way owned by Bonner County, be constructed, reconstructed, widened or improved to the standards and specifications contained in or adopted by this chapter.

D. Nothing in this chapter shall be construed to obligate Bonner County to accept the dedication of any road or right of way, regardless of the standards and specifications used for the construction of such road. (Ord. 269, 1-17-1995)

2-804: CLASSIFICATION OF EXISTING COUNTY ROADS; ADOPTION OF ROAD CLASSIFICATION MAP:

A. There is hereby adopted a classification of all roads within the Bonner County highway system into one of the following categories: arterial, collector and local access road. This classification shall be shown on the Bonner County road classification map, which is adopted hereby as if actually set forth. Said map shall remain on deposit at the Bonner County courthouse, available for public inspection during regular business hours. (Ord. 269, 1-17-1995; amd. Ord. 329, 1-22-1997)

B. The Bonner County road classification map shall bear its official title, and the dated signature of the chairman of the board of county commissioners.

C. The Bonner County road classification map shall be updated as needed to reflect the inclusion of any new road into the road classification or the vacation or change of classification of any existing road. An updated map shall be adopted by a simple majority vote signifying the approval of the map by the board of county commissioners.

D. As may become necessary, any road shown upon the Bonner County road classification map may be reclassified to another classification by the board of county commissioners. Such reclassification shall be based upon the factual evidence that the actual usage and nature of the road has altered. Reclassification shall be accomplished by a resolution of the board. (Ord. 269, 1-17-1995)

2-805: CLASSIFICATION OF NEW COUNTY ROADS:

A. For the purpose of administration of the standards adopted by this chapter, all new roads shall be classified as arterials, collectors or local access roads. The classification of new roads shall be made initially by the Bonner County commissioner in whose district the road is located and shall be consistent with the following guidelines:

1. Arterials: Main transportation routes serving a system of collector and local access roads, which connect to the state highway system or serve as an important travel corridor.

2. Collectors: Secondary transportation routes serving a system of local access roads, and connecting to other collectors or to arterials.

3. Local Access Roads: Transportation routes primarily providing access to adjacent lands and connecting to collectors or arterials.

B. Upon completion, dedication, acceptance and opening, new roads shall be shown according to their classification on the Bonner County road classification map. (Ord. 269, 1-17-1995)

C. Should an applicant proposing a new road for dedication to Bonner County be aggrieved by the determination of the individual commissioner in the classification assigned to the new road, such applicant may appeal the determination to the board of county commissioners. (Ord. 269, 1-17-1995; amd. Ord. 329, 1-22-1997)

2-810: ADOPTION OF ROAD STANDARDS MANUALS; COMPLIANCE REQUIRED:

A. The "Road Standards Manual" dated December 2005, version I, is hereby adopted and incorporated herein as if set forth in full. All new construction of roads built for dedication to Bonner County and construction within county rights of way for which standards are set forth shall comply with the standards contained within the manual. As a part of the decision to permit roads and construction encroachments within the county rights of way, the public works department may enter into development agreements with the encroachment applicants that may require the completion of improvements to mitigate the increase in traffic as a result of the project development or encroachment. Alternately, the public works department may allow an applicant to participate proportionately with other applicants and/or other public entities to construct

improvements that are not exclusively the responsibility of any single applicant or entity. Development agreements shall be approved by the Bonner County board of commissioners by resolution. (Ord. 472, 1-13-2006)

B. The "Manual On Uniform Traffic Control Devices", published by the United States department of transportation, federal highway administration, 1988 edition, is hereby adopted and incorporated herein as if set forth in full. The classes of applications which require conformity to the standards set forth in said manual shall be as specified in the "Road Standards Manual, Bonner County, Idaho". (Ord. 269, 1-17-1995)

C. Copies of the "Road Standards Manual, Bonner County, Idaho", and the "Manual On Uniform Traffic Control Devices" shall remain on deposit for public inspection during regular business hours at the offices of the Bonner County road department and of the Bonner County clerk. (Ord. 269, 1-17-1995; amd. Ord. 329, 1-22-1997)

D. Amendments to the "Road Standards Manual" shall hereafter be made by resolution of the Bonner County board of commissioners. (Ord. 472, 1-13-2006)

2-811: REMOVAL OF ENCROACHMENTS; RESTORATION OF ROAD RIGHT OF WAY AUTHORIZED:

A. Bonner County is hereby authorized to remove any encroachment into a county right of way, including signs, fences and approaches which have been placed or constructed without permits as required by this chapter or in violation of the terms of any permit required by this chapter. Such removal shall proceed in compliance with the provisions set forth at Idaho Code section 40-2319.

B. Within a county right of way, Bonner County is authorized to modify, reshape or restore any drainage, roadside or roadside shoulder or other topographic feature necessary to protect the integrity of a county right of way or appurtenant structure, and all authorized uses of such right of way. (Ord. 269, 1-17-1995)

2-820: VARIANCES FROM CHAPTER OR ROAD STANDARDS MANUAL:

A. Any person may apply for a variance from the standards contained within this chapter or within the "Road Standards Manual". Such application shall be made on forms provided by the Bonner County road department. Application for a variance shall set forth the specific circumstances of the request and the standards sought to be modified or waived. Such drawings or sketches as are necessary to fully describe the requested variance shall accompany the application.

B. Applications for variances shall be heard and determined by the board of county commissioners at the next available regular meeting, and may be granted or denied by a motion passed by a majority vote of the board. (Ord. 269, 1-17-1995)

C. In making its determination on the application for variance, the board shall consider the following items:

1. The factual circumstances of the application, including the topographic, geological and hydrological conditions of the site;
2. The nature and extent of the variation requested from the standards;
3. The effect of the variance request upon the continuity and integrity of the Bonner County highway system and the safety of the traveling public; and
4. The need for access to public and private lands within the county.

D. Upon the board's determination, the Bonner County road department shall provide the applicant with a copy of the application bearing the certification of the application's approval or denial. (Ord. 269, 1-17-1995)

2-830: PENALTIES AND REMEDIES:

A. It shall be unlawful for any person, firm or corporation to do, cause or permit to be done, whether acting as principal, agent or employee, any construction, placement, installation, enlargement, extension or structure subject to the provisions of this chapter which is not in accord with an approved permit issued under the terms of this chapter, or without first procuring a permit from the Bonner County public works department.

B. Violations of any provision of this chapter, or failure to comply with any of the requirements of this chapter, shall be a misdemeanor and shall be punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding three hundred dollars (\$300.00), or by both.

C. A separate violation shall be deemed to have occurred for each construction, placement, installation, enlargement, extension or structure subject to the provisions of this chapter that is erected, constructed, placed, installed, enlarged, extended, moved or converted not in compliance with this chapter. Each day such violation continues constitutes a separate offense.

D. The prosecuting attorney may take whatever criminal action deemed necessary to enjoin any violation of this chapter. The prosecuting attorney may, with the consent of the county commissioners, bring whatever civil action deemed necessary to enjoin any violation of this chapter. Civil remedies may be sought in addition to, or in lieu of, criminal penalties.

E. Any person, whether acting as principal, agent, employee, landowner, tenant, builder, or any other person who commits, participates in, assists in or maintains such violation, may be found guilty of a separate offense. Nothing herein contained shall prevent the Bonner County prosecuting attorney and/or the Bonner County commissioners, or any other public official or private citizen, from taking such lawful action as is necessary to restrain or prevent any violation of this chapter.

F. Fee for investigation of work without permit. Whenever any work for which a permit is required under the terms of this chapter has commenced without first obtaining said permit, an investigation fee shall be collected whether or not a permit is then or subsequently issued. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this chapter, nor from any penalty prescribed by law. A separate investigative fee shall be charged for each site visit to the subject property conducted by the Bonner County public works department. (Ord. 472, 1-13-2006)

2-840: ISSUANCE OF STOP WORK ORDER; UNLAWFUL CONTINUANCE:

A. Whenever the public works director finds any work regulated by this chapter being performed in a manner contrary to the provisions of this chapter, the public works director or his or her designee, is authorized to issue a stop work order.

B. The stop work order shall be in writing and shall be posted on the premises where the work is being conducted or given to the owner of the property involved, or to the owner's agent, or to the person or persons performing the work. Written notice shall also be provided by the public works department by certified mail to the landowner at the address shown on the county assessor's tax rolls. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. (Ord. 472, 1-13-2006)

PUBLIC WATERS

CHAPTER 1

WATER SAFETY REGULATIONS FOR ALL PUBLIC WATERS

SECTION:

3-100: Authority

3-101: Protection Of The Public

3-102: Definitions

3-103: Basic Rule

3-104: Adult Supervision And Age Restrictions

3-105: Distances For No Wake Zones On Lakes And The Pend Oreille River

3-106: Speed Limits On Specified Waters

3-107: Speed Limits For Rivers

3-107.1: No Wake Distances For Rivers

3-108: Noise

3-109: Restricted Zones

3-110: Restricted Zones; Violations

3-111: Personal Watercraft Safety Regulations

3-112: Waterskiing Safety Regulations

3-113: Eluding A Peace Officer; Failure To Yield

3-114: Use Of County Docks At Facilities With Ramps With Exceptions

3-115: Use Of County Docks At Facilities Without Ramps

3-116: Parking Of Motor Vehicles And Trailers

3-117: Boat Sewage Disposal

3-118: Derelict Docks And Float Houses

3-119: Boater Right Of Way

3-120: Impoundment

3-121: Facility Restrictions

3-122: Penalties

3-123: Marine Event Permit

3-124: Hazards To Navigation

3-100: AUTHORITY:

This chapter shall be known as the *BONNER COUNTY PUBLIC WATERS ORDINANCE*. By authority granted to Bonner County pursuant to Idaho Code sections 67-7013(7) and 67-7031 et seq., the board of county commissioners of Bonner County hereby enact this chapter as follows. (Ord. 552, 5-3-2016)

3-101: PROTECTION OF THE PUBLIC:

It is necessary for the protection of the health, safety and welfare of the general public, and for the protection of public and private property, to regulate the operation of watercraft and swimming on the public waters of the state of Idaho situated in Bonner County, Idaho, but outside the municipal boundaries of the various incorporated cities within said county. The board of commissioners specifically find that it is necessary for the protection of the health, safety and welfare of the general public to adopt and enforce rules and regulations governing all county owned or controlled parks and waterways facilities, including all property directly owned by Bonner County or under its sole control as a public easement, or under a cooperative agreement on public lands with other public agencies, such as the Idaho department of lands, Idaho department of fish and game, United States bureau of land management, United States forest service, United States corps of engineers and the city of Sandpoint. (Ord. 552, 5-3-2016)

3-102: DEFINITIONS:

For the purpose of this title, the following definitions shall be applicable:

ADULT SUPERVISION: Having a person age eighteen (18) or over on or in a vessel and in a position to supervise.

BRIDGE: A structure spanning and providing passage over a body of water.

COMEBACK BAY: A body of water from the bridge over Fry Creek upstream to the headwaters.

FACILITY: Any park, boat launch facility, dock or other waterways property owned, operated, managed or maintained by Bonner County.

MARINE EVENT: A regatta, race, marine event, tournament or exhibition on any waters within Bonner County authorized by the sheriff of the county.

MOORING: Parking a vessel in the water.

MOORING BUOY: An offshore floating buoy anchored to the bottom that serves as a mooring point to secure a vessel.

MOTOR DRIVEN WATERCRAFT: Any boat or vehicle of any type, which is propelled by any type of motor or engine.

MOTORBOAT: Any vessel propelled by motor whether or not such machinery is the principal source of propulsion.

NEGLIGENT OPERATION: Operating any vessel on the waters of the state of Idaho in a careless or heedless manner so as to be indifferent to any person or property of other persons, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the vessel to a stop within the assured clear distance ahead.

NIGHT: One hour after sunset until one hour before sunrise.

NO SWIMMING ZONE: A designated area where the swimming shall not be allowed. A "no swimming zone" also precludes the use of float tubes and other nonmotorized devices not designed or modified to be used as a means of transportation on the water, such as inflatable air mattresses, single inner tubes, and beach and water toys.

NO WAKE: The act of operating any vessel whereby the visible tract of turbulence is not more than six inches (6") or the speed is not more than five (5) miles per hour.

NO WAKE ZONE: A designated area where the operation of watercraft must be accomplished at not more than five (5) miles per hour, nor with more than a six inch (6") wake.

OVERNIGHT: From one hour after sunset until one hour before sunrise.

PADDLEBOARDING: A water sport in which a person paddles a long streamlined board with their hands while lying or kneeling on the paddleboard. A derivation of paddleboarding is stand up paddleboarding (SUP) in which a paddle is used to propel or guide the board. A paddleboard is classified as a vessel.

PEND OREILLE RIVER: The body of water from the railroad bridge at Sandpoint downstream to the Idaho-Washington border.

PERSONAL WATERCRAFT: A watercraft, powered by a water jet pump, which can be operated by persons sitting, standing or kneeling.

POSTED WATERS: An area which is a portion of the waters of Bonner County, Idaho, marked with regulatory markers in compliance with Idaho Code section 67-7031 and IDAPA 26.66.21, to regulate the actions of watercraft and persons in such marked portions of the waters.

PUBLIC WATERS: Any river, lake or other body of water within Bonner County, Idaho, other than those which are entirely privately owned, regardless of navigability.

SHORELINE: The line of demarcation between water and land at the time in question without regard to property lines or high or low water lines or marks.

STAND UP PADDLEBOARD (SUP): A vessel similar to a surfboard which is usually propelled on the surface of the water with a paddle. A stand up paddleboard is classified as a vessel.

VESSEL: Every description of watercraft, including a seaplane on the water, used or capable of being used as a means of transportation on water, but does not include float houses, diver's aids operated and designed primarily to propel a diver below, or modified to be used as a means of transportation on the water, such as inflatable air mattress, single inner tubes, and beach and water toys. For purposes of this title, vessel, motorboat, motor driven craft and watercraft are synonymous.

WAKE: The visible track of turbulence created by watercraft moving through the water.

WATERSKIING: Waterskiing or skiing shall include kneeboarding, wakeboarding, wakesurfing, wakeskating or any other type of towed recreational activity. This is not intended to define the towing of a vessel or other objects at no wake.

WATERWAYS: Any river, lake or other body of water within Bonner County, Idaho. (Ord. 552, 5-3-2016)

3-103: BASIC RULE:

A. It shall be unlawful for any person to operate any type of vessel or watercraft on the public waters within Bonner County, Idaho, in a negligent manner not having due regard to the actual and potential hazards then existing, or any rate of speed greater than stated herein, or will permit, in the exercise of reasonable care, to bring said watercraft to a stop within the assured clear distance ahead.

B. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-104: ADULT SUPERVISION AND AGE RESTRICTIONS:

A. It shall be unlawful to operate, or to allow the operation of a motor driven watercraft by a person under the age of ten (10), except under direct adult supervision.

B. It shall be unlawful to operate, or to allow someone to operate, a motor driven watercraft when the operator is between the ages of ten (10) to fourteen (14), without adult supervision unless the vessel is powered by a motor rated at ten (10) horsepower or less.

C. The age restrictions provided for in this section shall apply to the operation of personal watercraft.

D. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-105: DISTANCES FOR NO WAKE ZONES ON LAKES AND THE PEND OREILLE RIVER:

Specific distances set for no wake zones:

A. Within two hundred feet (200') from any shoreline, dock, pier, bridge, other structure, or any person in the water, shall be no wake.

B. Within fifty feet (50') of any other vessel shall be no wake.

C. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-106: SPEED LIMITS ON SPECIFIED WATERS:

Specific speed limits for all the public waterways within Bonner County, Idaho, except the Clark Fork River from the mouth of the river to the dam, Johnson Creek and Priest River from the mouth of the river upstream to the Outlet Bay, are as follows:

A. Within one hundred feet (100') of any other vessel, the speed shall be reasonable and prudent, but not in excess of fifteen (15) miles per hour.

B. At night, where the speed is not otherwise restricted, the speed limit shall not exceed twenty five (25) miles per hour.

C. During the day, where the speed is not otherwise restricted, the speed limit shall be reasonable and prudent, but not in excess of fifty (50)

miles per hour; provided, however, that this subsection shall not apply to any motor driven watercraft while the same is being operated while actively engaged in any regatta, race, tournament or exhibition authorized by the Bonner County sheriff's department, if the permit issued by the sheriff's department allows the watercraft participating in any regatta, race, tournament, or exhibition to exceed the posted speed limits.

D. This section shall apply to speed limits on the Pend Oreille River.

E. This section shall not apply to any motor driven watercraft being operated under emergency conditions, or by any authorized agent of any law enforcement agency of the State of Idaho, a political subdivision, or the United States of America, while said agent is acting in the performance of his duties or any aircraft which is landing or taking off on the water.

F. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-107: SPEED LIMITS FOR RIVERS:

Specific speed limits for the Clark Fork River from the mouth of the river to the dam, Johnson Creek, and Priest River, are as follows:

A. Speed Limit During Day: During the day, where the speed is not otherwise regulated, the speed limit shall be reasonable and prudent, but not in excess of thirty five (35) miles per hour.

B. Speed Limit At Night: At night, the speed limit shall not exceed twenty five (25) miles per hour.

C. Within Fifty Feet Of Another Vessel: Within fifty feet (50') of another vessel the speed shall be reasonable and prudent, but not in excess of fifteen (15) miles per hour.

D. Violation: A violation of this section shall constitute an infraction.

E. Exceptions: This section shall not apply to any motor driven watercraft being operated under emergency conditions or by any authorized agent of any law enforcement agency of the State of Idaho, the United States of America, or any political subdivision, while said agent is acting in the performance of his duties, or any aircraft which is landing or taking off on the water. The speed limits on the Pend Oreille River are the same as the speed limits on Pend Oreille Lake. See section 3-106 of this chapter. (Ord. 552, 5-3-2016)

3-107.1: NO WAKE DISTANCES FOR RIVERS:

Specific no wake limits for the Clark Fork River, Priest River, Comeback Bay and Johnson Creek are as follows:

A. No Wake Zone: Within one hundred feet (100') of the shoreline, dock, pier, bridge, or other structure or person in the water will be a no wake zone.

B. Exceptions: This section shall not apply to any motor driven watercraft being operated under emergency conditions or by any authorized agent of any law enforcement agency of the State of Idaho, or the United States of America, or any political subdivision, while said agent is acting in the performance of his duties, or any aircraft which is landing or taking off on the water.

C. Pend Oreille River: The no wake distances for the Pend Oreille River is the same as the no wake limits on Pend Oreille Lake. See section 3-105 of this chapter.

D. Violation: A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-108: NOISE:

A. Applicability: The requirements of this section shall apply to the operation of any watercraft upon public waters, and shall be enforced by the Bonner County Sheriff's Department.

B. Noise Levels: It shall be unlawful for any person to operate, or permit the operation of, any watercraft on the waters of Bonner County in such a manner as to exceed the following noise levels:

1. For motorboats manufactured before January 1, 1995, a noise level of ninety (90) decibels.

2. For motorboats manufactured on or after January 1, 1995, a noise level of eighty eight (88) decibels.

C. Mufflers: No person shall operate, or give permission for the operation of, any motorboat on the waters of the State of Idaho that is equipped with an altered muffler or a muffler cutout, bypass or other device designed or so installed so that it can be used to continually or intermittently bypass or otherwise reduce or eliminate the effectiveness of any muffler or muffler system installed in accordance with the provisions of this section.

D. Sound Amplification Systems: It is unlawful for any operator of a vessel to cause, operate, or permit the operation of, any sound amplification system to include but not limited to items such as radios, compact disc players or attached portable music devices which can be heard outside of the vessel from two hundred (200) or more feet when the vessel is being operated on Bonner County waters, unless that system is being operated to request assistance or warn of a hazardous situation.

1. Exceptions: This section shall not apply to any motor driven watercraft being operated under emergency conditions or by any authorized agent of any law enforcement agency of the State of Idaho, or the United States of America, or any political subdivision, while said agent is acting in the performance of his duties, or any aircraft which is landing or taking off on the water.

E. Violation: A violation of this section shall constitute an infraction. (Ord. 568, 9-7-2017)

3-109: RESTRICTED ZONES:

A. The board of county commissioners, by ordinance, may designate or repeal a designation of a specific area or areas on the public waterways of Bonner County as restricted zones. The zones are defined as follows:

ALBENI FALLS DAM: See section 3-601 of this title.

CABINET GORGE DAM: See section 3-601 of this title.

FLOODING OR THREAT OF FLOODING: A. Once flood stage is reached on Lake Pend Oreille of 2,063.5 feet elevation as measured at the Hope gauge, the "no wake zone" will automatically be extended to five hundred feet (500') from shore on Lake Pend Oreille and the Pend Oreille River. Once the water level decreases below 2,063.5 feet, these restrictions will automatically expire.

B. The board, by resolution duly enacted, may impose any and all restricted zones listed in this section on any public waterway within the county upon finding that actual flooding has occurred or that an imminent threat of flooding exists.

NO MOTOR DRIVEN WATERCRAFT ZONE: An area where no motor of any kind can be used to propel a watercraft.

NO SWIMMING ZONE: A designated area where swimming shall not be allowed. A "no swimming zone" precludes the use of float tubes and

other nonmotorized devices not designed or modified to be used as a means of transportation, such as inflatable air mattresses, single inner tubes, and beach and water toys within the designated boundaries of the area in order to protect and promote the health, safety and welfare of the general public.

NO WAKE ZONE: An area that limits the speed of any watercraft to a speed that will produce no "wake", as defined in section 3-102 of this chapter.

NO WATERCRAFT ZONE: An area that prohibits the operation of any vessel within the designated boundaries of the area in order to protect and promote the health, safety and welfare of the general public.

NO WATERSKIING ZONE: An area that prohibits any motor driven watercraft from towing a waterskier, a tube, a wakeboard, a kneeboard, or any other type of appliance. This area also prohibits wakeboarding and wakesurfing. However, this is not intended to prohibit the towing of a watercraft or other objects at "no wake" speed as defined in section 3-102, "Definitions", of this chapter.

NONMOTORIZED VESSEL ZONE: A zone in which a vessel may not employ any type of motor as a means of propulsion of said vessel. This shall include combustion, electric, solar or any mechanical means for providing artificial propulsion.

PACK RIVER: See section 3-701 of this title.

RESTRICTED MOTOR ZONES: An area that limits the type of motor or the horsepower of a motor that may be used to power a vessel on the water within the zone.

RESTRICTED PERSONAL WATERCRAFT ZONE: An operational zone for personal watercraft on any waters within Bonner County, Idaho. A "restricted personal watercraft zone", also known as a "personal watercraft operational zone", may limit the operation of personal watercraft within the zone to: a) no wake or less than five (5) miles per hour; b) personal watercraft only; c) no personal watercraft allowed; or d) distance from shoreline. (Ord. 552, 5-3-2016)

3-110: RESTRICTED ZONES; VIOLATIONS:

A. It shall be unlawful to operate a watercraft, personal watercraft or vessel, or to swim within any of the restricted zones in a manner that is contrary to the restrictions as set forth in the ordinance passed by the Bonner County board of commissioners.

B. A violation of the following restricted zones in section 3-109 of this chapter shall constitute a misdemeanor:

1. Albeni Falls Dam.
2. Cabinet Gorge Dam.
3. Pack River.

C. A violation of all other restricted zones in section 3-109 of this chapter shall constitute an infraction. (Ord. 552, 5-3-2016)

3-111: PERSONAL WATERCRAFT SAFETY REGULATIONS:

A. A person shall not operate a personal watercraft unless each person aboard the personal watercraft is properly wearing a coast guard approved personal flotation device.

B. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-112: WATERSKIING SAFETY REGULATIONS:

A. No vessel operator may tow or attempt to tow a waterskier on any waterway within Bonner County unless such craft shall be occupied by at least an operator and an observer. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons fall into the water and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright red or brilliant orange color, measuring at least twelve inches (12") square, mounted on a pole not less than twenty four inches (24") long and displayed as to be visible from every direction.

B. The observer and the operator shall not be the same person. The observer shall be a competent person.

C. No person shall engage or attempt to engage in waterskiing without properly wearing a coast guard approved personal flotation device.

D. No person shall engage in or attempt to engage in waterskiing, or operate any vessel in towing a waterskier, on the waterways of Bonner County during the period from one hour after sunset until one hour prior to sunrise.

E. No person engaged in waterskiing either as operator, observer or skier, shall conduct himself or herself in a manner that endangers, or is likely to endanger, any person or property.

F. No person or persons shall engage in waterskiing within one hundred feet (100') of any boat launching ramp, motionless vessel, vessel underway, swimmer, buoy or shoreline; with exceptions as specified in subsection G of this section.

G. Except on takeoffs, no person or persons shall engage in waterskiing operations within two hundred feet (200') of the shoreline. Any takeoff from within two hundred feet (200') of the shoreline must be made outward and at right angles to the shoreline. At no time can such takeoff cause risk or hazard to other vessels or persons on the water.

H. During drop offs, the towing vessel and skier will comply with all speed and distance regulations in regards to shorelines and docks.

I. No vessel shall follow behind a person waterskiing or being towed in any manner closer than two hundred feet (200'), nor cross the towing vessel bow by less than two hundred feet (200').

J. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-113: ELUDING A PEACE OFFICER; FAILURE TO YIELD:

A. Any person operating a vessel who wilfully flees or attempts to elude a pursuing police vessel, when given a visual or audible signal to bring the motor driven watercraft to a stop, shall be guilty of a misdemeanor. The signal given by a peace officer may be by emergency lights or siren.

A person convicted of eluding a peace officer shall be guilty of a misdemeanor, punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1,000.00), or by both.

B. Upon the immediate approach of an authorized emergency or police vessel making use of any audible or visible signal, the driver of every other vessel or watercraft shall yield the right of way and stop until the authorized emergency or police vessel has passed, except when otherwise directed by a peace officer.

A violation of this subsection B shall constitute an infraction. (Ord. 552, 5-3-2016)

3-114: USE OF COUNTY DOCKS AT FACILITIES WITH RAMPS WITH EXCEPTIONS:

A. Except as provided in subsections B, C and D of this section, no person shall moor a vessel or leave a vessel unattended at a county dock having one or more ramps.

B. The restriction in subsection A of this section is not applicable to the county dock and ramp facility located at Lakeview, Idaho.

C. Emergency response vessels, with permission from the board of county commissioners, may request to moor at a county dock if there is adequate space available without any negative impact on the general public. The board of county commissioners reserves the right to subject the permittee under this subsection to any and all reasonable permit restrictions and conditions, including, and without being limited to, insurance requirements and moorage fees.

D. The county mooring slips located at Slee Street in Coolin shall permit two (2) hour boat parking in the mooring slips.

E. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-115: USE OF COUNTY DOCKS AT FACILITIES WITHOUT RAMPS:

A. No person shall moor a boat at a county dock without a launch ramp for more than twenty four (24) hours within a forty eight (48) hour period, or in violation of the posted regulations at the location. Boats and other personal property left at a dock for a longer period of time without the written permission of the board of county commissioners may be impounded at the owner's expense, in addition to any penalty prescribed in this chapter.

B. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-116: PARKING OF MOTOR VEHICLES AND TRAILERS:

A. Parking on boat ramp areas or blocking access to a boat ramp is prohibited, except when in the actual process of loading or unloading a vessel. Vehicles left in the boat ramp areas may be impounded at the owner's expense in addition to any penalty prescribed in this chapter.

B. Overnight parking of boats, vehicles or trailers is prohibited in any of the parking areas associated with all of the county boat launch facilities. Vehicles left in the boat launch parking areas may be impounded at the owner's expense in addition to any penalty prescribed in this chapter.

C. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-117: BOAT SEWAGE DISPOSAL:

A. Dumping of boat sewage is prohibited, except in designated approved boat pump out stations.

B. No person shall dump sewage from holding tanks into toilet facilities or on the ground, or into the water.

C. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-118: DERELICT DOCKS AND FLOAT HOUSES:

A. No person shall allow a personal dock, float house or waterfowl blind to be released on any public body of water under which Bonner County has boater safety responsibility.

B. Owners of floating devices such as docks and float houses who fail to properly secure them will be subject to payment of recovery and abatement costs.

C. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-119: BOATER RIGHT OF WAY:

A. All persons using docks primarily placed for boat use shall not interfere with boats approaching or departing dockage.

B. Bonner County docks designated for public use are included in schedule B on file with the county.

C. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-120: IMPOUNDMENT:

A. The Bonner County sheriff's department is hereby authorized to impound a vessel or vehicle when the vessel has been abandoned, when a vessel has been improperly moored or left unattended, when it is adrift, when a vehicle has been improperly parked at a waterways facility or under circumstances where the vessel is presenting a hazard to safe boating on the waterways of Bonner County. The sheriff is further authorized to impound a vessel when the operator of the vessel has been arrested and the registered owner of the vessel is not immediately available to assume lawful possession and control of the vessel following the arrest of the operator.

B. Whenever an authorized officer impounds a vessel or a trailer pursuant to the provisions of this chapter or pursuant to state law, the Bonner County sheriff's department shall substantially comply with the provisions of Idaho Code title 49, chapter 18, that provide, among other procedures, that the registered owner of the property, if known, be given written notice of the impoundment and the opportunity for a post storage hearing. (Ord. 552, 5-3-2016)

3-121: FACILITY RESTRICTIONS:

A. The rules and regulations governing a waterways and parks and recreation facility shall be posted in such a manner to be visible to the general public utilizing the facility.

B. It shall constitute a misdemeanor to violate the duly adopted and posted rules and regulations governing conduct at a waterways and parks and recreation facility. (Ord. 552, 5-3-2016)

3-122: PENALTIES:

Unless otherwise provided by law, any person who shall violate any of the provisions of this title shall be guilty of an infraction and subjected to a penalty as provided in Idaho Code section 18-113A, wherein said penalty shall not exceed three hundred dollars (\$300.00). Infraction fine amounts shall be set forth in schedule A on file with the county which shall be approved on an annual basis by the board of county commissioners and posted at the sheriff's office, courthouse and commissioner's office. (Ord. 552, 5-3-2016)

3-123: MARINE EVENT PERMIT:

A. The provisions of this chapter shall not apply to motor driven watercraft operating under a permit pursuant to Idaho Code section 67-7030 after approval of a marine event permit application by the sheriff, as long as the vessel is being operated within the conditions of the permit. The provisions of this chapter may be waived only after approval by the sheriff of Bonner County.

B. It is a violation of this chapter to fail to operate a vessel pursuant to the terms and conditions imposed by a marine event permit.

C. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-124: HAZARDS TO NAVIGATION:

A. No person shall place a floating object into the public waters of Bonner County that would unreasonably or unnecessarily interfere with the free and proper navigation on county waterways or that would pose a hazard to boaters in the area. These objects may be, but are not limited to, trampolines, floating islands, cubes and swim/dive platforms.

B. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

CHAPTER 2

PRIEST LAKE, UPPER PRIEST LAKE AND THE "THOROUGHFARE"

SECTION:

3-201: Wakeless Speed In "Thoroughfare"

3-203: Waterskiing Prohibited In "Thoroughfare" And Upper Priest Lake

3-201: WAKELESS SPEED IN "THOROUGHFARE":

A. At no time shall any person or persons operate any water going craft of any size or description in such a manner or at such speed as to create any wake upon the waterway connecting those bodies of water known as Priest Lake and Upper Priest Lake, which waterway is known as the "Thoroughfare" or "Thorofare", and which is further described as follows:

That body of water which lies between the southernmost end of Upper Priest Lake and that point whereat said waterway intersects that line which forms the eastern boundary of Section 9, and [the] western boundary of Section 10, Township 62 North, Range 4 West, Boise Meridian.

B. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

3-203: WATERSKIING PROHIBITED IN "THOROUGHFARE" AND UPPER PRIEST LAKE:

A. At no time shall any person or persons engage in waterskiing in any manner whatever in or upon the waters of the waterway described in section 3-201 of this chapter, or in or upon the body of water known as Upper Priest Lake.

B. A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

CHAPTER 3

GAMLIN (GAMBLE) LAKE

SECTION:

3-300: Purpose

3-301: Certain Watercraft Prohibited

3-300: PURPOSE:

It is the finding of the board of commissioners of Bonner County that the enjoyment of certain small lakes located within the county depends upon maintenance of the appropriate scale of watercraft on such lakes in order that recreational pursuits such as fishing and other quiet water related activities can be enjoyed by the public. (Ord. 552, 5-3-2016)

3-301: CERTAIN WATERCRAFT PROHIBITED:

A. It is hereby unlawful to operate a watercraft of any type powered by an engine with a manufacturer's rating of greater than ten (10) horsepower on Gamlin (Gamble) Lake, located in Sections 6 and 7, Township 56 North, Range 1 East, of the Boise Meridian, Bonner County, Idaho.

B. Operation of any jet ski or other personal watercraft of similar design on Gamlin (Gamble) Lake is hereby prohibited. (Ord. 552, 5-3-2016)

CHAPTER 4

SHEPHERDS LAKE

SECTION:

3-400: Purpose

3-401: Certain Watercraft Prohibited

3-400: PURPOSE:

It is the finding of the board of commissioners of Bonner County that the enjoyment of certain small lakes located within the county depends upon maintenance of the appropriate scale of watercraft on such lakes for the preservation of water quality and wildlife and for the purpose of enjoyment of fishing and other quiet water related activities. (Ord. 552, 5-3-2016)

3-401: CERTAIN WATERCRAFT PROHIBITED:

A. It is hereby unlawful to operate a watercraft powered by any engine or motor, other than an electric motor, on Shepherds Lake, located in Sections 23, 24, and 26, Township 56 North, Range 2 West, Bonner County, Idaho.

B. Operation of any jet ski or other personal watercraft of similar design on Shepherds Lake is hereby prohibited. (Ord. 552, 5-3-2016)

CHAPTER 5

KELSO LAKE

SECTION:

3-501: Purpose

3-502: Certain Watercraft Prohibited

3-501: PURPOSE:

It is the finding of the board of commissioners of Bonner County that the enjoyment of certain small lakes located within the county depends upon maintenance of the appropriate scale of watercraft on such lakes for the preservation of water quality and wildlife and for the purpose of enjoyment of fishing and other quiet water related activities. (Ord. 552, 5-3-2016)

3-502: CERTAIN WATERCRAFT PROHIBITED:

It is hereby unlawful to operate a watercraft powered by any engine or motor, other than an electric motor, on Kelso Lake, located in Sections 21 and 22, Township 54N, Range 3W, Bonner County, Idaho. Operation of any jet ski or other personal watercraft of similar design on Kelso Lake is hereby prohibited. (Ord. 552, 5-3-2016)

CHAPTER 6

ALBENI FALLS DAM AND CABINET GORGE DAM

SECTION:

3-601: Restricted Zones

3-602: Violations

3-601: RESTRICTED ZONES:

That area of the Pend Oreille River extending from Albeni Falls Dam downriver to a distance of one thousand feet (1,000'), that area of the Pend Oreille River extending from Albeni Falls Dam upriver to a line fifty feet (50') upstream of the Burlington Northern-Santa Fe Railroad Bridge (bridge number 249), that area of the Clark Fork River extending from Cabinet Gorge Dam downriver to a distance of one thousand three hundred feet (1,300'), and that area of the Clark Fork River extending from Cabinet Gorge Dam upriver to the boater safety cable, a distance of one thousand feet (1,000'), as indicated by warning signs, are designated as restricted zones, or specifically "No Watercraft Zones" and "No Swimming Zones". (Ord. 552, 5-3-2016)

3-602: VIOLATIONS:

It shall be unlawful to operate a vessel, or to swim within either of the restricted zones, as set forth in this chapter, in a manner that is contrary to the restrictions as set forth in the ordinance passed by the Bonner County board of commissioners. (Ord. 552, 5-3-2016)

CHAPTER 7

PACK RIVER

SECTION:

3-701: Restrictions

3-701: RESTRICTIONS:

A. The area of the Pack River Flats extending from the State Highway 200 Bridge, over the Pack River, downstream to the Burlington Northern Santa Fe Railway Bridge, is designated as a no wake zone where speed is limited to no more than five (5) miles per hour, which shall extend from shoreline to opposite shoreline, encompassing all the water area between.

B. The Pack River upstream of the Highway 200 Bridge is designated a nonmotorized vessel zone, which shall extend from shoreline to opposite shoreline, encompassing all the water area between.

C. Further, this chapter shall not apply to activities authorized by or undertaken by the Idaho department of fish and game, the United States army corps of engineers, or by the Bonner County sheriff's office in the performance of its official business or to emergency response activities.

A violation of this section shall constitute an infraction. (Ord. 552, 5-3-2016)

TITLE 4

EMERGENCY MANAGEMENT

CHAPTER 1

GENERAL PROVISIONS

SECTION:

4-101: Establishment Of Emergency Management Department

4-102: Coordinator; Appointment And Duties

4-110: Declaration Of Emergency

4-120: Departments And Services Made Available In Emergency

4-101: ESTABLISHMENT OF EMERGENCY MANAGEMENT DEPARTMENT:

The Bonner County disaster services/civil defense department shall hereafter be known as the Bonner County emergency management department. The emergency management department shall be responsible for the necessary coordination and control of emergency preparedness operations as may be necessary from time to time, with guidance from the latest edition of the Bonner County "emergency operations plan". (Ord. 274, 3-3-1995)

4-102: COORDINATOR; APPOINTMENT AND DUTIES:

The emergency management department shall be administered by a coordinator, appointed by the board of county commissioners. The coordinator shall be responsible for the administration and coordination of the emergency management organization, updating and revising the Bonner County "emergency operations plan", subject to the direction and control of the board of county commissioners. (Ord. 274, 3-3-1995)

4-110: DECLARATION OF EMERGENCY:

The chairperson of the board of county commissioners may declare local disaster emergencies. Such declaration and any subsequent renewal of such declaration shall not exceed seven (7) days' duration each, except with the consent of the board of county commissioners. Such declaration of emergency shall be made and maintained in compliance with the requirements of Idaho Code section 46-1011. (Ord. 274, 3-3-1995)

4-120: DEPARTMENTS AND SERVICES MADE AVAILABLE IN EMERGENCY:

All departments and services of Bonner County, including resources of any nature, shall be assigned and made available, as required during emergencies, to carry out the mission and objectives of the plan and programs of the emergency management organization. (Ord. 274, 3-3-1995)

CHAPTER 2
EMERGENCY MEDICAL SERVICES

SECTION:

4-201: Authority

4-202: Definitions

4-203: General Provisions

4-204: Bonner County Medical Director And Medical Control

4-205: Bonner County Advisory Council

4-206: Fees

4-207: Master Agreement

4-208: Chapter Provisions

4-201: AUTHORITY:

A. The provision of ambulance service is a governmental function; the board of county commissioners of Bonner County has determined that regulation of emergency medical services within Bonner County is necessary to provide reasonable, adequate and professional services to the citizens and visitors of Bonner County; and

B. The board of county commissioners of Bonner County is authorized to establish ambulance service under Idaho Code title 31, chapter 39, and pursuant to the authority granted by the Idaho constitution article 12, section 2; Idaho Code title 31, Idaho Code sections 31-714, 31-828 and 31-866. This authority is subject to the provisions contained in Idaho Code sections 56-1011 through 56-1018B, and any valid regulations enacted pursuant thereto. Through these grants of authority, the board of county commissioners, in its capacity as the governing board of the Bonner County ambulance service district, has the authority to establish a Bonner County emergency medical services (hereinafter referred to as BCEMS) department, to administer, oversee and regulate the provision of emergency medical services by service providers within Bonner County; to assist service providers by levying taxes and supplying funds as are necessary and available to enable provision of such essential services; and, to provide for safety and promote the health and welfare of the citizens of, and visitors to, Bonner County by whatever additional means the board of county commissioners may deem appropriate.

C. There is hereby established under the board of county commissioners (hereinafter referred to as the board) a department known as Bonner County emergency medical services (hereinafter referred to as BCEMS). (Ord. 456, 1-11-2005)

4-202: DEFINITIONS:

AGENCY: Any individual, firm, partnership, public or private association, public entity, or public or private corporation, which offers or provides prehospital emergency medical services, out of hospital medical care or health related transportation services to the public.

EMERGENCY MEDICAL SERVICE(S) OR EMS: Direct patient care provided by nontransport or transport agencies or service providers to any person experiencing a medical emergency, and direct patient care provided for out of hospital medical transport services. Expressly excluded from the definition are the operation of medical offices by licensed physicians and the operation of licensed healthcare facilities.

SERVICE PROVIDER(S): Any individual, firm, partnership, public or private association, public entity, or public or private corporation, that is properly licensed, assents to a master agreement and provides EMS in Bonner County under the jurisdiction of this chapter. (Ord. 456, 1-11-2005)

4-203: GENERAL PROVISIONS:

A. The board will establish and adopt rules and regulations for all emergency medical services in Bonner County, and such rules and regulations, or amendments thereto, as adopted shall be considered a part of this chapter and shall be enforceable as if included fully herein.

B. These rules and regulations shall include, but not limited to:

1. The certification/licensing, by BCEMS, of all EMS providers within the county.
2. The classification and clinical capabilities required of all EMS providers by the Idaho department of health and welfare and this chapter.
3. The requirement for twenty four (24) hour/seven (7) day service by all EMS providers.

4. The establishment of defined primary response areas for each service provider.

5. A system for response and treatment data collection from service providers.

C. The board shall cause certain policies to be developed and implemented as necessary to provide direction and focus to the service providers, and a mutual aid system that ensures the availability of services to all of Bonner County.

D. The board may enter into agreements with other counties and/or service providers within and outside the state of Idaho concerning intercounty and interstate provision of services, including, but not limited to, the method by which intercounty or interstate services may be provided, service areas and payments between counties to equitably compensate counties and service providers for the provision of intercounty or interstate services.

E. Service providers rendering emergency medical care to a patient at the scene of an emergency to which they have been dispatched or summoned shall be deemed to have complete medical authority, to their level of certification, until the patient is released to another appropriate level of service provider or treatment facility. This section is intended to apply only to EMS and shall not affect authority at the scene of an emergency concerning law enforcement, fire suppression, or other nonEMS activities undertaken by legally responsible public agencies.

F. It shall be unlawful for any person, either as owner, agent or otherwise, to furnish, operate, conduct, maintain, advertise or otherwise engage in or profess to be engaged in the business or service of providing emergency care or the transportation of patients upon the streets, alleys or any public or private way or place of Bonner County, unless they are in compliance with this chapter, Idaho Code and IDAPA rules.

G. Failure of an agency or service provider to comply with, to maintain compliance with, or an agency or service provider which violates any applicable provisions, standards or requirements of this chapter, or any regulation or policy promulgated hereunder, or any other applicable federal or state laws or state administrative rules, shall be grounds to deny, suspend, revoke or terminate an agency's or service provider's participation as a service provider in Bonner County. Should the board suspend, revoke, deny or terminate any agency's or service provider's participation, the board will make immediate written notification to the state of Idaho, and any other state where the agency may be licensed, indicating the date of the action and the reason for the action. Further, the agency or service provider that is suspended, revoked, denied or terminated will immediately cease EMS operations in Bonner County. (Ord. 456, 1-11-2005)

4-204: BONNER COUNTY MEDICAL DIRECTOR AND MEDICAL CONTROL:

A. The board may, by written agreement, contract with an Idaho licensed physician according to the requirements of Idaho Code and IDAPA rules, whose title shall be the Bonner County medical director, and who will be the medical director for all service providers.

B. The agreement shall describe the duties and function of the medical director, including, but not limited to, quality control and service improvement, training, standards of care, development of standing written orders or protocols, medical review, emergency medical dispatch, medical direction, on line and off line medical control, and such other activities and services as are deemed appropriate by the board.

C. Until a medical director is provided by BCEMS pursuant to this section, each agency or service provider licensed by Bonner County under this chapter will utilize a medical director who is a "qualified physician", as defined in Idaho Code or IDAPA rules. (Ord. 456, 1-11-2005)

4-205: BONNER COUNTY ADVISORY COUNCIL:

The board shall establish an advisory council of no less than five (5) members, to be known as the Bonner County emergency medical services advisory council, whose primary functions shall be advisory to BCEMS and the board on matters pertaining to the provision of services within the county. (Ord. 456, 1-11-2005)

4-206: FEES:

A. Fees for emergency medical transport services rendered to patients may include, but are not limited to, treatment, transportation to a hospital or other treatment facility, and supplies used in the course of such treatment and/or transportation. Fees for service in Bonner County shall be charged according to fee schedules approved by the board.

B. The board shall comply with the requirements of Idaho Code section 63-1311A, including the requirement to hold a public hearing, prior to approval of any proposed fees whenever any new fee is to be charged or whenever any fee is to be increased by five percent (5%) or greater.

C. All such fees may at the direction of the board, be collected, accounted for and paid to the county treasurer for deposit in the ambulance district fund, and shall be used to pay expenses as incurred in the maintenance and operation of ambulance service.

D. Bonner County shall assess, collect, budget and manage the county ambulance district tax levy and any monies received directly by Bonner County from any state, federal or other source. (Ord. 456, 1-11-2005)

4-207: MASTER AGREEMENT:

Service providers and their relationship to BCEMS shall be governed by a master agreement authorized by the board and signed by all service providers who desire to participate as a contracting party and which assent to the terms of the master agreement. The board may also enter into separate agreements with other service providers for the provision of services on such terms as are mutually agreeable. If no master agreement is in force at any time, the provisions of the previous master agreement shall govern, except as may otherwise be agreed to by the contracting parties. (Ord. 456, 1-11-2005)

4-208: CHAPTER PROVISIONS:

A. If any section, subsection, sentence, clause, phrase or portion of this chapter is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.

B. The adoption of this chapter shall not in any manner affect the prosecution for violation of any other ordinance of Bonner County. This chapter shall not be construed as a waiver of any license or penalty due under any other ordinance or in any manner affect the validity of any action heretofore taken by the Bonner County board of commissioners.

C. Any person violating, or failing to comply with, any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not exceeding three hundred dollars (\$300.00) or be imprisoned for a period not exceeding sixty (60) days, or be both so fined and imprisoned for each offense. Each day that any violation of or failure to comply with this chapter is committed or permitted to continue shall constitute a separate and distinct offense under this section and shall be punishable as such hereunder; provided, however, that the court may, in appropriate cases, stay the accumulation of penalties. (Ord. 456, 1-11-2005)

TITLE 5

USES OF COUNTY PROPERTY

CHAPTER 1

RECEIVING WORKS OF PUBLIC ART

SECTION:

5-101: Procedure For Receipt And Display Of Public Art On County Property

5-101: PROCEDURE FOR RECEIPT AND DISPLAY OF PUBLIC ART ON COUNTY PROPERTY:

A. All requests to give or bequeath works of art to Bonner County shall be reviewed by, and if deemed appropriate, approved by the Bonner County board of commissioners. The term "works of art", as used in this section shall comprise paintings, mural decorations, stained glass, statues, or other sculptures, monuments, fountains, arches or structures of a permanent or temporary character intended for ornament or commemoration.

B. No existing work of art in the possession of Bonner County shall be removed, relocated or altered in any way without the written approval of the Bonner County board of commissioners.

C. All requests to give or bequeath works of art to Bonner County shall be made in writing to the Bonner County board of commissioners, to include accompanying plans, photographs, prototypical drawings and a written description stating the purpose or theme the work of art is to convey. The board will consider the aesthetics and aesthetic quality of any such submitted work of art and the work of art must advance a public interest. Any work of art failing to meet this standard shall be rejected.

D. The Bonner County board of commissioners will consider submitted requests at the board's regular business meeting.

E. The location and display of any accepted work of art is at the sole discretion of the board. (Ord. 407, 5-31-2001)

CHAPTER 2

BONNER PARK WEST

SECTION:

5-201: Bonner Park West Described

5-202: Rules For Bonner Park West

5-210: Violations And Penalties

5-201: BONNER PARK WEST DESCRIBED:

The rules and regulations of this chapter shall be for that parcel of land particularly described in ordinance 414, of Bonner County, Idaho, effective on September 1, 2001, and commonly known as "Bonner Park West". (Ord. 414, 9-1-2001)

5-202: RULES FOR BONNER PARK WEST:

Bonner park west shall be subject to the following rules and regulations:

A. No animal shall be permitted in the park, except on leash, tethered, tied or restrained in a vehicle.

B. There shall be no overnight camping anywhere within the park, including, but not limited to, recreational vehicles, motor vehicles, boats, or any other type of facility, contrivance, tent, camper, trailer or other vehicle.

C. The park shall be closed from sunset to sunrise, during which time no person or persons shall be allowed in the park, nor shall there be any vehicular traffic, other than that specifically for the purpose and intent of active boat launching or removal.

D. No boats or water vehicles of any description shall be docked or parked overnight at the beach or launch area, but may be trailered and parked overnight in the parking lot.

E. All glass containers, including, but not limited to, beverage containers, drinking glasses and water jugs, are prohibited within the park outside of the confines of a motor vehicle.

F. The discharge of fireworks and firearms within the park area shall be prohibited at all times. The discharge of fireworks on the beach area shall be allowed in compliance with the applicable sections of Idaho Code.

G. There shall be no open burning, except in those areas designated and equipped for cooking fires.

H. Any person, corporation or association wishing to conduct any commercial activity soliciting crowds at the park shall first apply for and obtain a permit for such activity from the board of county commissioners.

I. There shall be no swimming allowed in the boat launch area, and those persons swimming in the swim area shall be prohibited from engaging in dangerous play on the docks surrounding the area.

J. Bicycles shall be prohibited within the park, unless secured at the designated bike rack. No bicycles shall be ridden within the park area or on the docks. (Ord. 414, 9-1-2001)

5-210: VIOLATIONS AND PENALTIES:

Any violation of this chapter and the regulations herein is declared to be a misdemeanor and punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment. (Ord. 414, 9-1-2001)

CHAPTER 3

GARFIELD BAY RECREATION AREA

SECTION:

5-300: Legal Description

5-310: Administration

5-320: Definitions

5-330: Recreation Area General Regulations

5-340: Boat Launch And Parking Area

5-350: Picnic And Lawn Area

5-360: Beach Area

5-370: Roadside Parking On Garfield Bay Road Right Of Way

5-380: Campground Area

5-390: Penalties

5-300: LEGAL DESCRIPTION:

The Garfield Bay recreation area shall be the parcel as shown on the interactive Bonner County mapping application. (Ord. 553, 5-24-2016)

5-310: ADMINISTRATION:

The recreation area is operated by Bonner County under a license from Idaho department of fish and game and administered by the department of parks and waterways. This area is administered for free public use of the day use area and the fees charged for use of the campground facilities shall be set by the county commissioners. (Ord. 553, 5-24-2016)

5-320: DEFINITIONS:

CAMP HOST: That person employed or contracted by Bonner County to supervise campground, collect fees and assist campers as needed.

CAMPING: Considered any overnight stay in, but not limited to, recreational vehicles, motor vehicles, boats, trailers, or any type of contrivance, tent, camper or other vehicle.

CAMPING FEES: Those costs assigned to use the Garfield Bay Campground as set by the county commissioners.

DAY USE AREA: The area from the Garfield Bay Road into the lake consisting of the boat launch ramps and docks, jetty, parking lot, picnic area, and the beach.

FIREWORKS: Considered any combustible or explosive composition prepared for the purpose of producing a visible or audible effect as defined in Idaho statutes.

GARFIELD BAY RECREATION AREA: The entire parcel of land in Garfield Bay owned by Idaho department of fish and game and managed by Bonner County.

OFF ROAD VEHICLE: Includes all all-terrain vehicles (ATVs), motorbikes, motorcycles, specialty off highway vehicles, and utility type vehicles.

PERSONAL POSSESSIONS: Any of the incidental items used in outdoor and water recreation including, but not limited to, towels, chairs, lounges, coolers, picnic supplies, barbecues, air mattresses, flotation devices, sunshades and canopies.

PETS: Considered those domesticated animals traveling with their owners within the passenger areas of their vehicle.

QUIET TIME: The time between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. when users are restricted from any production of noise that may be disturbing to other campers, including generators, loud music, and voices.

TOW AWAY ZONE: Those areas properly posted with notices compliant with Idaho Code 49-1806.

VEHICLE: Any device in which any person may be transported upon a highway or road. (Ord. 553, 5-24-2016)

5-330: RECREATION AREA GENERAL REGULATIONS:

A. Allowed:

1. Pets shall be permitted in the park on a leash, tethered, tied, or restrained in a vehicle. Owners shall pick up and properly dispose of all waste created by their pets.

2. The boat launch ramps and parking, the picnic area and the beach area all are free for public use as day use areas.

3. Commercial activity can only be conducted with approval by the parks director and the board of county commissioners.

B. Prohibitions:

1. Pets shall not be left unattended or allowed to become an annoyance to other visitors.

2. The discharge of firearms is prohibited.

3. There shall be no open burning except in those areas designated and equipped for cooking fires.

4. There shall be no personal possessions left overnight in the day use area.

5. There shall be no overnight camping in the day use area. (Ord. 553, 5-24-2016)

5-340: BOAT LAUNCH AND PARKING AREA:

A. Prohibitions:

1. No boat, vessel or watercraft may be left unattended for any period of time, nor moored at the docks or on the beach of the boat launch area. (Ord. 553, 5-24-2016)

5-350: PICNIC AND LAWN AREA:

A. Picnic area is the lawn area with tables and fireboxes for general public use on a first come, first serve basis, but open equally for all to use.

1. Prohibitions:

a. Visitors using the area may not prevent others from using the area around them. (Ord. 553, 5-24-2016)

5-360: BEACH AREA:

A. Beach area is that shoreline east of the jetty to the property's edge.

1. Prohibitions:

a. All glass containers, including, but not limited to, beverage containers, drinking glasses and water jugs, are prohibited within the beach area. (Ord. 553, 5-24-2016)

5-370: ROADSIDE PARKING ON GARFIELD BAY ROAD RIGHT OF WAY:

A. Allowed:

1. South (shore) side: Parking is permitted in right of way.

B. Prohibitions:

1. North (upland) side: Parking is prohibited in northern right of way. The northern right of way becomes a tow away zone when so posted with proper notification. (Ord. 553, 5-24-2016)

5-380: CAMPGROUND AREA:

A. Allowed:

1. Reservations can be made with the parks department or with the camp host.

2. One vehicle per campsite is included in camping fee and extra vehicles will be charged a daily fee.

B. Prohibitions:

1. Guests must not spend a night at any campsite without filling out a registration envelope and paying the appropriate fees.

2. Guests are allowed a maximum stay of ten (10) consecutive days in one camping spot. (Ord. 553, 5-24-2016)

5-390: PENALTIES:

Unless otherwise provided by law, any person who shall violate any of the provisions of this chapter shall be guilty of an infraction and subjected to a penalty as authorized by Idaho Code section 31-714 as limited by Idaho Code section 18-113A, wherein said penalty shall not exceed three hundred dollars (\$300.00). (Ord. 553, 5-24-2016)

TITLE 6

INITIATIVE AND REFERENDUM

CHAPTER 1

GENERAL

SECTION:

6-101: Purpose

6-102: Initiative, Referendum; Effect

6-110: Petitioners, Petitions; Procedures

6-101: PURPOSE:

To comply with Idaho Code section 31-717, the Bonner County commissioners hereby adopt this title for direct legislation by the people through initiative and referendum. (Ord. 141, 2-4-1980)

6-102: INITIATIVE, REFERENDUM; EFFECT:

A. "Initiative" means the right of the people at an election to propose a county ordinance.

B. "Referendum" means the right of the people at an election to approve or reject an ordinance adopted by the board of county commissioners. (Ord. 282, 5-10-1995)

C. Neither referendum nor initiative shall be available to pass, reject or affect laws, ordinances, acts or measures of Bonner County or the Bonner County commissioners if prohibited by Idaho laws or the Idaho constitution. (Ord. 141, 2-4-1980)

6-110: PETITIONERS, PETITIONS; PROCEDURES:

The qualifications for petitions and petitioners, and the procedures for filing, certification, verification and processing shall be as set forth in Idaho Code. (Ord. 282, 5-10-1995)

CHAPTER 2

FORMS OF PETITION

SECTION:

6-201: Form For Petition

6-202: Verification Of Signatures On Petition

6-210: Certification Of Signatures By Clerk

6-220: Proving Of Signatures (Rep. by Ord. 282, 5-10-1995)

6-230: Violations, Penalties

6-201: FORM FOR PETITION:

A. The following shall be substantially the form for petition for initiatives and referendums:

It is unlawful for any one to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a qualified elector.

INITIATIVE PETITION

TO the Commissioners of Bonner County:

We the undersigned qualified electors of Bonner County, Idaho, respectfully demand that the following proposed county ordinance, to wit: (setting out full text to measure proposed) shall be submitted to the qualified electors of Bonner County of the State of Idaho, for their approval or rejection at the next lawful election date. Each for himself says: I have personally signed this petition; I am a qualified elector of Bonner County, Idaho, and I am registered to vote in the next general election, my residence and post office are correctly written after my name.

Signature

Printed name, residence, street & number, city or post office

(Here follow twenty (20) numbered lines for signatures.)

B. The petition for referendum on any ordinance passed by the Bonner County commissioners shall be in substantially the same form with appropriate title and changes, setting out in full the text of the ordinance of the Bonner County commissioners to be referred to the people for their approval or rejection. (Ord. 282, 5-10-1995)

6-202: VERIFICATION OF SIGNATURES ON PETITION:

Each and every sheet of every initiative or referendum petition containing signatures shall be verified on the face thereof in substantially the following form, by the person who circulated said sheet of said petition, by his or her affidavit thereon, and as a part thereof:

ELECTIONS

STATE OF IDAHO)

) ss.

County of Bonner)

I, _____, being first duly sworn, say: That I am a qualified elector of Bonner County, Idaho, and that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence: I believe that each has stated his or her name, post office address and residence correctly, that each signer is a qualified elector of the Bonner county, Idaho, and is registered to vote at the next general election.

Signed _____

Post office address _____

Subscribed and sworn before me this ___day of ____, 20__.

(SEAL) _____

Notary Public-State of Idaho

Residing at: _____

(Ord. 282, 5-10-1995)

6-210: CERTIFICATION OF SIGNATURES BY CLERK:

In addition to said affidavit, the county clerk of Bonner County shall carefully examine said petitions and shall attach to the sheets of said petition containing such signatures a certificate substantially as follows:

STATE OF IDAHO)

) ss.

County of Bonner)

I, _____, Clerk of Bonner County, hereby certify that (number) signatures on this petition are those of qualified electors.

(SEAL OF OFFICE) (SIGNED) _____

By: _____

Deputy

(Ord. 282, 5-10-1995)

6-220: PROVING OF SIGNATURES:

(Rep. by Ord. 282, 5-10-1995)

6-230: VIOLATIONS, PENALTIES:

A. It shall be unlawful for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition in the full knowledge that he is not a qualified elector.

B. It shall be unlawful for any person to make any false affidavit concerning any petition in this title, or to leave a petition unattended for the purpose of gathering signatures.

C. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, punishable as set forth in Idaho Code. (Ord. 282, 5-10-1995)

TITLE 7

SOLID WASTE COLLECTION AND DISPOSAL

CHAPTER 1

GENERAL

SECTION:

7-100: Definitions

7-101: Authority; Purpose

7-110: Reserved

7-150: Powers And Duties Of Board

7-160: Municipal Solid Waste Collection Systems

7-100: DEFINITIONS:

For the purposes of this title, the following terms shall have the meaning:

APPROVED DISPOSAL SITE: Any county operated dumpster station, any landfill site operated by Bonner County, and any privately operated landfill site approved as such by the Panhandle health district and the Idaho department of health and welfare.

BULKY WASTE: That waste which is characterized by an extraordinary volume to weight ratio making handling at a landfill facility inconvenient or wasteful of disposal space.

COMMERCIAL ESTABLISHMENT: Any land use, other than a single- or two-family residence, or "agricultural unit", as defined by Idaho law.

COMMERCIAL SOLID WASTE HAULER: Any person who collects, hauls or transports solid waste on any highway or county road for business or profit or remuneration.

DISPOSAL: The act or process of final placement, distribution or arrangement in an orderly manner of solid waste so as to deal with it conclusively in compliance with Idaho Code and rules and regulations relating to solid waste.

MUNICIPAL SOLID WASTE: Solid waste which is of a kind and type usually produced by normal household activity, exclusive of industrial waste or byproducts.

RESOLUTION: Any motion, written motion or other action taken by the board of county commissioners at an official meeting of the board.

SOLID WASTE: All solid material that is considered to be useless, unwanted or discarded by any person in possession of it. This includes, but is not restricted to, garbage, trash, rubbish and construction waste.

SYSTEM: As defined in Idaho Code section 31-4401. (Ord. 146, 6-15-1981; amd. Ord. 212, 1-9-1992; Ord. 238, 3-28-1994)

7-101: AUTHORITY; PURPOSE:

A. This title is adopted pursuant to authority granted by Idaho Code title 31, chapter 44.

B. It is the purpose of this title to institute within the Bonner County, a functional solid waste collection and disposal system, a system to fund its operation, and, in the course of doing so, to provide for protection of the public health, safety, welfare and the environment. (Ord. 212, 1-9-1992)

7-110: RESERVED:

7-150: POWERS AND DUTIES OF BOARD:

A. Through this title, Bonner County (hereinafter referred to as the "county"), exercises its governmental powers and duties as set forth in Idaho Code title 31, chapter 44, to the extent that said duties are not carried out by an incorporated city within the county.

B. The Bonner County board of commissioners are hereby identified as the party responsible for administration of the Bonner County solid waste disposal system. The board may assign its administrative duties to such staff assistants as it may choose to assist it in performance of these responsibilities.

C. The board of county commissioners shall have the authority to establish rules and policies regarding the collection, disposal, transportation, ownership, separation and generation of solid waste within Bonner County. The board may also establish rates and charges for solid waste system use and availability, levy taxes to support system costs as necessary, or implement any revenue option to support the system of solid waste disposal which may be authorized by law.

D. Collection and disposal rates shall be subject to the jurisdiction of the county commissioners. Should a mutually agreed upon collection rate not be resolved between the commercial hauler and any commercial establishment, the county commissioners shall decide the proper rate. (Ord. 212, 1-9-1992)

7-160: MUNICIPAL SOLID WASTE COLLECTION SYSTEMS:

Any incorporated city in Bonner County may exercise its authority pursuant to Idaho Code title 31, chapter 44, to operate a complete solid waste disposal system for its residents to the exclusion of the system operated by Bonner County. If any city elects to carry out these duties, independent from the county system, it shall notify Bonner County at least six (6) months prior to the beginning of a county fiscal year. Upon such notification, residents of said city shall not be charged any disposal system user fees for the period of operation of the solid waste disposal system by any city providing such notification. Cities providing or requiring mandatory solid waste collection service within their limits shall inform the county at least six (6) months before the beginning of any fiscal year in order that disposal fees may be set appropriate for the level of service to be provided. (Ord. 212, 1-9-1992)

CHAPTER 2

COLLECTION AND DISPOSAL OF SOLID WASTE

SECTION:

7-201: Private Residences

7-202: Commercial Establishments And Public Entities

7-210: Collection; Use Of County Collection Sites

7-211: Containers

7-220: Hauling

7-221: Types Of Trucks For Hauling

7-230: Storage

7-240: Disposal

7-201: PRIVATE RESIDENCES:

A. The collection system for county private household residences shall consist of a bulk containerized system, a bulk containerized and house to house collection system, a house to house collection system, or whatever the board of county commissioners deems to be the most appropriate method of collection of solid waste.

B. Mobile homes are treated as single-family residences. (Ord. 212, 1-9-1992)

7-202: COMMERCIAL ESTABLISHMENTS AND PUBLIC ENTITIES:

A county approved solid waste disposal and collection system must be used by all commercial and public entities. All commercial and public establishments in Bonner County, including, but not limited to, motels, hotels, resorts, automobile repair garages, churches, schools, office buildings, recreational vehicle parks, restaurants, campgrounds, bars, taverns, grocery stores, gas stations, retail stores and commercial buildings shall have their municipal solid waste collected by an authorized commercial hauler. The frequency of collection for commercial and public establishments shall be such that a public health hazard or nuisance does not result. (Ord. 212, 1-9-1992)

7-210: COLLECTION; USE OF COUNTY COLLECTION SITES:

A. The authorized collection system must be utilized for all municipal solid waste that is not considered a "post consumer product".

B. Any county established containerized collection site (drop box) is deemed a collection component of the solid waste disposal system. Any solid waste to be deposited at the bulk containerized sites shall be placed in the provided containers.

C. Collection sites and containers are only for use by private household residents.

D. No brush, yard waste, household appliances or household furnishings in excess of five (5) cubic feet total volume, or construction waste, shall be deposited into the dumpsters located at a county operated collection site. All such items, and other materials of similar character too large or too heavy to fit into the provided containers at a collection site, must be transported to the designated waste disposal site whose location is identified at the collection location. (Ord. 212, 1-9-1992)

7-211: CONTAINERS:

Those users requiring mandatory collection shall provide a sufficient number of containers to contain all waste materials generated during periods between regularly scheduled collection or removal as may be necessary. (Ord. 212, 1-9-1992)

7-220: HAULING:

Any person hauling solid waste to a collection or disposal site must prevent littering, spilling, leaking or dripping upon county roads. (Ord. 212, 1-9-1992)

7-221: TYPES OF TRUCKS FOR HAULING:

All commercial solid waste trucks will be of a type suitable for the collection of garbage, modern, sanitary, clean, in good repair and of leak proof construction, and no "open" type trucks will be used in hauling putrescible waste. Open type trucks may be used for bulk type hauls, providing a tarp or canvas is used to cover the load to keep materials from blowing off. (Ord. 212, 1-9-1992)

7-230: STORAGE:

All solid waste awaiting collection shall be securely contained within a sanitary container or hauler provided bin to avoid scattering or spreading by wind or animals. (Ord. 212, 1-9-1992)

7-240: DISPOSAL:

A. All solid waste and refuse shall be disposed of at a location approved by the Panhandle health district, and designated by the county therefor, or under provisions of Idaho Code section 31-4404. (Ord. 146, 6-15-1981)

B. All commercial solid waste transported or collected, except postcollection hauling by contract with the county, shall be hauled to a county approved disposal site. (Ord. 212, 1-9-1992)

CHAPTER 3

FUNDING AND FEES

SECTION:

7-301: Funding; Failure To Pay Fees

7-302: Residential Fees

7-307: Reporting And Billing Requirements

7-308: Estimates By Commercial Establishments

7-310: Establishment Of Fees, Billing System

7-311: Funding Collection And Disposal Of Residential Solid Waste

7-312: Solid Waste Fee Waiver

7-301: FUNDING; FAILURE TO PAY FEES:

Users of the Bonner County disposal system shall be responsible for paying the full costs of its operation. Potential system users who do not pay the requisite fees or charges shall not be allowed to use the county solid waste disposal system. (Ord. 212, 1-9-1992)

7-302: RESIDENTIAL FEES:

Residences ready for or capable of occupancy shall be obligated to pay the required fees. (Ord. 212, 1-9-1992)

7-307: REPORTING AND BILLING REQUIREMENTS:

A. Any city operating its solid waste collection system or any commercial hauler operating within Bonner County shall comply with the reporting and billing requirements established by this title or by resolution of the board of commissioners. Any city or commercial hauler failing to comply with said requirements shall be excluded from use of the county waste disposal system and shall thereafter be responsible for disposal of collected solid waste in accordance with this title and applicable provisions of state and federal law.

B. Each city or commercial hauler shall report to the county, on a monthly basis, the volume, capacity and frequency of solid waste collection from all commercial operations within their jurisdiction or served by them respectively. Each commercial hauler operating within the county shall bill and collect established solid waste disposal charges, subject to allowance by the county of an administrative fee established by resolution. In the alternative, the county is hereby authorized to charge the commercial hauler a like amount, to be billed directly to the hauler. (Ord. 212, 1-9-1992)

7-308: ESTIMATES BY COMMERCIAL ESTABLISHMENTS:

In the absence of an accurate report of waste system capacity at any commercial establishment, waste generation will be estimated based on the type of business or other information which can be discerned about potential solid waste volumes. If any estimate proves to be inaccurate, the establishment or owner may be back billed for services provided, but not paid for. (Ord. 212, 1-9-1992)

7-310: ESTABLISHMENT OF FEES, BILLING SYSTEM:

A. Fees may be established commensurate with the level of service provided. (Ord. 212, 1-9-1992)

B. Each incorporated city shall pay to the county for its share of the disposal and the administrative costs of the county. The cost paid to the county by the city shall be the amount of money determined by multiplying the total cost of all disposal and administration by the percentage of the total Bonner County population residing in the city. The county shall collect or charge no fee to any resident of a city that has mandatory collection. (Ord. 146, 6-15-1981)

C. The county may establish rates and charges on a rational basis, by resolution of the board, as it finds such charges to be appropriate and necessary to fund total disposal system costs. Said disposal charges may be established for both residential and commercial uses throughout the county.

D. All solid waste contracts let by public agencies or governmental entities, i.e., U.S. forest service, transportation department, state lands, fish and game, army corps of engineers, school districts and others, shall include a disposal charge payable to the county equivalent to the rates charged to other commercial system users.

E. Rates and charges for system use may be based upon any rational fee system established by the board of commissioners. Billing may be by statement to the user or owner of the property served, through the billing system of an authorized commercial hauler, or by such other method deemed appropriate by resolution of the board of commissioners. The billing system may set fees based upon any measure of system use deemed reliable by the board of county commissioners. (Ord. 212, 1-9-1992)

7-311: FUNDING COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE:

The financing of such collection and disposal shall be by any of the methods authorized by Idaho Code section 31-4404. Fees and charges may be established by resolution of the board of commissioners. (Ord. 212, 1-9-1992)

7-312: SOLID WASTE FEE WAIVER:

A. Declaration Of Policy And Purpose: It is the purpose of this section to institute within Bonner County, a functional policy setting forth the criteria by which a group or entity qualifies for a waiver of solid waste fees.

B. Definitions:

AGENCY: A department or service unit of the state or political subdivision, municipality or highway district.

APPROVED DISPOSAL SITE: Any county operated dumpster station, any landfill site operated by Bonner County, and any privately operated landfill site approved as such by the Panhandle health district and the Idaho department of health and welfare.

COMMERCIAL SOLID WASTE HAULER: Any person or contractor who collects, hauls or transports solid waste on any highway or county road for business or profit or remuneration.

DISPOSAL: The act of process of final placement, distribution or arrangement in an orderly manner of solid waste so as to deal with it conclusively in compliance with Idaho Code and rules and regulations relating to solid waste.

GOVERNMENT: Shall include the state of Idaho and any agency or political subdivision of the state as set forth by Idaho Code.

POLITICAL SUBDIVISION: Shall include any county or city as set forth by Idaho Code.

RESOLUTION: Any motion, written motion or other action taken by the board of county commissioners at an official meeting of the board.

SOLID WASTE: All solid material that is considered to be useless, unwanted or discarded by any person in possession of it. This includes, but is not restricted to, garbage, trash, rubbish and construction waste.

SPECIAL EVENT: A particular activity, such as an annual city cleanup or an Idaho transportation department adopt a road cleanup, which is undertaken by the state of Idaho, its agency, or its political subdivision, for the benefit of the public or for the purpose of providing for protection of the public health, safety, welfare and the environment. These activities will typically be one day or less in duration, though they may encompass a specified number of days.

C. Performance Of Duties And Administration:

1. The Bonner County board of commissioners is hereby identified as the party responsible for administration of the Bonner County solid waste fee waiver ordinance.

2. The Bonner County board of commissioners shall have the authority to establish and administer the policy regarding waiver of solid waste fees as set forth in this section.

D. System Operation Requirements:

1. Under the provisions of this section, state "government" or its "agency" or "political subdivision", as defined in subsection B of this section, may apply to the Bonner County board of commissioners, or their designee, and request a waiver of solid waste fees for a special event. The solid waste generated by or during this special event shall be hauled by the state government, its agency or political subdivision, or by a commercial solid waste hauler for final disposal at an approved disposal site. This hauling and disposal shall be done in accordance with Bonner County solid waste disposal ordinance 212.

2. Waiver of solid waste fees shall not be granted on any basis other than special event.

3. No group or entity other than state government, its agencies, or a political subdivision of the state of Idaho shall be given a waiver of solid waste fees.

4. Any group or entity other than state government, its agencies, or a political subdivision of the state of Idaho who had been granted a waiver of solid waste fees on any basis other than for a special event, shall be allowed to retain that waiver for the period of time specified when the waiver was granted. (Ord. 405, 5-8-2001)

CHAPTER 4

VIOLATIONS, ENFORCEMENT, APPEALS

SECTION:

7-401: Violations

7-410: Enforcement; Liability For Costs

7-411: Appeals

7-420: Penalties

7-401: VIOLATIONS:

A. It shall be a violation of this title to dispose of or abandon solid waste other than in compliance with this title, or with the signs posted at collection site locations.

B. Utilization of the county operated bulk containerized sites by commercial enterprises, their owners or agents, is prohibited.

C. It shall be a violation of this title for any person to dispose of or abandon solid waste at a location other than at a county approved solid waste disposal site, or to dispose of solid waste at county solid waste collection sites outside of the bulk containers provided.

D. Using the system without paying the established charges for such use shall be a violation of this title. (Ord. 212, 1-9-1992)

7-410: ENFORCEMENT; LIABILITY FOR COSTS:

A. The county has the authority to remove solid waste that is disposed of in violation of this title and charge the person responsible for the service provided.

B. The Bonner County prosecuting attorney may cause proceedings to be commenced against violators of the provisions of this title by civil or criminal actions, or both, as may be directed by the Bonner County commissioners.

C. Bonner County may also bring a civil action to abate or enjoin a violation of this title and to collect and enforce payment of any sums of money due to Bonner County by reason of this title or resolutions adopted pursuant thereto, together with reasonable legal fees and court costs. (Ord. 212, 1-9-1992)

7-411: APPEALS:

Any person aggrieved by any levy, assessment, fee, tax notice, action or order of Bonner County may, within ten (10) days thereof, request an informal hearing before the board of county commissioners, which shall take place as soon as possible. A written notice of the final determination shall be sent to the person upon the rendering of the decision. (Ord. 212, 1-9-1992)

7-420: PENALTIES:

Any person in violation of this title shall be guilty of a misdemeanor, and subject to a fine not more than three hundred dollars (\$300.00), and may be imprisoned for a term not to exceed six (6) months, or shall be subject to both such fine and imprisonment. (Ord. 212, 1-9-1992)

TITLE 8

SPECIAL LICENSES

CHAPTER 1

LICENSING FOR PAWNBROKERS

SECTION:

8-101: Definition

8-102: License Required; Posting

8-103: Location Of Pawnshops

8-105: License Application; Deposit; Issuance; Revocation

8-106: License Application; Investigation By County Sheriff

8-108: License; Nonuse, Nontransferable

8-110: Registration Of Employees

8-120: Practices Of Pawnbrokers

8-150: Prohibited Acts; Acts Of Employees

8-190: Violation, Penalty

8-101: DEFINITION:

Any person within the county who loans money on deposits of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledgor or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property into his possession, is hereby declared to be a "pawnbroker". (Ord. 170, 12-23-1986)

8-102: LICENSE REQUIRED; POSTING:

A. It shall be unlawful for any person to conduct or transact a pawnbroker business or pawnshop in the county without first having procured a county license thereof as hereinafter provided. The fee for such license shall be two hundred dollars (\$200.00) per year.

B. It shall be unlawful for any person to conduct or transact a pawnbroker business in the county unless he shall keep posted in a conspicuous place in the place of business the license certificate therefor, and a copy of all ordinances relating to pawnbrokers. (Ord. 170, 12-23-1986)

8-103: LOCATION OF PAWNSHOPS:

No pawnbroker's license shall be issued in any location in which such business is not permitted by the zoning ordinance of the county. (Ord. 170, 12-23-1986)

8-105: LICENSE APPLICATION; DEPOSIT; ISSUANCE; REVOCATION:

A. The application shall state the name of the person, and, in case of a firm or corporation, the names of all of the partners in such firm, or of the directors, officers and stockholders of such corporation; also the place, street and number where such business is to be carried on, and shall specify the amount of capital proposed to be used by the applicant in such business, and shall be signed by at least ten (10) citizens of the county, of good reputation, certifying to the good reputation and moral character of the applicant.

B. At the time of filing such petition, the applicant shall deposit an amount of money equal to at least one-half (1/2) year's, and not more than one year's charge for the license applied for. This sum of money shall be refunded to the applicant, upon demand, in case the license petitioned for shall not be granted.

C. No such license shall be issued to any person, corporation, copartnership or association other than the real and actual proprietor of the business and place of business for which it is issued.

D. The applicant shall file, with the application, a bond running to the county, conditioned for the faithful observance of all provisions of this title respecting pawnbrokers, during the continuance of such license, and any renewal thereof, for not more than one year. This bond shall be in the sum of ten thousand dollars (\$10,000.00), with a corporate surety or two (2) or more individual sureties. To such bond shall be attached a justification to the effect that the sureties are residents within the county and each is worth the amount specified in such bond, over and above all just debts and liabilities, and exclusive of property exempt from execution.

E. The county commissioners may revoke any pawnbroker's license for repeated violations of the provisions of this chapter. Any licensee shall have the opportunity for a hearing before such revocation. (Ord. 170, 12-23-1986)

8-106: LICENSE APPLICATION; INVESTIGATION BY COUNTY SHERIFF:

All applications for pawnbroker's licenses or renewals thereof shall be presented to the county commissioners at a regular meeting thereof. No application shall be acted upon until a recommendation for or against the application is received from the sheriff; provided, that the county commissioners shall not be bound by the sheriff's recommendation. (Ord. 170, 12-23-1986)

8-108: LICENSE; NONUSE, NONTRANSFERABLE:

A. The license issued under this title shall state the name of the person to whom issued, the place of business and street number where such business is located and the amount of capital employed. Such license shall entitle the person receiving it to do business at the place designated in such license.

B. If a pawnbroker shall not conduct said business for a period of ninety (90) days, the license shall be null and void. Pawnbroker's licenses shall not be transferable to any other person, except by a majority vote of the county commissioners, and the filing of an application and a new bond by the person to whom such license is, or may be, transferred or assigned. It shall be unlawful for any person to do business, or attempt to do business, under a license transferred to him without such approval of the county commissioners. (Ord. 170, 12-23-1986)

8-110: REGISTRATION OF EMPLOYEES:

Every employee of a "pawnshop", as hereinafter defined, shall, within thirty (30) days from the effective date hereof, register his name and address with the sheriff's office, and shall have had his thumbprints, fingerprints and photograph taken and filed with the county, and receive a certificate showing compliance therewith. For the purpose of this section, an employee of a pawnshop shall include all persons working in a pawnbroker's shop and any owner, stockholder if the owner is a corporation, partner or other person who receives income in any manner from the operation of said pawnshop. Every person seeking to be registered under the provisions of this section shall first pay to the county the sum of one dollar twenty five cents (\$1.25) as a condition precedent to having issued to him or her a certificate as provided herein. (Ord. 170, 12-23-1986)

8-120: PRACTICES OF PAWNBROKERS:

A. The pawnbroker shall retain in his possession every pledge or pawn fourteen (14) days after the maturity of the loan, or fourteen (14) days after the last payment of interest, or part of the principal, whichever is greater. If the pledgor shall fail or neglect for fourteen (14) days after maturity of the loan, or fourteen (14) days after the last payment of interest, or part of the principal, to redeem the pawned property, the pawnbroker may sell any such property held for redemption; provided, that such property shall have been held for redemption for a period of not less than thirty (30) days from the date of pledge. After a loan is in default, the pawnbroker may refuse to accept any payment less than the entire principal and interest due.

B. Each pawnbroker shall furnish to the pledgor a printed receipt clearly showing the amount loaned with a specific, detailed description of the pledged property pawned or received, date of receipt thereof, time for redemption, the name of the pledgee. The reverse side of said receipt shall be marked in such a manner that the amounts of principal and interest and other charges paid by the person securing the loan can be

clearly designated thereon. Each payment shall be entered upon the reverse side of said receipt and shall designate how much of the payment is being credited to principal, how much to interest, and how much to any other charge, with the date of said payments shown thereon. The pawnbroker shall affix to each article or thing a tag upon which shall be inscribed a number, of legible characters, which shall correspond to the number on the pawn ticket and be entered in the book required to be kept by subsection F of this section. The pawnbroker shall furnish all information required by law to be given to borrowers by state law and federal law. The following information shall be printed on the front or back of each pawn ticket required to be given to the pledgor:

In the event of failure to pay the loan with thirty (30) days from the date hereof, or within fourteen (14) days after maturity, or within fourteen (14) days after payment of any month interest when due, whichever period of time is the greater, you shall thereby forfeit all right and title unto such pledged and pawned property to the pawnbroker who shall thereby acquire an absolute title to the same.

C. Upon redemption of any pledge, the pawnbroker shall furnish to the pledgor at the time of redemption a written signed receipt indicating the exact amount paid on principal and interest in order that said pledgor may have the benefit of said receipt for income tax purposes and other matters. Said written receipt shall be either printed or stamped with the name of the pawnbroker and the address, and shall be legibly written so that the figures thereon are clearly discernible.

D. Every pawnbroker shall prepare and deliver to the pledgor at the time of the pledge a separate pawn ticket for each and every item pledged.

E. Each and every pawnbroker shall post and maintain in a prominent location within the confines of said pawnshop, a printed sign not less than fifteen inches by twenty inches (15" x 20") with clearly discernible red lettering on a white background in not less than two inch (2") size, the following words:

Maximum interest, if any ___percent per month, or \$___service charge.

F. Every pawnbroker shall keep a book in which shall be entered and legibly written in ink, at the time of each loan or receipt of personal property, an accurate account and description of the goods, articles or things pawned, or received, the amount of money loaned or advanced thereon, the number of the pawn ticket given to the pledgor, the time when redeemable, the time, both day and hour, of pawning or receiving such goods, articles or things, and the name, residence, age, sex, and color and description as near as possible of the person pawning or delivering the goods, articles or things. No entry made in such book shall be erased, obliterated or defaced. The book, as well as every article or thing pawned, pledged or deposited, shall at all reasonable times be open to inspection by the sheriff or any officer directed by the sheriff.

G. Every pawnbroker of pawnshop keeper in the county must, before the hour of twelve o'clock (12:00) noon on Monday of each week, deliver to the sheriff, at the sheriff's office, a full, true and detailed copy of all pawn tickets legibly written, setting forth an exact description of each article or thing pawned or received by such pawnbroker or pawnshop keeper during the period since the last such report. Said ticket shall be a full, detailed and correct copy of all entries in the book required to be kept in subsection F of this section. If no article or thing has been pawned or received, a report must be made to that effect.

H. Every pawnbroker licensed under the provisions hereof shall provide a safe place for the keeping of the pledges received by him and shall have sufficient insurance on the property held on pledges, for the benefit of the pledgors, in case of destruction by fire. (Ord. 170, 12-23-1986)

8-150: PROHIBITED ACTS; ACTS OF EMPLOYEES:

A. It is unlawful for any person to use a false name, a fictitious address or any address other than the true address or to furnish any false, untrue or misleading information or statement relating to the information required by any section of this chapter.

B. It shall be unlawful for any pawnbroker, pawnshop keeper, his servant or employee to receive any goods, articles or things in pawn or pledge from a person who is intoxicated, under the influence of drugs, insane or a person under the age of eighteen (18) years.

C. It shall be unlawful for any pawnbroker to employ any clerk or person under the age of eighteen (18) years to receive any pledge or make any loan.

D. It shall be unlawful for any pawnbroker to charge or receive any appraisal fee, storage fee, or any fee or charge other than the amounts specified in this chapter. No charges shall be made for restoring stolen property to its rightful owners.

E. No licensed pawnbroker shall buy, sell or take for pledge, pawn or security, any brass knuckles.

F. The holder of a pawnbroker's license shall be responsible for any and all acts of his employees, and for any violation by them of the provisions of this chapter. (Ord. 170, 12-23-1986)

8-190: VIOLATION, PENALTY:

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. (Ord. 170, 12-23-1986)

CHAPTER 2

RETAIL BEER SALES LICENSES

SECTION:

8-201: License Approval By Board Required

8-205: Application To Board; Approval, Denial

8-207: Proceedings Before Board; Transcribable Record, Minutes

8-201: LICENSE APPROVAL BY BOARD REQUIRED:

Pursuant to Idaho Code section 23-1015, from and after August 29, 1983, no state application for issuance, renewal or transfer shall be granted for retail beer license until approval thereof by the board of county commissioners. (Ord. 156, 8-29-1983)

8-205: APPLICATION TO BOARD; APPROVAL, DENIAL:

A. A copy of the state application shall be submitted to the clerk of the board of county commissioners along with the application for the county license. The applicant shall tender the required fees for the county license and a fee of five dollars (\$5.00) for processing of the state application.

B. Upon submission of such application, the board of county commissioners shall, within a period of thirty (30) days, advise the applicant in writing of its approval or denial.

C. If the application is denied, said notification shall specify:

1. The statutes, ordinances and standards used in evaluating the application;
2. The reasons for denial;
3. The actions, if any, the applicant can take to obtain the license, transfer, or renewal thereof. (Ord. 156, 8-29-1983)

8-207: PROCEEDINGS BEFORE BOARD; TRANSCRIBABLE RECORD, MINUTES:

A. Proceedings before the board of county commissioners shall be recorded by a transcribable verbatim recording of the proceedings, which shall be maintained for a period of six (6) months, unless judicial review is sought as provided by Idaho Code section 23-1015, in which case they shall be preserved until all judicial remedies are exhausted. The applicant, upon written request, and upon payment of the estimated cost, may have the record transcribed within the periods prescribed in this section.

B. The county, in addition to the transcribable record, shall maintain minutes of the meeting to be retained indefinitely, or as otherwise provided by law. (Ord. 156, 8-29-1983)

CHAPTER 3

LIQUOR, WINE AND BEER SALES

SECTION:

8-301: Sales Of Liquor By The Drink

8-302: Sales Of Wine And Beer

8-301: SALES OF LIQUOR BY THE DRINK:

A. From and after July 1, 1986, pursuant to the provisions of Idaho Code section 23-927(2), it shall be lawful for any establishment within the county of Bonner, state of Idaho, duly licensed to sell liquor by the drink on Sundays, Memorial Day, and Thanksgiving.

B. From and after July 1, 1986, pursuant to the provisions of Idaho Code section 23-927(2), it shall be lawful for any establishment within the county of Bonner, state of Idaho, duly licensed to sell liquor by the drink to remain open and dispense alcoholic beverages until two o'clock (2:00) A.M.

C. All other restrictions and prohibitions contained in Idaho Code section 23-927 shall remain in effect and unchanged relative to the sale of liquor by the drink in Bonner County, state of Idaho. (Ord. 169, 6-24-1986)

8-302: SALES OF WINE AND BEER:

From and after July 1, 1987, pursuant to the provisions of Idaho Code section 23-1210(4), it shall be lawful for any establishment within the county of Bonner, state of Idaho, duly licensed to sell beer and wine to remain open and dispense beer and wine until two o'clock (2:00) A.M. (Ord. 178, 7-7-1987)

TITLE 9

SPECIAL ENVIRONMENTAL AND HEALTH

CHAPTER 1

PHOSPHOROUS BAN

SECTION:

9-100: Purpose

9-101: Definitions

9-102: Enforcement

9-103: Household Cleaning Products; Content, Distribution, Labeling

9-150: Exemptions

9-190: Violations, Penalties

9-100: PURPOSE:

It is hereby determined and declared to be necessary and conducive to and for the protection of the health, safety and welfare of the public and inhabitants of Bonner County, Idaho, to ban the commercial sale of household cleaning products containing more than a trace level of phosphorus. (Ord. 187, 4-10-1989)

9-101: DEFINITIONS:

HOUSEHOLD CLEANING PRODUCTS: Shall include, but not be limited to, soaps, detergents, laundry bleaches, laundry additives, and such other products used for domestic or commercial cleaning purposes, including, but not limited to, the cleaning of fabrics, dishes, food utensils, and household and commercial premises.

TRACE QUANTITY: That incidental amount of phosphorus which is not a part of the household cleaning product formulation, and is present only as a consequence of manufacturing, and does not exceed one-half percent (0.5%) of the content of the product by weight expressed as elemental phosphorus. (Ord. 187, 4-10-1989)

9-102: ENFORCEMENT:

The provisions of this chapter shall be enforced by the Bonner County sheriff's department. (Ord. 187, 4-10-1989)

9-103: HOUSEHOLD CLEANING PRODUCTS; CONTENT, DISTRIBUTION, LABELING:

A. No household cleaning product which contains more than a trace quantity of phosphorus shall be sold, offered, distributed or exposed for commercial sale or distribution within Bonner County, Idaho.

B. All household cleaning products commercially sold or distributed in Bonner County, Idaho, shall have affixed thereto labeling which clearly indicates the percent of phosphorus contained in the product to the nearest one-tenth percent ($\frac{1}{10}\%$) accuracy. (Ord. 187, 4-10-1989)

9-150: EXEMPTIONS:

The following products are specifically exempt from the provisions of this title:

A. Existing stocks of household cleaning products; provided however, that such existing stocks shall be exempt for a period of only six (6) months after the effective date hereof.

B. Automatic dishwasher detergents containing eight and seven-tenths percent (8.7%) or less phosphorus by weight, expressed as elemental phosphorus.

C. Those products used for cleaning medical or surgical equipment or supplies in licensed acute care or long term healthcare facilities. (Ord. 187, 4-10-1989)

9-190: VIOLATIONS, PENALTIES:

Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor, and may be sentenced to jail for a period not greater than thirty (30) days, and fined an amount not greater than three hundred dollars (\$300.00), or both such jail sentence and fine. (Ord. 187, 4-10-1989)

CHAPTER 2

EMERGENCY COMMUNICATIONS SYSTEM (911)

SECTION:

9-201: Service Area**9-202: Election To Establish Telephone User Line Fee****9-203: Establishment Of Emergency Communications Board****9-204: Appointment Of Members, Designees, Terms****9-205: Bonner County Board Of Commissioners Appointed As Administrator For 911 System****9-206: Powers And Duties Of Emergency Communications Board****9-207: Agency To Service 911 Calls****9-201: SERVICE AREA:**

The consolidated emergency communications system for Bonner County, Idaho, shall have a service area comprising the whole of Bonner County, including incorporated municipalities. (Ord. 333, 6-12-1997)

9-202: ELECTION TO ESTABLISH TELEPHONE USER LINE FEE:

A. The telephone line user fee of not more than one dollar (\$1.00) per month shall be initiated and maintained in accordance with the election results from the November 1996 general election and in accordance with all applicable provisions of Idaho Code for the purpose of establishing and maintaining the emergency communications system.

B. All providers of wireless telephone service in Bonner County will collect the telephone use fee in the amount of one dollar (\$1.00) per wireless and nonwireless telephone and remit the proceeds on a monthly basis to Bonner County treasurer's office at 215 South First Avenue, Sandpoint, Idaho, 83864. This remittance will occur on the last day of the month following the provider's billing cycle.

C. Pursuant to Idaho Code section 31-4804 and this chapter, wireless and nonwireless telephone providers shall be entitled to deduct and retain three-fourths of one percent (0.75%) of the collected telephone line user fee each month as the cost of administration for collection of the charge. (Ord. 419, 2-15-2002)

9-203: ESTABLISHMENT OF EMERGENCY COMMUNICATIONS BOARD:

There is hereby established an "emergency communications board" (ECB) for Bonner County, Idaho. The membership of the ECB shall be composed of representatives of emergency service providers and citizens of Bonner County who shall be appointed and serve on the ECB pursuant to the terms of this chapter. (Ord. 333, 6-12-1997)

9-204: APPOINTMENT OF MEMBERS, DESIGNEES, TERMS:

A. The membership of the emergency communications board shall be as follows:

1. One seat on the board shall be held by a member representing emergency medical services.
2. One seat on the board shall be held by a member representing fire services.
3. One seat on the board shall be held by a member representing law enforcement.
4. One seat on the board shall be a member representing the citizens of the county (a citizen member).
5. One seat on the board shall be held by a member of the emergency services director for Bonner County.

B. Membership on the board shall be at pleasure of the board of Bonner County commissioners and said members may be removed with or without cause. The citizen member shall serve for a fixed term of four (4) years, except that the initial appointment shall have one member appointed for terms of two (2) years, two (2) members appointed for terms of three (3) years, and two (2) members appointed for terms of four (4) years. (Ord. 419, 2-15-2002)

9-205: BONNER COUNTY BOARD OF COMMISSIONERS APPOINTED AS ADMINISTRATOR FOR 911 SYSTEM:

The Bonner County board of commissioners is hereby designated and appointed as the "administrator" for the 911 system for Bonner County, with the authority to operate the 911 system and receive funds for the operation as set forth in ordinance 333, this chapter and in accordance with the provisions of Idaho Code title 31, chapter 48. The Bonner County board of commissioners as "administrator" for the 911 system shall, in addition to all other statutory duties under Idaho Code title 31, chapter 48, have the ability to appoint committees, approve budgets and expenditures in accordance with the provisions of Idaho Code, and perform such other duties and functions as may be necessary in order to administer the 911 system. (Ord. 378, 8-4-1999)

9-206: POWERS AND DUTIES OF EMERGENCY COMMUNICATIONS BOARD:

A. The board of directors shall be an advisory board to the Bonner County board of commissioners/"administrator" and shall submit recommended budgets to the Bonner County commissioners for approval, as well as make recommendations for management, operation, maintenance and development and planning for improvements and further developments of the 911 system. The emergency communications board shall perform all other duties and functions as may be necessary for making recommendations to the board of county commissioners/"administrator" for enhancement of the 911 system.

B. At its first meeting, the emergency communications board shall adopt such rules of organization, and bylaws as may be necessary for the operation of the emergency communications board. (Ord. 378, 8-4-1999)

C. (Rep. by Ord. 419, 2-15-2002)

D. The board of directors shall elect from its membership such executive officers as are required by the rules of organization of the emergency communications board. (Ord. 378, 8-4-1999)

9-207: AGENCY TO SERVICE 911 CALLS:

The Bonner County sheriff's department is hereby designated pursuant to section 31-4803, Idaho Code, as the agency to service the 911 calls. (Ord. 562, 3-28-2017)

TITLE 10
ANIMAL CONTROL

CHAPTER 1
GENERAL PROVISIONS

SECTION:

10-101: Purpose; Disclaimer

10-102: Duty Of Sheriff To Enforce

10-110: Applicability

10-111: Exclusions

10-112: Applicability To Police Dogs, Search And Rescue Dogs

10-120: Definitions

10-130: Interfering Or Obstructing Animal Control Officer Or Peace Officer

10-140: Violations, Penalties

10-101: PURPOSE; DISCLAIMER:

It shall be the purpose of this title to provide standards and procedures for responsible care and ownership of dogs and other domestic animals within the unincorporated areas of Bonner County. This chapter does not address all aspects of animal ownership, rather, it establishes some minimum standards for animal care, control and treatment in the interest of public safety and animal welfare. The responsibility for actions and behavior of domestic animals remains with the owner. (Ord. 248, 8-2-1994)

10-102: DUTY OF SHERIFF TO ENFORCE:

It shall be the duty of the Bonner County sheriff, or his designee, to enforce the provisions of this title. (Ord. 248, 8-2-1994)

10-110: APPLICABILITY:

The provisions of this title shall be applicable to all animals resident in Bonner County, Idaho, and acts related to all animals while present in Bonner County, except as specifically excluded by the provisions of this title. (Ord. 248, 8-2-1994)

10-111: EXCLUSIONS:

The provisions of this title shall not be construed as interfering with or allowing interference with:

- A. Normal or accepted veterinary practices;
- B. The humane slaughter of any animal normally and commonly raised as food or for the production of fiber;
- C. The humane destruction of an animal which is diseased or disabled beyond recovery, or the humane destruction of animals for population control;
- D. Normal or accepted practices of animal identification and animal husbandry;
- E. The killing of an animal that is vicious and at large or that is posing an imminent threat to human life or the life of another domestic animal, by an animal control officer, law enforcement officer or veterinarian;
- F. The killing or destruction of predatory animals, venomous reptiles, vermin or other animals in accordance with the laws and rules covering such animals;
- G. The laws or rules of the department of fish and game, or any law for or against the destruction of certain birds. (Ord. 248, 8-2-1994)

10-112: APPLICABILITY TO POLICE DOGS, SEARCH AND RESCUE DOGS:

No portion of this title shall in any way inhibit the use of any police dog or military dog, or other law enforcement dog by a public law enforcement agency, or any dog used for and actively engaged in a search and/or rescue operation. (Ord. 248, 8-2-1994)

10-120: DEFINITIONS:

For the purposes of this title, the following terms shall have the specific meaning:

ABANDON: For an owner to desert an animal in the custody or possession of the owner without making reasonable arrangements for its proper care, sustenance and shelter.

ADULT DOG OR CAT: Any dog or cat more than six (6) months of age.

ALTERED: A full ovariectomy in the case of the female and complete removal of the testicles in the male. A vasectomized male dog is not an "altered" animal.

ANIMAL: Shall include, but not be limited to, birds, amphibians, fish, reptiles, mammals and nonhuman primates.

AT LARGE: Any animal being on any private property, without the permission of the person who owns, or has a right to possess or use the property, or in any other place or condition which presents substantial risk to animal or public health, safety or welfare. "At large" shall also mean any dog unrestrained by a leash on either public property, or private property other than the property of the owner or without the permission of the property owner. "At large" shall not be construed to mean domestic livestock on an open range.

ATTACK: Biting, attempted biting, the infliction of a severe injury, or aggressively pursuing with a present ability to bite or injure a person.

BOARD: The Bonner County board of county commissioners.

CRUEL OR CRUELTY: Any or all of the following:

- A. The intentional or negligent infliction of pain, physical suffering, injury or death upon an animal;
- B. To intentionally or negligently kill, maim, wound, overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, drink or shelter, cruelly beat, mutilate or cruelly kill an animal;
- C. To subject an animal to needless suffering, inflict unnecessary cruelty, drive, ride or otherwise use an animal when the animal is unfit;
- D. To abandon an animal;
- E. To use any live mammal or bird as a training aid for hunting dogs, racing dogs or for pleasure, which results in the maiming, mutilating or cruelly killing such live mammal or bird.

DEPARTMENT: The Bonner County sheriff's department, its agents, deputies or other persons designated by the sheriff.

DOG: Canis familiaris of either sex, altered or unaltered, or any other member of the Canis genus if owned, kept or harbored.

HUNTING DOG: Any dog of the hunting type breeds, which is actively engaged in lawful hunting pursuant to the regulations established by the Idaho department of fish and game.

LEASH: Any rope, leather strap, chain or any other material, not exceeding six feet (6') in length, being held in the hand of a person capable of controlling, and actually controlling, the animal to which it is attached.

NUISANCE: Any animal which by loud, continued or frequent barking, howling, yelping, or other noise, or by noxious or offensive odors, or by chasing, aggressing, attacking or scaring passersby, chasing vehicles or attacking other domestic animals, endangers the health and welfare or disturbs the peace of or annoys any reasonable person or neighborhood.

OWNER: Any person who is the legal owner, or any person who keeps, harbors or possesses any animal, or any person who has an animal in his care or acts as caretaker of an animal.

RABIES TAG: A piece of metal or other durable material, inscribed with a date and number, which has been issued by a veterinarian, as evidence that the dog has been vaccinated for rabies.

SEVERE INJURY: Any physical injury to a human being that results in muscle tears or disfiguring lacerations, or requires multiple sutures or corrective or cosmetic surgery.

STOCK DOG: Any dog of the herding type breeds which is actively engaged in the herding of livestock, while under the control of the owner of the dog.

VACCINATED ANIMAL: Any animal inoculated with a rabies vaccine, and wearing a current rabies tag, or whose owner has a current rabies certificate in his possession indicating proof of such vaccination.

VICIOUS ANIMAL: Any animal which:

- A. Has twice, within a forty eight (48) month period, bitten, attacked or otherwise caused injury to a person engaged in lawful activity; or
- B. Has once attacked or bitten a person engaged in a lawful activity, causing death or severe injury. (Ord. 544, 3-31-2015)

10-130: INTERFERING OR OBSTRUCTING ANIMAL CONTROL OFFICER OR PEACE OFFICER:

Any person who shall hinder, delay, interfere with, or obstruct an animal control officer or any peace officer or person authorized by the department to enforce this title, in the capturing, securing or taking possession of any animal to be impounded, or who shall open or in any manner directly or indirectly aid, counsel or advise the opening of any animal control cage, ambulance, wagon or other vehicle used for the collection or conveyance of animals to an animal shelter or other place of animal custody, shall be deemed to have violated this title. (Ord. 248, 8-2-1994)

10-140: VIOLATIONS, PENALTIES:

Any violation of the provisions of this title shall be deemed a misdemeanor and, upon conviction, such violations shall carry a penalty of a fine of three hundred dollars (\$300.00) or six (6) months' imprisonment, or both. For the purposes of this title, a separate violation shall be deemed to occur for each provision violated with respect to any individual animal. (Ord. 248, 8-2-1994)

ANIMAL DISEASES

SECTION:

10-210: Rabies Vaccines; Certificate Forms

10-211: Rabies Vaccination Required For Dogs; Certificates, Tags, Exemption

10-220: Reporting Suspected Cases Of Rabies

10-221: Reporting Of Bites

10-222: Isolation Of Biting Animals, Animals With Suspected Rabies

10-230: Injuries And Communicable Diseases; Department To Take Possession; Owner Responsible For Costs And Fees

10-210: RABIES VACCINES; CERTIFICATE FORMS:

- A. Rabies vaccines administered to comply with the terms of this chapter must be approved by the state of Idaho, and administered by a licensed veterinarian at such times and intervals as to maintain current effectiveness consistent with standard veterinary practices.
- B. A "rabies certificate form" produced for compliance with the terms of this chapter must be issued by a licensed veterinarian and must show:
1. Animal owner's name, address and telephone number;
 2. Animal's name, species, breed, color, sex and age;
 3. The type, lot number and manufacturer of the rabies vaccine;
 4. The date of the vaccination;
 5. The date on which the vaccination expires;
 6. The signature of the veterinarian who vaccinated the animal, or other signature, authorized by the veterinarian administering the vaccination. (Ord. 248, 8-2-1994)

10-211: RABIES VACCINATION REQUIRED FOR DOGS; CERTIFICATES, TAGS, EXEMPTION:

- A. Dog owners shall obtain a rabies vaccination for each dog they own, keep, harbor or possess, within thirty (30) days after it becomes six (6) months of age, or within thirty (30) days after obtaining any dog over six (6) months of age. It shall be unlawful for any person to keep, harbor or possess any dog, unless such dog has a current rabies vaccination, administered by a licensed veterinarian, with a rabies vaccine approved for use in a dog. Such vaccinations shall be repeated at such intervals as determined by the type of vaccine used and licensing requirements of said vaccine.
- B. Any veterinarian who vaccinates a dog for rabies shall also certify, by properly completing a rabies certificate form.
- C. Every dog owner shall securely affix the current rabies tag to the collar or harness of the dog for which it was issued, and shall ensure that the dog wears such rabies tag at all times.
- D. A rabies tag issued for one dog shall not be transferred or attached to another dog.
- E. No person, other than the dog's owner, shall remove a rabies tag or identification tag from such dog.
- F. Notwithstanding any other provision of this chapter, a dog need not be vaccinated for rabies during an illness, if a licensed veterinarian has examined the dog, and has certified in writing that such vaccinations should be postponed. Said temporary exemption shall be valid only for the duration of the illness or other medical condition for which it is granted. Any owner of a dog which has not been vaccinated for medical reasons shall retain written evidence of such exemption and shall produce it to the department upon demand. (Ord. 248, 8-2-1994)

10-220: REPORTING SUSPECTED CASES OF RABIES:

- A. Any owner of an animal which shows symptoms of rabies or which acts in a manner which would lead to a reasonable suspicion that the animal may have rabies shall notify the department and the Panhandle health district.
- B. Upon the order of the department or the Panhandle health district, a suspected rabid animal shall be isolated in strict confinement under the proper care and observation of a licensed veterinarian, in a veterinary hospital, animal shelter or other facility approved by the department or the Panhandle health district. (Ord. 248, 8-2-1994)

10-221: REPORTING OF BITES:

All persons bitten, and parents or guardians of minor children bitten, by a dog, cat, skunk, fox, coyote, bobcat, or other animal of a species subject to rabies, shall notify the department and the Panhandle health district as soon as possible thereafter. Physicians treating such bites, and other persons having knowledge of such bites, shall also notify the department and the Panhandle health district. (Ord. 248, 8-2-1994)

10-222: ISOLATION OF BITING ANIMALS, ANIMALS WITH SUSPECTED RABIES:

Any animal of a species subject to rabies which bites, and any suspected rabid animal, shall be isolated in strict confinement in a place and manner approved by the department or the Panhandle health district for at least fourteen (14) days after the date of the bite. Dogs or cats shall be so isolated and observed for at least ten (10) days after the infliction of the bite or exposure. Dogs and cats which have been isolated under the immediate supervision of a licensed veterinarian may be released on the fifth day if, upon examination by the veterinarian, the veterinarian certifies in writing that no clinical signs or symptoms of rabies exist. Notwithstanding all the foregoing provisions, the department, with the permission of any known owner of the animal, may authorize the euthanasia of the animal for the purposes of laboratory examination. (Ord. 248, 8-2-1994)

10-230: INJURIES AND COMMUNICABLE DISEASES; DEPARTMENT TO TAKE POSSESSION; OWNER RESPONSIBLE FOR COSTS AND FEES:

- A. No person shall knowingly harbor or keep any animal with a serious injury, or inflicted with mange, ringworm, distemper or any other contagious disease, unless such animal is being given adequate treatment for such disease or injury.
- B. The department may take immediate possession of a diseased or injured animal, not being adequately treated, or not responding to treatment, and transport the animal to a place of safe custody or a veterinarian office, or humanely destroy the animal if such animal is beyond recovery, unless the owner places such animal under the control and treatment of a veterinarian forthwith.
- C. The owner of such an animal in the possession of the department for injury or disease, shall pay all fees and expenses related to treatment, including, but not limited to, any transportation, confinement, board, veterinary care and associated treatment costs, and any

protective impoundment fees. Failure to pay said costs and fees shall preclude return of the animal to its owner, except as set forth at subsection D of this section.

D. The department may waive all or part of any costs and fees when such costs and fees would create an undue hardship upon the owner and when such waiver would serve the best interests of the animal. The department may also make arrangements for return of the animal to the owner and postpone the payment of all or part of any costs and fees when such arrangement would serve the best interests of the animal. (Ord. 248, 8-2-1994)

CHAPTER 3

ANIMAL CONTROL

SECTION:

10-310: Dogs To Be Under Owner's Control; Not To Become Nuisances

10-311: Dogs Not To Be At Large; Leashes; Exception

10-312: Confinement Of Female Dogs In Estrus

10-310: DOGS TO BE UNDER OWNER'S CONTROL; NOT TO BECOME NUISANCES:

A. Any person, who, after complaint has been made by any person to the sheriff, who shall serve a copy of said notice upon such person complained of, wilfully or negligently permits any dog owned or possessed, or under his or her custody or control to become a "nuisance" as defined in section 10-120 of this title, within Bonner County shall be guilty of the crime of animal nuisance, and shall be punished as provided in subsection B of this section.

B. A first violation of this provision is an infraction and is punishable by a fine of one hundred dollars (\$100.00). Any person who pleads guilty to or is found guilty of a second violation of this section, within five (5) years of the first conviction, shall be guilty of an infraction and shall be punished by a fine of two hundred dollars (\$200.00).

C. Any defendant who violates the provisions of this section, who has pled guilty to or been convicted of animal nuisance two (2) times in the previous five (5) years, who is charged with a third offense or more is a habitual offender and shall be charged with a misdemeanor offense. Such offense is punishable as provided in section 10-140 of this title.

D. It shall not be a defense to animal nuisance that the offenses charged are not for the same animals. (Ord. 544, 3-31-2015)

10-311: DOGS NOT TO BE AT LARGE; LEASHES; EXCEPTION:

A. Dog owners shall at all times prevent their dogs from being at large.

B. When a dog is leashed so as not to be at large under the terms of this title, the leash shall be a rope, leather strap, chain or any other material, not exceeding six feet (6') in length, being held in the hand of a person capable of controlling, and actually controlling, the animal to which it is attached.

C. Dogs may be free from a leash, and shall not be deemed to be at large, while participating in field trials and obedience trials, while actively engaged in herding livestock, while assisting a peace officer engaged in law enforcement duties or search and rescue operations, or while hunting pursuant to Idaho department of fish and game regulations. (Ord. 248, 8-2-1994)

10-312: CONFINEMENT OF FEMALE DOGS IN ESTRUS:

Dog owners shall securely confine their female dogs within an enclosure while in season (estrus). (Ord. 248, 8-2-1994)

CHAPTER 4

HUMANE TREATMENT OF ANIMALS

SECTION:

10-410: Inhumane Treatment, Abandonment, Poisoning

10-420: Transportation Of Animals; Animals In Unattended Vehicles

10-430: Authorization To Place Animals In Protective Impoundment; Fee

10-431: Release Of Animals From Protective Impoundment

10-440: Liability Of Owner For Humane Pick Up Fee When Animal Not Reclaimed From Impoundment

10-410: INHUMAN TREATMENT, ABANDONMENT, POISONING:

A. No person shall treat an animal in a cruel or inhumane manner, or wilfully or negligently cause or permit any animal to suffer unnecessary torture or pain.

B. No person shall abandon any animal on any public or private property, or allow any animal to be without potable water at any time, or allow the animal to be without the quantity of food necessary to maintain a healthy body weight, except an animal under the care of a licensed practicing veterinarian.

C. No person shall wilfully administer any poisonous substance to an animal, the property of another, or maliciously place any poisonous substance where it would attract an animal, with the intent that the poison shall be taken, ingested or absorbed by such animal, except that the provisions of this section shall not apply to the poisoning of rodents, vermin or declared agricultural pests conducted in accordance with the laws and rules covering such animals. (Ord. 248, 8-2-1994)

10-420: TRANSPORTATION OF ANIMALS; ANIMALS IN UNATTENDED VEHICLES:

A. (Rep. by Ord. 291, 7-29-1995)

B. No person shall leave an animal in any unattended vehicle, trailer or conveyance without adequate security to protect the public, or without adequate ventilation, or in any manner as to subject the animal to extremes of temperature which adversely affect the health or welfare of the

animal. Upon discovery of an animal so confined and adversely affected, or posing an immediate threat to the safety of the public, the sheriff, any peace officer or animal control officer, is hereby authorized to use the minimum effective force to open such vehicle, trailer or conveyance to rescue such animal, take possession of such animal in a protective impoundment and immediately transport such animal to a licensed veterinarian for care. (Ord. 248, 8-2-1994)

10-430: AUTHORIZATION TO PLACE ANIMALS IN PROTECTIVE IMPOUNDMENT; FEE:

A. The sheriff, or his designee, is hereby authorized to place any injured, diseased, cruelly or inhumanely treated animal in protective impoundment, and transport such animal to a licensed veterinarian for care. Such protective impoundment and transportation shall be indicated for any animal known or suspected to have suffered an injury, accidental or deliberate, and exhibiting such signs as shock, temperature fluctuation, tremors, swelling, broken bones, open wounds, inability to eat, drink or stand, blistering, irregular or abnormal breathing, partial or total paralysis, irrational behavior, orificial discharge or bleeding or similar indications of injury, disease, abuse or neglect. The sheriff, or his designee, is hereby authorized to place any animal in protective impoundment when the animal's owner is incarcerated or incapacitated and the animal would otherwise be left without care.

B. The owner of an animal placed in protective impoundment shall be responsible for payment of the "humane pick up" fee, for each animal placed in such protective impoundment and transported for care. The "humane pick up" fee shall be in the amount of:

1. Ten dollars (\$10.00) for animals under fifty (50) pounds in weight;
2. Twenty dollars (\$20.00) for animals weighing from fifty (50) pounds to one hundred (100) pounds;
3. Thirty dollars (\$30.00) for animals weighing over one hundred (100) pounds, but less than five hundred (500) pounds;
4. Forty dollars (\$40.00) for animals weighing five hundred (500) pounds or more. (Ord. 248, 8-2-1994)

10-431: RELEASE OF ANIMALS FROM PROTECTIVE IMPOUNDMENT:

A. Any owner may obtain the release of an animal placed in protective impoundment, where no other violation of this title has occurred, by paying the full costs of all veterinary care, any costs of feed, shelter or custodial care, and the humane pick up fee.

B. The department may waive all or part of any costs and fees when such costs and fees would create an undue hardship upon the owner and when such waiver would serve the best interests of the animal. The department may also make arrangements for return of the animal to the owner and allow postponement of the payment of all or part of any costs and fees when such arrangement would serve the best interests of the animal. (Ord. 248, 8-2-1994)

10-440: LIABILITY OF OWNER FOR HUMANE PICK UP FEE WHEN ANIMAL NOT RECLAIMED FROM IMPOUNDMENT:

The humane pick up fee set forth in this chapter shall be deemed a fee for service rendered and remain the responsibility of the owner of the animal, even in the instance where such owner refuses to redeem such animal, or in the instance where a court delivers custody of the animal to any person other than the owner. The department may institute appropriate proceedings to recover such fees as a separate action or as a part of any prosecution for violation of this title. (Ord. 248, 8-2-1994)

CHAPTER 5

IMPOUNDED ANIMALS

SECTION:

10-510: Authority To Impound Animals At Large

10-520: Impoundment Of Animals

10-530: Redemption Of Impounded Animals

10-531: Redemption Of Impounded Dogs And Cats; Adoption

10-532: Redemption Of Animals From Protective Impoundment

10-510: AUTHORITY TO IMPOUND ANIMALS AT LARGE:

Any peace officer, animal control officer or any other person authorized by the sheriff may seize and impound any and all animals found running at large upon the public streets, alleys or other public places, or on private premises without the permission of the owner of said premises. The provisions of this section shall not apply to domestic livestock on an open range. (Ord. 248, 8-2-1994)

10-520: IMPOUNDMENT OF ANIMALS:

Any animal impounded for a violation of this title shall be placed in an animal shelter or other confinement or pasture as is appropriate for the care and custody of such animal. (Ord. 248, 8-2-1994)

10-530: REDEMPTION OF IMPOUNDED ANIMALS:

A. Any animal, except dogs and cats, impounded for any violation of this title, may be reclaimed by the owner after paying any fines, fees and costs incurred.

B. Any animal impounded whose owner cannot be identified shall be held for a minimum of three (3) working days, after which they become eligible for adoption, sale, auction or disposal. The department or the shelter shall make a good faith effort to locate the owner of such an animal.

C. Any animal impounded whose owner is known shall be held for five (5) working days, after which the animal shall become eligible for adoption, sale, auction or disposal, except as may be otherwise specifically provided at Idaho Code section 25-2301 et seq. The department or the shelter shall make a good faith effort to contact the owner, and may mail a notice of impoundment to the last known address of the owner.

D. Animals may be adopted from the shelter or place of impoundment once they have been resident at the shelter for the time periods specified in this section. The shelter may charge an adoption fee. (Ord. 248, 8-2-1994)

10-531: REDEMPTION OF IMPOUNDED DOGS AND CATS; ADOPTION:

A. Any dog or cat impounded for violation of this title may be reclaimed from impound after paying the appropriate fees at any time prior to adoption, and may be taken from the shelter by the owner or any authorized person so long as the person reclaiming the dog pays the person in charge of the shelter or area of impoundment the impound fees in an amount to be determined from time to time by resolution of the board. The owner of any unvaccinated dog or cat shall obtain a rabies vaccination for the dog or cat and provide proof of same to the shelter within thirty (30) days. If proof is not provided as required, a violation of this title shall be deemed to have occurred.

B. All unidentified impounded dogs and cats shall be held for a minimum of three (3) working days, after which time they become the property of the shelter. All identified impounded dogs and cats shall be held for five (5) working days after which they become the property of the shelter. A notice of impoundment may be mailed by the shelter to the last known address of an identified owner. Such dogs and cats then may be disposed of by the shelter or offered for sale by the shelter in an amount to be determined by the shelter.

C. Dogs and cats may be adopted from the shelter once they have been resident at the shelter for the time period specified in this section. The shelter may charge an adoption fee and refundable deposit sufficient to cover the cost of vaccination and alteration. The new owner shall submit proof to the shelter within thirty (30) days or within thirty (30) days of the dog or cat becoming six (6) months of age, that a rabies vaccination has been obtained and the animal has been altered. Upon such proof the shelter will refund the deposit and give the owner a certificate of compliance. (Ord. 248, 8-2-1994)

10-532: REDEMPTION OF ANIMALS FROM PROTECTIVE IMPOUNDMENT:

A. Any animal may be released from protective impoundment to the animal owner upon:

1. Certification by a licensed veterinarian that the animal has returned to health;
2. Payment of the costs of veterinary care, the costs of feed, shelter, boarding or other custodial care of the animal;
3. Payment of the humane pick up fee.

B. Any animal placed in protective impoundment which remains unclaimed by the animal owner for a period of two (2) weeks after the animal is certified to have returned to health, and any animal placed in protective impoundment whose owner refuses to pay the amounts specified at subsection A of this section, shall become eligible for placement with an animal shelter for adoption, independent adoption, sale or auction, at the discretion of the department upon a determination of the best interests of the animal. (Ord. 248, 8-2-1994)

CHAPTER 6

VICIOUS ANIMALS

SECTION:

10-601: Vicious Animals; Exceptions

10-602: Vicious Animals; Authority To Impound; Fresh Pursuit

10-603: Vicious Animals; Public Nuisance

10-610: Declaration Of Vicious Animal; Notification And Procedure

10-620: Vicious Animals; Requirements Of Ownership And Control

10-630: Abatement Proceedings; Habitual Offender; Proceedings

10-601: VICIOUS ANIMALS; EXCEPTIONS:

A. For the purposes of the imposition of the restrictions contained in this chapter a "vicious animal" shall be deemed to include any animal which:

1. Has twice, within a forty eight (48) month period, bitten, attacked or otherwise caused injury to a person engaged in lawful activity; or
2. Has once attacked or bitten a person engaged in a lawful activity, causing death or severe injury.

B. No animal shall be deemed vicious if any injury or damage is sustained by a person who, at the time of the injury or damage was sustained, was committing a trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was tormenting, abusing or assaulting the animal, or was committing or attempting to commit a crime.

C. No animal shall be deemed vicious if the animal was protecting or defending a person from a physical attack or assault. (Ord. 248, 8-2-1994)

10-602: VICIOUS ANIMALS; AUTHORITY TO IMPOUND; FRESH PURSUIT:

A. Any peace officer, animal control officer or any other person authorized by the sheriff may seize and impound any and all vicious animals, or any animal posing an immediate threat to the safety of the public or other animals, or any animal at large that has attacked any person or other animal.

B. Any peace officer or animal control officer, or other person authorized by the sheriff, is hereby authorized to enter private property to take possession of and impound any animal whenever the peace officer or other authorized person is in fresh pursuit of an animal which is in violation of a provision of this chapter at the time the animal enters onto private property, or nonenclosed, nondwelling buildings. (Ord. 248, 8-2-1994)

10-603: VICIOUS ANIMALS; PUBLIC NUISANCE:

Any person owning or having custody or control of a vicious animal shall be deemed to have violated this chapter if, as a result of that person's failure to exercise reasonable care, the animal injures any other person or animal engaged in lawful activities. A "vicious animal", within the meaning of this chapter, shall be deemed a public nuisance and shall be subject to the provisions of this chapter for the remainder of its life. (Ord. 248, 8-2-1994)

10-610: DECLARATION OF VICIOUS ANIMAL; NOTIFICATION AND PROCEDURE:

A. The department, its deputies or assigns may make a preliminary declaration that an animal is a "vicious animal", pending a formal declaration of such "vicious animal" status by the board. The department shall notify the owner of any animal preliminarily declared vicious of the department's preliminary declaration. Notification shall be attempted by certified mail at the owner's last known address, in addition to notification by first class mail.

B. The preliminary declaration shall be effective upon mailing and the animal shall be maintained in secure confinement until the administrative procedures within this section are complete. The owner shall have ten (10) days from the date of the preliminary declaration to request a hearing before the board, for the purpose of contesting the declaration. In the event the owner fails to request such a hearing, the preliminary declaration that the animal is a "vicious animal" shall automatically become permanent, without action of the board.

C. In the event the owner of such animal requests such a hearing, the board shall hold a hearing within fourteen (14) days and in any event, as soon as possible. The department shall present all pertinent information supporting its declaration that the animal is a "vicious animal" during

such a hearing. During such a hearing, the owner of the animal may present any written evidence regarding the facts of the case. Oral testimony may be limited as the commission schedule dictates.

D. The board shall advise the owner of the animal within ten (10) days of the hearing of their findings. Until the owner of the animal has been advised by the board of their findings, the animal shall be maintained in compliance with the provisions of the preliminary "vicious animal" declaration or impounded if proper precautions are not in place. In the event the animal has been impounded, the owner shall pay all board fees, impound fees and quarantine fees set forth in chapter 5 of this title for the redemption of impounded animals, regardless of the outcome of the hearing. (Ord. 248, 8-2-1994)

10-620: VICIOUS ANIMALS; REQUIREMENTS OF OWNERSHIP AND CONTROL:

Any person who possesses, harbors, keeps or owns an animal which has been declared a "vicious animal", shall:

- A. Keep such animal restrained in a manner which prevents any further attacks or bites.
- B. The owner of a declared vicious animal shall notify the department immediately in the event the animal escapes. The owner shall make every possible effort to recapture such an animal immediately and to warn others of its release.
- C. Notify the department in the following manner:
 - 1. Owners of a vicious animal who sell or in any way transfer the ownership, custody, care or change the place of residence of the animal shall, at least fourteen (14) days prior to the sale or transfer of ownership or change of residence, inform the department in writing, of the name, address and telephone number of the new owner or custodian or new residence location. Said notification shall include the name and description of the animal.
 - 2. The owner shall, in addition, notify the new owner, in writing, of the details of the animal's record and the terms and conditions of the animal's maintenance.
 - 3. Prior to placement of the vicious animal at its new residence, the department shall be called to inspect the premises. If the premises does not conform to the standards set by this title, the vicious animal shall not assume residence.
 - 4. Failure to accord with these requirements shall constitute a violation of this chapter.
- D. While on the owner's property, a vicious animal must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure for a vicious animal must have minimum dimensions of five feet by ten feet (5' x 10') and must have secure sides and a secure top. If the structure has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet (2'). The enclosure must also provide adequate protection from the elements for the animal. Each such enclosure must be surrounded by a secondary fence or other barrier which would prevent a child or others from reaching the vicious animal by any foreseeable means.
- E. The owner or keeper shall display a sign on his or her premises warning that there is a vicious animal on the property. This sign shall be legible from the closest public access. In addition, the owner shall conspicuously display a sign with a symbolic warning for children indicating the presence of the vicious animal.
- F. The owner or keeper of the vicious animal shall at any time allow the department, its agents or assigns, or any peace officer, to inspect the premises where the vicious animal is located to ensure compliance with this chapter and any order of a court respecting the keeping of the vicious animal.
- G. The vicious animal shall be altered within ten (10) days of having been declared vicious, unless clinically advised otherwise by a licensed veterinarian. The cost of alteration shall be borne by the owner of the vicious animal.
- H. The owner of any vicious animal shall pay a special license fee of seventy five dollars (\$75.00) per year. Said fee shall offset the costs of annual inspection of the premises by the department.
- I. No animal which has been declared vicious pursuant to this chapter shall be taken into any public place, other than to a veterinarian's office, regardless of the control measures undertaken by the animal's handler. (Ord. 248, 8-2-1994)

10-630: ABATEMENT PROCEEDINGS; HABITUAL OFFENDER; PROCEEDINGS:

- A. Any animal that has been impounded more than three (3) times in any one year period of time, or whose owner has been convicted more than three (3) times in any one year period of time for violation of any portion of this chapter relating to the animal in question, or any combination of impoundments and/or convictions more than three (3) times in any one year period of time, may be abated by the department. The department may seek to abate such animal by causing it to be destroyed or by requiring the animal to be taken out of Bonner County, at the discretion of the department, in accordance with the provisions of this chapter.
- B. The department, its deputies or assigns shall notify the owner of any animal to be abated for being a habitual offender of its intent to do so. Notification shall be attempted by certified mail to the owner's last known address, in addition to notice by first class mail. The owner shall have ten (10) days to request a hearing before the county commissioners. In the event the owner fails to request such a hearing, the declaration shall become effective at the end of the ten (10) day period. In the event the owner of the animal requests such a hearing, the county commissioners shall hold such a hearing within fourteen (14) days, or in any case as soon as possible. During such a hearing, the owner of the animal may present any evidence regarding the facts of the case. The department shall present all pertinent information during such a hearing. The county commissioners shall advise the owner of the animal of their findings within ten (10) days of the hearing. In the event the animal has been impounded, the owner shall pay all boarding fees, impound fees, medical treatment costs and quarantine fees regardless of the outcome of the hearing. (Ord. 248, 8-2-1994)

CHAPTER 7

MAINTENANCE OF MULTIPLE ANIMALS, CAGED ANIMALS

SECTION:

10-701: Maintenance Of Multiple Animals

10-710: Standards For Maintenance Of Multiple Animals

10-711: Standards For Maintenance Of Multiple Animals In Outdoor Enclosures

10-712: Standards For Maintenance Of Multiple Animals In Cages

10-701: MAINTENANCE OF MULTIPLE ANIMALS:

A. Any person who owns, harbors, keeps or maintains more than six (6) adult dogs or more than six (6) adult cats, or any combination thereof exceeding the number six (6), on any single parcel or aggregated parcels of real property, shall be deemed to maintaining multiple animals.

B. Any person who owns, harbors, keeps or maintains more than six (6) animals of any other type, except domestic livestock, on any single parcel or aggregated parcels of real property shall be deemed to be maintaining multiple animals.

C. The maintenance of multiple animals shall be conducted in compliance with the terms of this chapter, and shall not result in the creation of a public nuisance due to odor, noise or collection of fecal matter. (Ord. 248, 8-2-1994)

10-710: STANDARDS FOR MAINTENANCE OF MULTIPLE ANIMALS:

In addition to the requirements of this title for the health, control and care of all animals, the owner of multiple animals shall be responsible for compliance with the following standards for the maintenance of multiple animals:

A. Food shall be wholesome, palatable and free from contamination. Food shall be provided in sufficient quantity and be of adequate nutritive value to maintain all animals in good health. All food receptacles shall be kept clean and sanitary, and be stored in covered receptacles.

B. Clean drinkable water shall be available at all times for all animals. All water receptacles shall be kept clean and sanitary, be of appropriate design and size for the animal, and be positioned or affixed to prevent spills.

C. Both indoor and outdoor enclosures shall receive cleaning as necessary to remove excreta, dirt and debris so as to minimize disease hazards, odor and danger to animals. (Ord. 248, 8-2-1994)

10-711: STANDARDS FOR MAINTENANCE OF MULTIPLE ANIMALS IN OUTDOOR ENCLOSURES:

The owner of multiple animals kept in outdoor enclosures shall be responsible for compliance with the following standards:

A. Space available to each animal shall be usable, maintained in a safe and healthful manner, and have a dry resting or loafing area, free of accumulated waste and debris. Where animals are kept in permanent enclosures, pens, kennels, etc., the minimum space available for each animal shall be:

Number Of Animals ¹	Small (To 25 Pounds)	Medium (25-50 Pounds)	Large (Over 50 Pounds)
1	3 feet x 7 feet (21 square feet)	6 feet x 10 feet (60 square feet)	8 feet x 10 feet (80 square feet)
2	4 feet x 8 feet (32 square feet)	8 feet x 10 feet (80 square feet)	8 feet x 12 feet (96 square feet)
3	5 feet x 9 feet (45 square feet)	8 feet x 12 feet (96 square feet)	10 feet x 14 feet (140 square feet)
4	8 feet x 10 feet (80 square feet)	10 feet x 12 feet (120 square feet)	12 feet x 16 feet (192 square feet)

Note:

1. Number of animals kept in the individual enclosure.

B. All animals kept in outdoor enclosures shall have access to shelter that provides protection from inclement weather conditions (wind, rain, snow) and shade from the sun during hot weather. Shelter shall be well constructed and appropriate for the species, age, physical condition and haircoat of the animals. (Ord. 248, 8-2-1994)

10-712: STANDARDS FOR MAINTENANCE OF MULTIPLE ANIMALS IN CAGES:

The owner of multiple animals kept in cages shall be responsible for compliance with the following standards:

A. Caging for small mammals and rodents, such as guinea pigs, rabbits and hamsters, shall be of a size sufficient to permit normal activity levels, contain a place to burrow or nest and space necessary for the animal to exercise.

B. Cats confined in cages must be provided with litter pans and litter material. Litter pans shall be cleaned and litter materials changed as necessary to prevent odor and accumulation of urine and fecal matter.

C. Cage confinement of dogs and cats should not exceed a continuous period of more than twelve (12) hours, except upon veterinary advice, transport or enforced rest to promote healing of an injury, disease or medical condition.

D. Dogs confined in cages shall be exercised outside of the cage at least twice a day, morning and afternoon or evening, and cages shall be kept free of urine and fecal matter.

E. Cages in which birds, amphibians, reptiles and fish are kept shall be of sufficient size to permit normal levels of activity for the confined animal. (Ord. 248, 8-2-1994)

TITLE 11
BUILDING REGULATIONS

CHAPTER 1
BUILDING LOCATION PERMITS

SECTION:

11-101: Building Location Permits Required

11-101.1: Designation; Authority

11-102: Manufactured Structure Placement; Building Location Permits Required

11-103: Exceptions

11-104: Exemptions

11-105: Contents Of Building Location Permit

11-108: Building Location Permit Fees

11-109: Fee For Investigation Of Work Without Permit

11-110: Agency Authorizations

11-112: Examination Of Application And Issuance Of Building Location Permit; Examination Of Plans And Inspection Of Structures Where Located In Floodplains Or Floodways

11-113: Posting Of Building Location Permit

11-114: Denial Of Building Location Permit Application

11-116: Appeal Of Denial Of Building Location Permit Application

11-118: Notification Of Bonner County Assessor

11-119: Notice Of Completion; Notice Of Occupancy

11-120: Compliance With Other Codes

11-122: Expiration Date; Abandonment

11-124: Compliance

11-125: Violations; Inspections

11-126: Authority; Issuance Of Stop Work Order; Unlawful Continuance

11-101: BUILDING LOCATION PERMITS REQUIRED:

Except as otherwise provided in this title, no structure subject to the provisions of this title shall be erected, constructed, reconstructed, set, placed, installed, enlarged, extended, moved or converted in unincorporated Bonner County without first procuring a building location permit from the Bonner County planning department prior to the start of construction. Applications for such permit shall be made on forms provided by the planning department. (Ord. 548, 12-8-2015)

11-101.1: DESIGNATION; AUTHORITY:

The board of county commissioners shall designate a planning director who shall be charged with facilitating the enforcement of the provisions of this title. (Ord. 449, 2-13-2004)

11-102: MANUFACTURED STRUCTURE PLACEMENT; BUILDING LOCATION PERMITS REQUIRED:

A. No manufactured structure shall be set, placed, installed or moved in unincorporated Bonner County without first procuring a building location permit from the Bonner County planning department. Applications for such permit shall be made on forms provided by the planning department.

B. As of the effective date hereof, mobile homes as evidenced by proof of title constructed prior to June 15, 1976 (pre-HUD code), must meet the following rehabilitation requirements prior to obtaining a building location permit: (Ord. 535, 4-2-2014)

1. A smoke detector (which may be a single station alarm device) shall be installed on any wall in a hallway or space communicating with each bedroom area and the living area on the living area side and, when located in a hallway, the detector shall be between the return air intake and the living area. Each smoke detector shall be installed in accordance with its listing and the top of the detector shall be located on a wall four inches (4") to twelve inches (12") below the ceiling. The detector may be battery powered or may be connected to an electrical outlet box by a permanent wiring method into a general electrical branch circuit, without any switch between the over current protection device protecting the branch circuit and the detector.

2. The walls, ceilings and doors of each compartment containing a gas fired furnace or water heater shall be lined with five-sixteenths inch ($\frac{5}{16}$ ") gypsum board, unless the door opens to the exterior of the home, in which case, the door may be all metal construction. All exterior compartments shall seal to the interior of the mobile home.

3. Each room designated expressly for sleeping purposes shall have an exterior exit door or at least one outside egress window or other approved exit device with a minimum clear dimension of twenty two inches (22") and a minimum clear opening of five (5) square feet. The bottom of the exit shall not be more than thirty six inches (36") above the floor.

4. All electrical systems shall be tested for continuity to assure that metallic parts are properly bonded, tested for operation to demonstrate that all equipment is connected and in working order, and given a polarity check to determine that connections are proper. The electrical system shall be properly protected for the required amperage load. If the unit wiring is of aluminum conductors, all receptacles and switches rated twenty (20) amperes or less directly connected to the aluminum conductors shall be marked CO/ALR. Exterior receptacles other than heat tape receptacles shall be of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum or copper clad aluminum) must be connected in accordance with section 110-14 of the National Electrical Code.

5. The mobile home's gas piping shall be tested with the appliance valves removed from the piping system and piping capped at those areas. The piping system shall withstand a pressure of at least six inch (6") mercury or three (3) psi gauge for a period of not less than ten (10) minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or a slope gauge calibrated so as to read in increments of not greater than one-tenth ($\frac{1}{10}$) pound or an equivalent device. The source of normal operating pressure shall be isolated before the pressure test is made. After the appliance connections are reinstalled, the piping system and connections shall be tested with line pressure of not less than ten inches (10") nor more than fourteen inches (14") water column air pressure. The appliance connections shall be tested for leakage with soapy water or a bubble solution. All gas furnaces and water heaters shall be vented to the exterior in accordance with chapter 9 of the Uniform Mechanical Code.

6. A full water or air pressure test will be performed on the mobile home's water and sewer system.

a. Water piping shall be tested and proven tight under a water pressure not less than the working pressure under which it is to be used. The water used for tests shall be obtained from a potable source of supply. A fifty (50) pound per square inch (344.5 kPa) air pressure may be substituted for the water test. In either method of test, the piping shall withstand a test without leaking for a period of not less than fifteen (15) minutes.

b. A water test shall be applied to the drainage and vent system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except at the highest opening, and the system filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest opening of the section under the test and each section shall be filled with water, but no section shall be tested with less than a ten foot (10') (3 m) head of water. In testing successive sections, at least the upper ten feet (10') (3 m) of the next preceding section shall be tested, so that no joint or pipe in the structure, except the uppermost ten feet (10') (3 m) of the system, shall have been submitted to a test of less than a ten foot (10') (3 m) head of water. The water shall be kept in the system or in the portion under testing for at least fifteen (15) minutes before inspection starts. The system shall be tight at all points. (Ord. 425, 6-4-2002; amd. Ord. 535, 4-2-2014)

7. Proof of compliance shall be provided by an ICBO certified building inspector, gas utility provider, licensed electrical contractor or licensed plumbing contractor on a mobile home rehabilitation certificate form provided by the Planning Department, or proof of compliance shall be provided as specified on a "certificate of compliance" issued by the Administrator of the Division of Building Safety of the State of Idaho. (Ord. 427, 7-2-2002; amd. Ord. 535, 4-2-2014)

11-103: EXCEPTIONS:

The provisions of this title shall not apply to those structures listed as exceptions under the "structure" definition of chapter 2 of this title. Such exceptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of Bonner County or other local, State, or Federal laws.

A. The provisions of this title shall not apply to those structures listed as exceptions under the "structure" definition of chapter 2 of this title. Such exceptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of Bonner County or other local, State, or Federal laws.

B. All structures built prior to November 18, 2008 shall be considered nonconforming structures and reconstruction shall follow the requirements included in Title 12-3.4 Nonconforming Uses and Structures and Title 14 Flood Damage Prevention. (Ord. 535, 4-2-2014; amd. Ord. 640, 9- -2021)

11-104: EXEMPTIONS:

A. A complete "small structure permit" is filed with the Planning Department. The small structure permit shall be completed on a form provided by the Planning Department.

B. The structure shall meet the following requirements:

1. A detached nonhabitable, accessory structure used as a tool or storage shed, playhouse, carport, shop, agricultural, garage or similar structure provided the floor area does not exceed one thousand eighty (1,080) square feet.

2. Shall have no sewage disposal utilities;

3. Shall not be a place of employment excepting structures used for agricultural direct marketing activities;

4. Additions shall not be added to previously exempted structures that would cause the floor area of the structure to exceed one thousand eighty (1,080) square feet;.

5. An open shell structure, open shell lean-to addition, or an open shell deck addition to a residential or residential accessory structure that do not exceed one thousand eighty (1,080) square feet of floor area.

C. The small structure permit shall comply with the requirements of Title 12 and Title 14 of this Code and any other laws or ordinances of Bonner County or other local, State or Federal laws.

D. Every small structure permit issued under the terms of this title shall expire by limitation and become null and void if the building or work authorized by such small structure permit is not commenced within one (1) year from the issuance date of such small structure permit, or if the building or work authorized by such small structure permit is suspended or abandoned at any time after the work is commenced for a period of more than one (1) year. (Ord. 564, 4-19-2017; amd. Ord. 640, 9- -2021)

11-105: CONTENTS OF BUILDING LOCATION PERMIT:

A. The applicant for a building location permit shall provide: a plot plan showing the location of the structure or building, showing distances from the building's greatest architectural projections to the property lines; a copy of the recorded deed legally describing the property on which the structure or building is to be located; and a description of the intended use of the building or structure and diagrammatic plans of the structure in sufficient detail to identify the size and use of all components and floors of the structure. Unless otherwise provided by this title, the plans need not be prepared by a licensed engineer or architect.

B. Applicants for building location permits where located in mapped floodplains or floodways, shall provide building construction plans certified by an Idaho registered engineer or Idaho licensed architect as being in compliance with Title 14 of this Code. (Ord. 532, 3-20-2013; amd. Ord. 603, 5-26-2020)

11-108: BUILDING LOCATION PERMIT FEES:

A. The Board of County Commissioners shall, by resolution, establish a fee schedule for building location permits, time extensions, investigation of work without permits and other building location permit related matters. A copy of the official fee schedule shall be maintained by the Bonner County Planning Department and shall be available for public inspection during normal business hours.

B. Building location permit applications to be processed under the terms of this title shall be accompanied by a filing fee as set forth by the official fee schedule of Bonner County.

C. All filing fees shall be payable to the Bonner County Planning Department and are nonrefundable. No permit shall become effective until all fees have been paid.

D. The board may waive all or part of any fees for political subdivisions or public agencies.

E. The Planning Director may reduce any fine, investigative fee or assessment imposed by this title, upon a showing of good cause as by the landowner showing an undue hardship because of errors, equitable principles, excusable neglect or inadvertence. In no case shall the fee reduction be granted if it results in a grant of special privilege. Ignorance of the law by any person shall not justify such relief. (Ord. 469, 10-1-2005; amd. Ord. 494, 7-25-2007; Ord. 535, 4-2-2014; Ord. 640, 9- -2021)

11-109: FEE FOR INVESTIGATION OF WORK WITHOUT PERMIT:

Whenever any work for which a permit is required under the terms of this title has commenced without first obtaining said permit, an investigation fee as set forth by the official fee schedule of Bonner County, shall be collected whether or not a permit is then or subsequently issued. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this title, nor from any penalty prescribed by law. A separate investigative fee shall be charged for each site visit to the subject property conducted by the Bonner County Planning Department. (Ord. 469, 10-1-2005)

11-110: AGENCY AUTHORIZATIONS:

A. No building location permit shall be issued for the construction, placement, installation, enlargement or extension of any building, residence or structure unless approval has first been obtained from the agency having jurisdiction over the access serving the subject site. Where access is from a private road, confirmation shall be provided that the travelway is not within the jurisdiction of the public.

B. No building location permit shall be issued for the construction, placement, installation, enlargement or extension of any commercial, industrial or public building or structure, or multi-family residence, unless approval has first been obtained from the applicable fire district.

C. Where the designated authority of a fire district has explicitly waived the need for residential fire safety review, in writing and on record with the Bonner County Planning Department, the residential fire safety requirements on a plat need not be satisfied. (Ord. 554, 6-21-2016; amd. Ord. 640, 9- -2021)

11-112: EXAMINATION OF APPLICATION AND ISSUANCE OF BUILDING LOCATION PERMIT; EXAMINATION OF PLANS AND INSPECTION OF STRUCTURES WHERE LOCATED IN FLOODPLAINS OR FLOODWAYS:

The Planning Director or designee shall administer this title. The Planning Director or designee shall examine the building location permit to determine:

A. Whether the setbacks shown on the plot plan meet the minimums specified for the use and in the zone district in which it is located;

B. Whether the stated use of the structure is a permitted use in the zone district in which it is located;

C. Whether the property was subdivided in accordance with the minimum lot or parcel size for the zoning district in which the parcel is located;

D. Whether the permit complies with other applicable provisions of this Code;

E. Whether the permit includes the applicable agency authorizations as specified in this title; and (Ord. 401, 4-6-2001)

F. Whether building construction plans for commercial, industrial, public and residential structures or buildings, including single-family or duplex residential, where located in mapped floodplains or floodways, have been certified by an Idaho registered engineer or Idaho licensed architect in compliance with title 14 of this Code. (Ord. 494, 7-25-2007)

11-113: POSTING OF BUILDING LOCATION PERMIT:

The permit holder or the permit holder's agent shall post the building location permit at the job site's vehicular entrance to the public right-of-way or public or private easement at a location that is clearly visible at said entrance. The permit shall remain posted until construction has ceased or the structure has been occupied. (Ord. 437, 3-28-2003)

11-114: DENIAL OF BUILDING LOCATION PERMIT APPLICATION:

Should the Planning Director or designee determine that the building location permit application does not meet the requirements set forth in this title, the Planning Director or designee shall provide written notice to the applicant as to the actions that can be taken by the applicant to obtain the permit. Reasons for denial of a building location permit application may include that the permit fails to comply with any particular provision of this Code. (Ord. 401, 4-6-2001)

11-116: APPEAL OF DENIAL OF BUILDING LOCATION PERMIT APPLICATION:

A. Any decision or determination made by the Planning Director in the administration of the provisions of this title shall be appealable to the Board of County Commissioners. Affected persons aggrieved by any administrative decision or determination shall notify the Planning Director in writing no later than thirty (30) days after the final decision of the nature of the decision or determination to be appealed. The Planning Director shall schedule a meeting with the board within ten (10) working days to hear the appeal and shall provide written notice to the affected persons of the time and place of the meeting. The affected persons and the Planning Director shall be provided an opportunity to present the relevant issues to the board at that meeting. The board's decision shall be final, and further recourse for the affected persons shall be to the courts as provided by law.

B. An administrative appeal shall not be granted if it would function as a grant of special privilege or to provide an exception to the regulations contained within this Code. (Ord. 401, 4-6-2001)

11-118: NOTIFICATION OF BONNER COUNTY ASSESSOR:

One (1) copy of each issued building location permit shall be conveyed by the Planning Department to the Bonner County Assessor's Office. (Ord. 401, 4-6-2001)

11-119: NOTICE OF COMPLETION; NOTICE OF OCCUPANCY:

Prior to the occupancy or use of any structure for its intended purposes, the owner or owner's representative shall provide to the Bonner County Planning Department notice confirming completion of work and readiness to occupy. Within one (1) year of the issuance of the building location permit, the landowner or landowner's representative shall either provide the notice of completeness to Bonner County or shall provide notice of the status of work and date of expected completion. Failure to provide notice pursuant to this section will result in additional inspections and may be subject to fees and fines as provided by this Code or Idaho Code. For the purposes of this section, "occupied" shall be as defined by Idaho Code title 63, chapter 3. Once Bonner County has performed a site inspection to confirm compliance with the terms of the approved building location permit, this title and title 12 of this code, a copy of the final site inspection report shall be provided by the planning department to the assessor's office. Prior to occupancy of the structure, where plans and inspections were required for construction within the floodplain or floodway, the landowner shall provide to the planning department a copy of the inspection report certified by an International Code Council (ICC) certified building inspector confirming compliance with flood damage prevention standards of Title 14 of this code. Where applicable, the landowner shall provide to the planning department a final elevation certificate prior to occupancy. (Ord. 494, 7-25-2007; amd. Ord. 640, 9- -2021)

11-120: COMPLIANCE WITH OTHER CODES:

Nothing in this title shall be construed to relieve an applicant for a building location permit from compliance with any other requirements contained within this code, Idaho Code, or state or federal regulations, such as obtaining sewage disposal, electrical and plumbing permits. (Ord. 401, 4-6-2001)

11-122: EXPIRATION DATE; ABANDONMENT:

A. Every building location permit issued under the terms of this title shall expire by limitation and become null and void if the building or work authorized by such building location permit is not commenced within one year from the issuance date of such building location permit, or if the building or work authorized by such building location permit is suspended or abandoned at any time after the work is commenced for a period of more than one year. Before such work can be recommenced, a new building location permit shall be first obtained to do so, and the fee therefor shall be the amount required for a new building location permit for such work; and provided further, that such suspension or abandonment has not exceeded one year. In order to renew action on a building location permit after expiration, the permittee shall pay the amount required for a new permit for such work.

B. Any permittee holding an unexpired, issued building location permit may apply for an extension of the time within which work may commence under that building location permit when the permittee is unable to commence work within the time required by this title. The planning director or designee may extend the time for action by the permittee for a period not exceeding one year for three consecutive years upon submittal of a time extension request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

C. An application that has been filed under the terms of this title which has received a notice of incompleteness from the planning department and has remained incomplete for one hundred twenty (120) days minimum may be considered abandoned by the planning department; provided, however, that a written notice has been sent by certified mail by the planning department to the applicant, wherein the applicant is notified that the application will be considered abandoned by the planning department if not determined complete by the planning department within thirty (30) days thereafter. If no response is provided by the applicant or the application remains incomplete after the thirty (30) day period, the application may be considered abandoned. (Ord. 401, 4-6-2001; amd. Ord. 494, 7-25-2007, Ord. 640, 9- -2021)

11-124: COMPLIANCE:

A. General Provisions:

1. No building location permit may be lawfully issued, nor may a notice of completion be granted, until the director has given authorization indicating all requirements of this code, all conditions of approval, and any other specific project related requirements have been met.

2. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or physically maintained, or any building, structure or land is occupied or used in violation of the provisions of this code or any amendment hereto, the county may pursue any one or more of the following actions:

- a. Seek voluntary compliance;
- b. Issue a civil citation (infraction) pursuant to I.C. § 67-6527 and BCRC 11-125;
- c. Pursue a civil action to enforce compliance with the terms of this code or to enjoin, restrain or abate any violation of the terms of this code; or
- d. Pursue criminal prosecution.
- e. The pursuit of any of the foregoing enforcement actions shall not preclude other enforcement action(s) related to the same violation, facts or conditions; provided, however, that if an alleged violator is cited pursuant to an administrative enforcement procedure, the alleged violator shall not be subject to a criminal charge arising out of the same facts.

3. Violation of any conditions of approval, an administratively issued permit, a conditional/special use permit/variance, or any other requirements of this title is a violation of this code and may also subject such permit to revocation. Revocation of any such permit may be made by the approving entity after notice and hearing as provided by this code (BCRC 12-226 D). (Ord. 641, 9- -2021)

11-125: VIOLATIONS; INSPECTIONS:

A. General Penalties: Except as otherwise stated in this code, violations of any of the provisions of this title shall be punishable as follows:

1. For a first violation the violator will be deemed guilty of an infraction and shall pay the fixed penalty of three hundred dollars (\$300.00).
2. For a second violation within two (2) years, the violator will be deemed guilty of a second offense infraction and shall pay the fixed penalty of three hundred dollars (\$300.00).
3. For a third violation within two (2) years, the violator will be deemed guilty of a misdemeanor and may be fined up to one thousand dollars (\$1,000.00) and may be jailed for up to six (6) months.
4. A citation shall be issued in person by a uniformed officer of the county or authorized designee, or may be mailed by certified mail, return receipt requested, to the owners contractor on file with the permit, the occupant and the owner of record if the occupant is not the owner of record. The citation shall include the date(s) of the violation, the location of the property, and reference to the section(s) of this code violated.
5. Each day of continuing violation may be assessed as a separate violation.

C. Notification, Action of Prosecuting Attorney: Whenever the administrator shall determine that a violation has occurred, he shall notify the prosecuting attorney of such violation and recommend action that should be taken.

D. The prosecuting attorney may take whatever criminal action deemed necessary to enjoin any violation of this title. The prosecuting attorney may, with the consent of the county commissioners, bring whatever civil action deemed necessary to enjoin any violation of this title. Civil remedies may be sought in addition to, or in lieu of, criminal penalties, including the recovery of any costs, civil fines or penalties imposed by this title and the filing with the recorder's office of a notice to title of a building violation that has remained unresolved for forty five (45) days or more after the first notice of violation was sent by certified mail by Bonner County to the landowner at the address shown on the county assessor's tax rolls. The notice of violation shall identify the violation, location and the actions required to resolve the violation. After the violation has been resolved, the landowner shall pay a fee as set forth in the official fee schedule established by this title to process and record a lifting of the notice to title.

E. Action of the County: In the event any action is taken or any construction commenced in violation of the provisions of this code, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful action or construction or to restrain, correct or abate such violation or to prevent any illegal act, conduct, business or use in or about such premises. (Ord. 535, 4-2-2014; amd. Ord. 641, 9- -2021)

11-126: AUTHORITY; ISSUANCE OF STOP WORK ORDER; UNLAWFUL CONTINUANCE:

A. Whenever the planning director finds any work regulated by this title being performed in a manner contrary to the provisions of this title, the planning director or his or her designee is authorized to issue a stop work order.

B. The stop work order shall be in writing and shall be posted on the premises where the work is being conducted or given to the owner of the property involved, or to the owner's agent, or to the person or persons performing the work. Written notice shall also be provided by the planning

department by certified mail to the landowner at the address shown on the county assessor's tax rolls. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

C. Any person who shall continue to work in or about the structure after having been served with a stop work order, without the expressed written authorization of the planning director, or his or her designee, shall be subject to the penalties as prescribed by this title. (Ord. 449, 2-13-2004)

CHAPTER 2

DEFINITIONS

SECTION:

11-200: Application

11-201: Definitions - A

11-202: Definitions - B

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11-224: Definitions - X

11-225: Definitions - Y

11-226: Definitions - Z

11-200: APPLICATION:

The use of the following words within this title shall apply as follows:

- A. "Shall" and "must" are mandatory and not discretionary.
- B. "May" is permissive.
- C. "Should" refers to a guideline that is encouraged, but not mandatory.
- D. The language of this title shall be interpreted using the plain, ordinary meaning of the language, except as further defined in this chapter. (Ord. 535, 4-2-2014)

11-201: DEFINITIONS - A:

ABANDONED: To stop or discontinue work authorized by building location permit, for the period of time specified in this title.

ACCESSORY BUILDING OR USE: A use or structure on the same lot and of a nature that is incidental and subordinate to, the principal use or structure.

ADDITION: An extension or increase in floor area or height of a building or structure.

AFFECTED PERSONS: Anyone having a bona fide interest in real property that may be adversely affected by approval, denial or failure to act upon an application submitted under the provisions of this title.

AGENT: A person who shall have charge, care or control of any structure or property as owner, or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person representing the actual owner shall be bound to

comply with the provisions of this code to the same extent as if that person was the owner.

AGRICULTURAL: Uses related to cultivation of the land, floriculture, horticulture, animal and poultry husbandry, grazing or pasturing of livestock, general farming.

APPROVED: Accepted or authorized by the planning director or designee.

ARCHITECTURAL PROJECTION: Anything attached to and extending outward from the exterior wall or face of a structure, including, but not limited to:

- A. Eaves: The lower edge or edges of a roof, usually projecting beyond the sides of a building.
- B. Awning: Architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.
- C. Balcony: An exterior floor projecting from and supported by a structure without additional independent supports.
- D. Canopy: An architectural projection that provides weather protection, identity or decoration and is supported by the building to which it is attached.
- E. Deck: An exterior floor system supported on at least two (2) opposing sides by an adjoining structure and/or posts, piers, or other independent supports.
- F. Platform: A raised, horizontal surface of wood, stone, metal, composite, or similar materials.

ATTACHED: A structure that has at least part of a wall in common with another building. (Ord. 535, 4-2-2014)

11-202: DEFINITIONS - B:

BASEMENT: That portion of a building all or partly below grade but having at least one-half ($\frac{1}{2}$) of its height, the distance between the ceiling and floor, below grade.

BUILDING: Any structure used or intended to be used for support, shelter, occupancy, or storage.

BUILDING LOCATION PERMIT: An official document or certificate issued by the planning department having jurisdiction that authorizes performance of a specified activity. (Ord. 535, 4-2-2014)

11-203: DEFINITIONS - C:

CERTIFIED BUILDING INSPECTOR: International Code Council certified building inspector.

CLEARING: The destruction and/or removal of vegetation by manual, mechanical or chemical means, except that for the purposes of this title, the term shall not include agricultural and silvicultural practices, gardening, landscaping, snow removal and other incidental practices not associated with vegetative removal as a precursor to actual construction to which this title is applicable.

COMMERCIAL: Of or connected with commerce or trade. Made, done or operating primarily for profit.

CONSTRUCT: To build, form, erect, fabricate, reconstruct, alter, convert or devise by fitting parts or elements together systematically.

CONVERT: To change from one form or use to another. (Ord. 535, 4-2-2014)

11-204: DEFINITIONS - D:

DETACHED: Freestanding and structurally separated from other buildings.

DIAGRAMMATIC FLOOR PLAN: A sketch, drawing or plan illustrating the intent of a building plan and detailing room dimensions, walls, doors, windows and proposed uses on each floor.

DWELLING: A building or portion thereof designed exclusively for residential purposes, including one-family, two-family, and multiple-family dwellings, but shall not include hotels, boarding and lodging houses.

DWELLING, DUPLEX: A detached residential building, containing two (2) dwelling units only.

DWELLING, MULTIPLE-FAMILY: A detached residential building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A detached residential building containing one dwelling unit only.

DWELLING UNIT: Space within a dwelling, apartment house or any type of multiple-family dwelling building, consisting of one or more rooms which are arranged, designed or used as living quarters for one family only. (Ord. 535, 4-2-2014)

11-205: DEFINITIONS - E:

ENLARGE: To make larger; increase in size, volume, extent; broaden; expand.

ERECT: To raise or construct a building or structure.

EXCAVATION: The mechanical removal of more than fifty (50) cubic yards of rock, natural soil or fill in any configuration. Shall not include agricultural operations, well drilling, digging for utility lines or other similar activities incidental or accessory to a permitted use.

EXTEND: To enlarge in area, scope, widen, broaden, expand or spread. (Ord. 535, 4-2-2014)

11-206: DEFINITIONS - F:

FENCE: An enclosure or barrier made of wood, iron, wire, plastic or other materials used as a boundary or means of protection or confinement.

FINISH WORK: Painting, staining, trim, plastering, glazing, or similar work.

FLOODPLAIN: The relatively flat area of lowland adjoining the channel of a river, stream, lake or other body of water which has been or may be covered by water of a flood of one hundred (100) year frequency. The floodplain includes the channel, floodway and floodway fringe, as established per the engineering practices as specified by the army corps of engineers, as follows:

- A. Flood Of One Hundred Year Frequency: A flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year.
- B. Flood: The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water.
- C. Channel: A natural or artificial watercourse or perceptible extent, with definite bed and banks to confine and conduct continuously or

periodically flowing water.

D. Floodway: The channel or watercourse and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater of any watercourse.

E. Floodway Fringe: That part of the floodplain which is beyond the floodway. Such area will include those portions of the floodplain which will be inundated by a flood of one hundred (100) year frequency.

FLOOR AREA: The sum of the horizontal areas of each floor, measured from the interior finished walls or the centerline of walls separating two (2) buildings. Where a building has no walls, the floor area shall be measured from the inside faces of the support structure. A structure shall be deemed to have a floor, even if unfinished or dirt.

FOUNDATION: The base on which something rests; specifically, the supporting part of a wall or structure usually consisting of masonry or concrete. (Ord. 535, 4-2-2014)

11-207: DEFINITIONS - G:

GRADE: The lowest finished ground level adjoining the structure. (Ord. 535, 4-2-2014)

11-208: DEFINITIONS - H:

HEIGHT: Measured from the lowest finished grade of the building, structure or wall to the topmost point of the roof, wall or uppermost point. Chimneys, vents, utility structures or similar projections are not included in the measurements. (Ord. 535, 4-2-2014)

11-209: DEFINITIONS - I:

INDUSTRIAL: Of or relating to the assembly fabrication, finishing, manufacturing, packaging or processing of goods.

INHABITED: Lived in or occupied by humans. (Ord. 535, 4-2-2014)

11-210: DEFINITIONS - J:

None at this time. (Ord. 535, 4-2-2014)

11-211: DEFINITIONS - K:

KITCHEN: Any room or interior space principally used, intended or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall normally be considered as establishing a kitchen. (Ord. 535, 4-2-2014)

11-212: DEFINITIONS - L:

LANDOWNER: A corporation, firm, partnership, association, organization and any other group acting as a unit, or a person who has legal title to any structure or premises with or without accompanying actual possession thereof, and shall include the duly authorized agent or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the premises in question.

LEAN-TO: A roofed shelter or structure that rests against the wall of another building.

LOT: A platted piece of land which is part of a subdivision recorded in the book of plats in the office of the county recorder. (Ord. 535, 4-2-2014)

11-213: DEFINITION - M:

MANUFACTURED BUILDING OR STRUCTURE: Any building or structure which is made or assembled, on or off the building site, for installation or assembly on the building site.

MANUFACTURED HOME: A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 USC section 5401 et seq.

MEMBRANE STRUCTURE: Structure, such as a yurt, tent, teepee, that is covered by canvas, plastic or other thin, flexible material and supported by metal, wood, plastic or other framework or air.

MOBILE HOME: A factory assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. (Ord. 535, 4-2-2014)

11-214: DEFINITIONS - N:

None at this time. (Ord. 640, 9- -2021)

11-215: DEFINITIONS - O:

OCCUPANCY: Use of the property by any person as a residence including occupancy of improvements or use in storage of vehicles, boats or household goods, provided such use is not solely related to construction or sale of the property; or use of the property for any business or commercial purpose unrelated to the construction and sale of the property; or any possessory use of the property for which the owner received any compensation or consideration. (Ord. 535, 4-2-2014)

11-216: DEFINITIONS - P:

PARCEL: An unplatted piece of land which is uniquely described within a legal instrument of conveyance.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity. A "person" shall include a trustee, receiver, assignee or similar representative of any of the above.

PLAYHOUSE: A freestanding, small structure used exclusively for children to play in.

PLOT PLAN (SITE PLAN): A drawing of the building site prepared by the applicant, illustrating the location of a proposed structure, existing structures, property dimensions, setbacks, accesses, easements, utilities, wetlands, floodplain, waterways, and other details pertinent to the building site.

PREFABRICATED: To construct beforehand; to construct in standardized sections for shipment and assembly on site.

PUBLIC: Owned or operated by the state, federal, local government or political subdivisions thereof. For the use or benefit of the community. (Ord. 535, 4-2-2014)

11-217: DEFINITIONS - Q:

None at this time. (Ord. 535, 4-2-2014)

11-218: DEFINITIONS - R:

RECONSTRUCTED: To rebuild; make over; to build up from remaining parts.

RESIDENTIAL: Of or connected with housing.

RETAINING WALL: A barrier constructed or placed to resist lateral soil loads or other imposed loads.

ROOF: The outside top covering designed to provide weather protection and resistance to design loads. (Ord. 535, 4-2-2014)

11-219: DEFINITIONS - S:

SERVING UTILITY: Company providing electrical service to the site.

SHELTER: Providing cover or protection to people, animals, or things.

SIGN: A device, descriptive display, or illustration generally relating in its subject matter to products, persons, accommodations, services or activities on the premises. However, a "sign" shall not include legal notices or informational or directional media erected or required by governmental bodies, nor shall it include residential location indicators.

SITE: A lot or parcel or portion thereof upon which construction is occurring or is proposed to occur.

SMALL STRUCTURE: Those structures greater than 200 square feet of floor area and not exceeding one thousand eighty (1,080) square feet of floor area. Small structures shall not have living space or sewage disposal and shall meet the requirements of BCRC 11-104.

START OF CONSTRUCTION: The installation or placement of a slab, footing, piles, blocks, columns, posts, or manufactured or prefabricated structure or similar construction activity on a site. The definition shall not include site clearing, excavation, or placement of concrete forms.

STOP WORK ORDER: A written directive to halt work, issued administratively whenever the planning director or designee finds work being performed contrary to this title.

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. Measured as the vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces, and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

STRUCTURE: A combination of assembled materials providing shelter, support or an extension of shelter or support, including, but not limited to, buildings, signs, towers, tanks, decks, platforms, porches, walls, pools, roofed storage areas, manufactured buildings, or offices, located above or below ground, whether constructed, assembled or erected on site or preconstructed and placed on site. The following are exceptions to the structure definition: (See subsection 11-104 of this title for process to exempt certain structures not exceeding one thousand eighty (1,080) square feet of floor area.)

The exceptions below are subject to the land use standards specified in title 12 of this code:

A. Accessory buildings or structures that are detached structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed two hundred (200) square feet.

B. An addition to an existing residential accessory structure used solely for storage or agricultural uses such as woodsheds, lean-tos, greenhouses, general storage, provided the addition:

1. Is an addition that has a total floor area not exceeding two hundred (200) square feet.
2. Has no sewage disposal utilities.
3. Does not cause a structure excepted by this title to exceed two hundred (200) square feet.

C. Agricultural structures designed or constructed solely for the purpose of storing or housing hay, grain, poultry, livestock, produce, horticultural products or agricultural equipment, provided the floor area does not exceed two hundred (200) square feet. Such structure shall not be inhabited; or a place of employment excepting structures used for agricultural direct marketing activities. Such agricultural structures are subject to the land use standards specified in title 12 of this code.

D. Manufactured structures or mobile homes placed temporarily on licensed sales lots for retail or wholesale sales.

E. Motion picture, television and theater stage sets and scenery used only for the duration of the event.

F. Platforms, walks and driveways not more than thirty inches (30") above grade and not over any basement or story below. This does not include attached decks.

G. Reroofing not affecting the structural roof framing.

H. Row covers, high tunnels, hoop houses, or other membrane covered structures used in raising of crops to extend the growing season.

I. Signs affixed to a building that are not greater than sixty four (64) square feet.

J. Swimming pools not exceeding four thousand (4,000) square feet of area (15-20,000 gallons.).

K. Water tanks not exceeding five thousand (5,000) gallons.

L. Window replacement or window awnings supported by an exterior wall.

M. Yurts, teepees, tents, or other membrane structures without rigid walls that do not contain a kitchen and plumbing facilities.

N. Buildings, construction trailers, equipment and materials used in conjunction with construction work during the period of construction. Such facilities shall be removed upon occupancy of the structure unless otherwise excepted or permitted by this title.

The exceptions below are subject to the land use standards in Title 12; however, they are not subject to the setback standards specified in title 12 chapter 4 of this code:

O. Fences not over eight feet (8') in height measured at grade.

P. Retaining walls not over four feet (4') in height measured at grade.

Q. Residential propane tanks not exceeding one thousand (1,000) gallons.

SUSPENDED: To stop or discontinue work authorized by building location permit, for the period of time specified in this title. (Ord. 535, 4-2-2014; amd. Ord. 640, 9- -2021)

11-220: DEFINITIONS - T:
None at this time. (Ord. 535, 4-2-2014)

11-221: DEFINITIONS - U:
None at this time. (Ord. 535, 4-2-2014)

11-222: DEFINITIONS - V:
None at this time. (Ord. 535, 4-2-2014)

11-223: DEFINITIONS - W:
None at this time. (Ord. 535, 4-2-2014)

11-224: DEFINITIONS - X:
None at this time. (Ord. 535, 4-2-2014)

11-225: DEFINITIONS - Y:
YURT: A circular like tent of felt, canvas, skins or other membranes on a framework of poles. (Ord. 535, 4-2-2014)

11-226: DEFINITIONS - Z:
None at this time. (Ord. 535, 4-2-2014)

TITLE 12

LAND USE REGULATIONS

CHAPTER 1

GENERAL PROVISIONS, ADMINISTRATION AND ENFORCEMENT

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Subchapter 1.2 - Administration

12-120: Establishment Of Planning Department

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Subchapter 1.3 - Enforcement

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SUBCHAPTER 1.1 - GENERAL PROVISIONS

12-110: AUTHORITY:

This title is adopted pursuant to authority granted by Idaho Code title 67, chapter 65, and article 12, section 2 of the Idaho constitution, as amended or subsequently codified. This title applies to all unincorporated areas of Bonner County. (Ord. 501, 11-18-2008)

12-111: PURPOSE:

The zoning regulations and districts for the unincorporated areas of Bonner County, as herein established, have been made in accordance with a comprehensive plan and Idaho Code for the purpose of promoting the health, safety and general welfare of the people of Bonner County as follows:

- A. To protect property rights while making accommodations for other necessary development such as varied types of affordable housing.
- B. To ensure that adequate public facilities and services are provided to the people at reasonable cost.
- C. To ensure that the economy of the state and localities is protected.
- D. To ensure that the important environmental features of the state and localities are protected.
- E. To encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals.
- F. To encourage urban and urban type development within incorporated cities.
- G. To avoid undue concentration of population and overcrowding of land.
- H. To ensure that the development on land is compatible with the physical characteristics of the land.
- I. To protect life and property in areas subject to natural hazards and disasters.
- J. To protect fish, wildlife and recreation resources.
- K. To avoid undue water and air pollution.
- L. To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis. (Ord. 501, 11-18-2008)

12-112: INTERPRETATION, RELATION TO OTHER ORDINANCES:

- A. In the interpretation and application of the provisions of this title, the requirements shall be held to be the minimum requirements.
- B. When this title imposes a greater restriction upon the use of buildings or premises, or requires larger spaces than are imposed by other codes, laws, resolutions, rules and regulations, or covenants, the provisions of this title control.
- C. The provisions of this title shall be interpreted to carry out the purpose and intent of the zone district as shown on the official zoning maps on file in the planning department office, this title as adopted, and the Bonner County comprehensive plan.
- D. The use of the following words shall apply:
 - 1. "Shall" and "must" are mandatory and not discretionary.
 - 2. "May" is permissive.
 - 3. "Should" refers to a guideline that is encouraged, but not mandatory. (Ord. 501, 11-18-2008)

SUBCHAPTER 1.2 - ADMINISTRATION

12-120: ESTABLISHMENT OF PLANNING DEPARTMENT:

Pursuant to the authority granted at Idaho Code title 31, chapter 8, the board of county commissioners has created a planning department to assist in the fulfillment of the duties prescribed by this title and Idaho Code. (Ord. 501, 11-18-2008)

12-121: PLANNING DIRECTOR:

The board of county commissioners shall designate a planning director, who shall be charged with administering the provisions of this title. (Ord. 501, 11-18-2008)

12-122: ESTABLISHMENT OF PLANNING AND ZONING COMMISSION:

- A. The planning and zoning commission (commission) shall consist of seven (7) members. They shall be appointed by the board in accordance with the provisions of Idaho Code. All members must have resided in Bonner County for at least two (2) years prior to appointment, and must reside within Bonner County while serving on the commission. The terms of office for the appointive members shall be between three (3) and six (6) years. All vacancies shall be filled in the same manner as original appointments.
- B. Members may be removed for cause by a majority vote of the board. Members shall be selected without respect to political affiliation. (Ord. 501, 11-18-2008)

12-123: POWERS AND DUTIES OF COMMISSION:

The commission shall:

- A. Conduct a planning process designed to prepare, implement, review and update a comprehensive plan that includes all lands within the board's jurisdiction;
- B. Hold public hearings prior to recommending the comprehensive plan, changes to the plan and ordinances;
- C. Provide ways and means to obtain citizen participation in the planning process and the administration of ordinances;
- D. Recommend subdivision and zoning ordinances and plats;
- E. Recommend a map, a governing plan and ordinances for areas of city impact that are within the unincorporated area of Bonner County;
- F. Prepare procedures for processing zoning permits, namely: special use permits, conditional use permits, rezone applications, planned unit development proposals and variance applications;
- G. Hear all requests for amendment to the zoning ordinance, hold at least one public hearing and make its recommendation to the board; and
- H. Regularly review, update and recommend changes to the zoning ordinance (if needed) to the board. (Ord. 501, 11-18-2008)

12-124: ELECTION OF CHAIRPERSON, MEETINGS, QUORUM:

- A. The commission shall elect a chairperson and create and fill those offices that it determines necessary for the proper conduct of the affairs and business of the commission.
- B. Meetings of the commission shall be held when called by the Chairperson or a majority of the commission, by written or oral notice in accordance with the Open Meeting Law of the State of Idaho. At least one regular meeting shall be held each month for not less than nine (9) months in a year.
- C. A majority of the currently appointed voting members shall constitute a quorum.

D. All meetings shall be open to the public, except as otherwise provided by Idaho Code. (Ord. 501, 11-18-2008)

12-125: CONDUCT OF MEETINGS, RECORDS, OPEN TO PUBLIC:

A. The commission shall adopt written rules consistent with this title and the laws of the State of Idaho for the transaction of business of the commission.

B. The commission shall maintain and make open to the public written records of meetings, hearings, resolutions, findings, studies, permits and actions.

C. The written records, transcripts, audio recordings, or other written, audio or video evidence received or compiled by the commission in the conduct of its meetings or hearings shall be automatically incorporated into the record of the Board for the Board's consideration of appeals or recommendations from the commission. (Ord. 501, 11-18-2008)

12-126: ESTABLISHMENT, APPOINTMENT OF HEARING EXAMINER:

The position of hearing examiner is established in accordance with the provisions of Idaho Code section 67-6520. Hearing examiners shall meet the minimum qualifications set forth in Idaho Code section 67-6520 and shall be appointed by the Board by resolution. Hearing examiners shall serve at the discretion of a majority of the Board. Vacancies shall be filled in the same manner as original appointments. (Ord. 501, 11-18-2008)

12-127: POWER AND DUTIES OF HEARING EXAMINER:

A. For any application, the hearing examiner shall provide notice, conduct public meetings, consider applications and render written final decisions based on the standards and procedures provided in this title for the Board and commission. The hearing examiner may recommend the commission conduct a public hearing pursuant to the public hearing noticing requirements and procedures of chapter 2, subchapter 2.6 of this title, based upon the extent of public comment or other contested factors in the case which warrant a hearing before the commission. The hearing examiner is authorized to consider the following:

1. Subdivisions;
2. Variances;
3. Conditional use permits, including planned unit developments and tier III home occupations;
4. Special use permits. (Ord. 590, 6-12-2019)

B. Applications authorized for consideration by a hearing examiner shall be considered by the Board or commission as provided by this title, if the hearing examiner position is vacant. (Ord. 501, 11-18-2008)

12-128: APPEALS FROM FINAL DECISION OF HEARING EXAMINER:

Any "affected person", as defined by Idaho Code title 67, chapter 65, may present an appeal of the final decision of the hearing examiner to the Board. The appeal is subject to the same procedures and standards as established in section 12-262 of this title for appeals from final decisions of the commission. (Ord. 501, 11-18-2008)

12-129: CONFLICT OF INTEREST PROHIBITED:

The hearing examiner is subject to the same standards regarding conflict of interest as provided in Idaho Code title 67, chapter 65, for governing boards, commissions and employees. (Ord. 501, 11-18-2008)

SUBCHAPTER 1.3 - ENFORCEMENT

12-130: ENFORCEMENT:

A. The Planning Director, or designee, shall have the authority to enforce this title. The Planning Director shall not issue a permit unless the intended uses of the buildings and land conform in all respects with the provisions of this title. (Ord. 512, 1-6-2010)

B. The prosecuting attorney may take any criminal action considered necessary to enjoin a violation of this title. The prosecuting attorney may, with the consent of the board, bring a civil action considered necessary to enjoin a violation of this title. Civil remedies may be sought in addition to, or in lieu of, criminal penalties, including the recovery of any costs, civil fines or penalties imposed by this title and the filing with the recorder's office of a notice to title of a zoning violation that has remained unresolved for forty five (45) days or more after the first notice of violation was sent by certified mail by Bonner County to the landowner at the address shown on the county assessor's tax rolls. The notice of violation shall identify the zoning violation, location and the actions required to resolve the violation. After the violation has been resolved, the landowner shall pay a fee as set forth in the official fee schedule established by this title to process and record a lifting of the notice to title. (Ord. 524, 1-11-2012)

12-131: COMPLAINTS OF VIOLATION:

When a violation of this title occurs, or is alleged to have occurred, any person may file a written complaint. The complaint shall state fully the causes and basis for the complaint and shall be filed with the planning director. The planning director has the authority to investigate and take actions on the complaint as provided in this title. The planning director may also dismiss the complaint based upon a finding that there is insufficient evidence that a violation exists. (Ord. 512, 1-6-2010)

12-132: VIOLATIONS AND PENALTIES:

Penalties for failure to comply with, or violations of the provisions of this title shall be as follows: Violation of any of the provisions of this title or failure to comply with any of its requirements is a misdemeanor, punishable by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1,000.00) or by both. Each day that a violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder or any other person who commits, participates in, assists in or maintains a violation, may be found guilty of a separate offense. Nothing contained in this title shall prevent the board or any other public official or private citizen from taking lawful action necessary to restrain or prevent a violation of this title or of Idaho Code. In addition to court actions, the county may impose and recover as penalties all reasonable costs incurred in the investigation, abatement and prosecution of the violation. (Ord. 524, 1-11-2012)

12-133: AUTHORITY, ISSUANCE OF STOP WORK ORDER, UNLAWFUL CONTINUANCE:

A. If the planning director finds any activity regulated by this title being performed in a manner contrary to the provisions of this title, the planning director or designee may issue a stop work order.

B. The stop work order shall be in writing and shall be posted on the premises where the activity is occurring or given to the owner of the property involved, or to the owner's agent, or to any person performing the work. Written notice shall also be provided by the planning department by certified mail to the landowner at the address shown on the county assessor's tax rolls. On issuance of a stop work order, the cited activity shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited activity will be permitted to resume.

C. Any person who continues to work or perform an activity after having been served with a stop work order, without express written

CHAPTER 2

PROCEDURES

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SUBCHAPTER 2.1 - TITLE AMENDMENTS, COMPREHENSIVE PLAN AMENDMENTS AND ZONE CHANGES

12-210: PURPOSE:

This chapter provides procedures for amending this title (including zoning text and maps). (Ord. 501, 11-18-2008)

12-211: GENERAL:

A request for amendment to the text of this title, the comprehensive plan or to the zoning map must be accompanied by a written request that addresses:

- A. Why the amendment is necessary.
- B. The conformity of the proposal to the comprehensive plan.
- C. The effect of the proposal on adjacent property.
- D. Any other information considered by the Planning Director or Governing Body to be necessary for a complete evaluation of the proposal, such as information regarding utilities, traffic, service connections, natural resources, unique features of the land or off site features affecting the proposal. (Ord. 501, 11-18-2008)

12-212: APPLICATIONS, APPLICANTS FOR AMENDMENT TO ZONING OR COMPREHENSIVE PLAN MAP:

- A. Any person may initiate action to change the zoning or comprehensive plan map. (Ord. 559, 1-4-2017)

12-213: APPLICATIONS, APPLICANTS FOR AMENDMENTS TO THIS TITLE:

An amendment to the text of this title or comprehensive plan may be initiated by any citizen or property owner of Bonner County. A fee shall be collected for any amendment initiated by a citizen or property owner, as set forth at section 12-265 of this chapter. The amendment shall be considered in accordance with the procedure specified in Idaho Code sections 67-6509 and 67-6511. (Ord. 559, 1-4-2017)

12-214: PROCEDURES FOR AMENDMENTS TO THIS TITLE:

A. The regulations, restrictions and boundaries set forth in this title may from time to time be amended, supplemented or repealed in accordance with Idaho Code. Amendments to the comprehensive plan shall be made in accordance with the notice and hearing procedures prescribed in Idaho Code section 67-6509 and shall require a noticed hearing before the Planning and Zoning Commission. Amendments to an ordinance establishing a zoning district shall be made in accordance with the notice and hearing procedures prescribed in Idaho Code sections 67-6509 and 67-6511 and shall require a noticed hearing before the Planning and Zoning Commission. All other amendments to this title shall not require a hearing before the Planning and Zoning Commission. (Ord. 550, 3-1-2016)

B. At least twenty two (22) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposed amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice shall also be made available to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. A record of the hearing, the findings made, and actions taken shall be maintained. (Ord. 590, 6-12-2019)

C. When a hearing is required before the Planning and Zoning Commission as prescribed in this section, the commission shall produce written findings and recommendations and transmit them to the Board of County Commissioners within ten (10) working days of the date of the hearing. This time limit may be extended or modified by written consent of the Board of County Commissioners. Failure of the commission to issue a decision within the time period prescribed in this section shall be deemed a denial or a recommendation of denial. The Board of County Commissioners, prior to taking action on the amendment, may conduct a public hearing using the same notice and hearing procedures as the commission. The Board of County Commissioners shall not hold a public hearing, give notice of a proposed hearing nor take action on the proposed amendment until recommendations have been received from the Planning and Zoning Commission or ten (10) working days have passed and the commission has failed to transmit its findings and recommendations to the Board. If the Board fails to act within twenty (20) working days of the first day it could take action, such inaction shall be deemed an approval of the commission's recommendation.

D. If the Board of County Commissioners approves an amendment, the amendment shall then be made a part of this title by passage of an appropriate ordinance. (Ord. 550, 3-1-2016)

12-215: APPLICATIONS FOR ZONE CHANGES AND COMPREHENSIVE PLAN MAP AMENDMENTS, CONTENTS:

An applicant for a zone or comprehensive plan map change shall submit the following:

- A. A plan of the proposed site, drawn to scale, showing the location of all buildings, parking and loading areas, traffic access and circulation, undisturbed areas, open spaces, landscaping, refuse and service areas, utilities, signs and yards.
- B. A narrative statement that addresses:

1. The effects of elements such as noise, light glare, odors, fumes and vibrations on adjoining property.
 2. The compatibility of the proposal with the adjoining land uses.
 3. The relationship of the proposal to the comprehensive plan. (Ord. 501, 11-18-2008)
- C. Reserved. (Ord. 583, 12-5-2018)
- D. A legal description of the subject property prepared by an Idaho licensed surveyor.
- E. A "vicinity map", as defined in section 12-822 of this title, sufficient to show the impact of the proposal commensurate with the scale of the project.
- F. Any other information considered by the Planning Director or Governing Body to be necessary for a complete evaluation of the proposal; such as information regarding utilities, traffic, service connections, natural resources, unique features of the land or off site features affecting the proposal. (Ord. 501, 11-18-2008)

12-216: EVALUATION OF AMENDMENT PROPOSALS:

Staff and the Governing Bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)

12-217: PUBLIC HEARINGS, NOTICE OF:

Notices and public hearings shall be provided pursuant to the procedural requirements of Idaho Code section 67-6511. When notice is required to two hundred (200) or more property owners or purchasers of record, in lieu of the mail notification, three (3) notices in the official newspaper or paper of general circulation is sufficient; provided, that the third notice appears no later than ten (10) days prior to the public hearing. (Ord. 501, 11-18-2008)

SUBCHAPTER 2.2 - CONDITIONAL USE PERMITS

12-220: PURPOSE:

This subchapter establishes criteria for conditional uses in a zoning district. (Ord. 501, 11-18-2008)

12-221: GENERAL PROVISIONS:

A. There are certain land uses that possess unique characteristics relative to location, design, size, method of operation, circulation and public facilities that each specific use must be considered individually. These uses are provided for as conditional uses in this subchapter.

B. Once a conditional use permit is approved, the terms and conditions of the conditional use permit become the controlling plan for the use of the property and may only be changed in accord with section 12-266 of this chapter.

C. Conditional use permits issued under this title are valid for the life of the use at the location for which the permit was issued, unless an expiration date is specified in the conditional use permit or unless a permit has been revoked under this title. Conditional use permits shall be deemed to run with the land to which they are attached, and the terms of the permits shall not be modified or terminated by a change in ownership of the lands. (Ord. 501, 11-18-2008)

12-222: APPLICATION, CONTENTS:

An application for a conditional use permit must be submitted to the Planning Department. At a minimum, the application shall contain the following information:

- A. Name, address and phone number of applicant.
- B. Authorized signature of at least one owner of the property for which the conditional use permit is proposed.
- C. Legal description of property.
- D. Applicant's interest in title.
- E. Description of existing use.
- F. Zoning district in which property is located.
- G. Description of proposed conditional use or nature of variance requested.
- H. A narrative statement that addresses:
 1. The effects of elements such as noise, glare, odors, fumes and vibrations on adjoining property.
 2. The compatibility of the proposal with the adjoining land uses.
 3. The relationship of the proposed use to the comprehensive plan.
- I. A plan of the site, drawn to scale, showing location of all existing and proposed buildings, parking and loading areas, traffic access and circulation, undisturbed areas, open spaces, landscaping, refuse and service areas, utilities, signs and yards. (Ord. 501, 11-18-2008)
- J. Reserved. (Ord. 583, 12-5-2018)
- K. A "vicinity map", as defined in section 12-822 of this title, sufficient to show the impact of the proposal commensurate with the scale of the project.
- L. Other information that the Planning Director or Governing Body requires to determine if the proposed conditional use meets the intent and requirements of this title, such as information regarding utilities, traffic, service connections, natural resources, unique features of the land or off site features affecting the proposal. (Ord. 501, 11-18-2008)

12-223: CONDITIONAL USE PERMITS, STANDARDS FOR REVIEW OF APPLICATIONS, PROCEDURES:

The commission, except as otherwise provided in this title, is charged with conducting at least one public hearing on the conditional use permit application, at which time interested persons shall have an opportunity to be heard. The commission shall review the particular facts and circumstances of each proposal submitted. To grant a conditional use permit, the commission must find there is adequate evidence showing that the proposal is in accordance with the general and specific objectives of the comprehensive plan and this title, and that the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property. (Ord. 501, 11-18-2008)

12-224: PUBLIC HEARINGS AND NOTICES:

Notices and public hearings shall be provided pursuant to Idaho Code section 67-6512. When notice is required to two hundred (200) or more property owners or purchasers of record, in lieu of the mail notification, three (3) notices in the official newspaper or paper of general circulation is sufficient; provided, that the third notice appears no later than ten (10) days prior to the public hearing. (Ord. 501, 11-18-2008)

12-225: APPROVAL, DISAPPROVAL, APPEAL OF DECISION:

- A. Following the public hearing, the commission shall consider the application and may approve or deny the conditional use permit.
- B. If the commission denies the conditional use permit, the commission shall state in writing the reasons for the decision and shall specify any actions the applicant could take to obtain approval.
- C. The final decision of the commission on a conditional use permit may be appealed to the board as set forth at section 12-262 of this chapter. (Ord. 501, 11-18-2008)

12-226: CONDITIONAL USE PERMITS, CONDITIONS, EXPIRATION, REVOCATION:

A. Conditional use permits may be approved that meet the standards set forth in this title for that specific use. Conditional use permits may, in addition to standards set forth, also stipulate conditions which may include:

1. Minimizing adverse impact on other development;
2. Controlling the sequence and timing of development;
3. Controlling the duration of development;
4. Assuring that development is maintained properly;
5. Designating the exact location and nature of development;
6. Requiring the provision for on site or off site public facilities or services;
7. Specifying time limits that the use will be permitted;
8. Requiring more restrictive standards than those generally required in this title;
9. Landscaping requirements;
10. Sight restrictions;
11. Safeguards to protect adjacent property; and
12. Measures to minimize environmental impacts.

B. The commission or governing body shall specify whether stipulated conditions are to be met prior to the issuance of the conditional use permit or are perpetual conditions to be met throughout the life of the permit.

C. Conditional use permit approval shall expire if the permit has not been issued within two (2) years from the date of approval, or if issued, if the use has not commenced within two (2) years from the date of issuance. At any time prior to the expiration date of the conditional use permit, an applicant may make a written request to the planning director for a single extension of the conditional use permit for a period up to two (2) years. The commission at any regular meeting, or board at any regular meeting, may consider the request for extension. The extension request must be approved or denied prior to the expiration date of the conditional use permit.

D. The planning director may present to the commission a recommendation to revoke a conditional use permit on a finding of substantial evidence that the permit is not in compliance with the terms, conditions or restrictions of the conditional use permit. Prior to revoking a permit, the commission shall conduct a public hearing, in accord with the noticing and procedures set forth in this chapter, to consider the permit revocation, and may revoke the permit or impose additional conditions or restrictions to bring the permit into compliance, on a finding that there is substantial evidence that the terms of the permit approval have been violated.

E. Nothing contained in this section shall prevent the board or any other public official or private citizen from taking any lawful action as is necessary to restrain or prevent any violation of this title or of Idaho Code. (Ord. 501, 11-18-2008)

SUBCHAPTER 2.3 - VARIANCES

12-231: PURPOSE:

The purpose of this subchapter is to provide a mechanism by which the county may grant relief from the strict application of the provisions of this title where proposals conform to the standards set forth in this subchapter. (Ord. 559, 1-4-2017)

12-232: GENERAL PROVISIONS:

A variance is a modification of the bulk and placement requirements of this title as to lot or parcel size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space size, height of buildings, or other provisions of this title affecting the size or shape of a structure or the placement of a structure upon a lot or parcel, or the size of the lot or parcel. (Ord. 559, 1-4-2017)

12-233: APPLICATION, CONTENTS:

The contents of a variance application shall be the same as for a conditional use permit, but shall also address the standards of section 12-234 of this subchapter. See section 12-222 of this chapter. (Ord. 559, 1-4-2017)

12-234: VARIANCES, STANDARDS FOR REVIEW OF APPLICATIONS:

The staff, commission, hearing examiner and/or Board shall review the particular facts and circumstances of each proposal submitted. To grant a variance, the hearing examiner or the Governing Body must find adequate evidence showing that:

- A. Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.
- B. Special conditions and circumstances do not result from the actions of the applicant.
- C. The granting of the variance is not in conflict with the public interest in that it will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot. (Ord. 559, 1-4-2017)

12-235: PUBLIC HEARING AND NOTICES:

Notices and public hearings shall be provided pursuant to Idaho Code section 67-6512. When notice is required to two hundred (200) or more

property owners or purchasers of record, in lieu of the mail notification, three (3) notices in the official newspaper or paper of general circulation is sufficient; provided, that the third notice appears no later than ten (10) days prior to the public hearing. (Ord. 559, 1-4-2017)

12-236: APPROVAL, DISAPPROVAL; APPEAL OF DECISION:

A. Following the public hearing, the hearing examiner or the commission shall consider the application and shall take action as provided at subsection 12-267A11 of this chapter.

B. The hearing examiner or the commission shall state in writing the reasons for the decision and shall specify any actions that the applicant could take to obtain approval if the variance is denied.

C. In approving an application, the hearing examiner or the commission may require conditions that will secure the objectives of this title, and may require guarantees in such form as deemed proper under the circumstances to ensure that such conditions be complied with. Where any such conditions are violated or not complied with, the approval shall cease to exist, and the Compliance Officer shall act accordingly.

D. The final decision of the hearing examiner or the commission on a variance may be appealed to the Board as set forth at section 12-262 of this chapter.

E. The hearing examiner or the commission may not grant a variance to allow a use not permissible in the zone involved, or any use expressly prohibited by the terms of this title. The hearing examiner or the commission may recommend that the applicant file for rezoning. (Ord. 559, 1-4-2017)

12-237: RESERVED:

(Ord. 578, 7-11-2018)

12-238: ADMINISTRATIVE VARIANCES:

A. The Director may grant a variance, as an administrative decision, of up to thirty percent (30%) of a modification of the bulk and placement requirements of this title as to lot or parcel size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space size, height of buildings, or other provisions of this title affecting the size or shape of a structure or the placement of a structure upon a lot or parcel, or the size of the lot or parcel. (Ord. 590, 6-12-2019)

B. The applicant shall submit an application for administrative variance along with the appropriate fee. (Ord. 578, 7-11-2018)

C. The application shall be processed as follows:

1. Application And Administrative Requirements: A site plan and application shall be submitted for review together with all appropriate fees as established by the adopted fee schedule. The burden of proof lies upon the applicant to show whether characteristics of the site conform to the standards in section 12-234 of this subchapter. (Ord. 590, 6-12-2019)

2. Area Of City Impact: If the property is located in an area of city impact, the County shall notify the affected city and allow the required amount of time for a response.

3. Notifications: Upon acceptance of an application, and while in ACI review, if appropriate, the Director shall provide notification by mail of the variance request to the owners of parcels within three hundred feet (300') of the external boundaries of the parcel and shall provide such individuals a period of twenty one (21) calendar days from the date of the mailing to submit comments concerning the proposed variance.

4. Action On Application: Based on the comments from staff, agency, and those from affected property owners, the Director shall review the proposed request and shall either approve, approve subject to conditions, or deny the application per section 12-234 of this subchapter within seven (7) working days from the end of the twenty one (21) day comment period. Alternatively, the Director may, at any time during this review, forward the application to the Planning Commission for a public hearing and decision in accordance with the public hearing process in section 12-267 of this chapter. In considering comments, the Director shall evaluate whether granting the variance will be consistent with the standards listed in section 12-234, "Variances, Standards For Review Of Applications", of this subchapter.

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

D. The Planning Commission shall consider all other applications for variances in accordance with the notice and hearing procedure of this chapter.

E. The decision of the Planning Director may be appealed as follows:

1. Filing Time Limit; Fee: Any affected person may file an appeal of the final decision of the Planning Department within twenty eight (28) days after the final written decision of the Planning Director has been issued. The appellant shall pay the fee required by this title upon filing the appeal. An appeal shall not be considered to be filed until such fee has been paid. Failure to file the appeal within the time limits shall cause automatic dismissal of the appeal.

2. Notice Of Appeal Contents: The notice of appeal shall be in writing and shall provide the grounds for the appeal and set forth the issues of appeal.

3. Procedures For Consideration Of Appeal:

a. Within sixty (60) days of the receipt of the appeal, the Board shall conduct a public hearing. The hearing shall be conducted in the same manner using the same standards, as if the Board had original jurisdiction to hear the application.

b. Upon consideration, the Board may affirm, reverse, or modify the decision of the commission/hearing examiner, after compliance with applicable procedural standards.

c. The decision of the Board shall be final, and any further recourse shall be as provided by law. (Ord. 578, 7-11-2018)

SUBCHAPTER 2.4 - SPECIAL USE PERMITS

12-240: PURPOSE:

The purpose of this subchapter is to include provisions for special uses, events and structures that are temporary in nature, but otherwise prohibited due to their intensive nature; provided, that these uses are carried out with safeguards to ensure their compatibility with the surrounding uses. (Ord. 501, 11-18-2008)

12-241: APPLICABILITY:

The provisions of this subchapter are applicable to all uses, events and structures of a temporary nature that would otherwise be prohibited under the terms of the zoning, subdivision and other land use regulations, adopted and in force in Bonner County, Idaho, except that the

provisions of this subchapter do not apply to:

- A. Any event at which fewer than four hundred (400) persons are in attendance or are expected to attend at a single location.
- B. Uses of land, events and structures which are a part of, or customarily accessory to, a permitted use or conditional use.
- C. Events and temporary uses which occur entirely within an existing structure.
- D. Structures which are of a temporary nature and associated with the construction of a permitted use or conditional use. (See also section 12-420 of this title for temporary structures.)
- E. Uses, events and structures located entirely on lands owned or controlled by the United States or the State of Idaho. (Ord. 501, 11-18-2008)

12-242: GENERAL PROVISIONS:

A. Special uses are uses of a temporary nature that would otherwise be prohibited uses. By their nature, special uses are significantly more intensive than the permitted uses or conditional uses in the respective zone districts, but temporary special uses may be carried out with particular safeguards to ensure compatibility with surrounding land uses and without endangering public health and safety. Temporary special uses are therefore subject to additional restrictions, requirements and conditions more stringent than those applying generally within the zone district.

B. Once a special use permit has been approved, the terms and conditions of that permit shall not be changed, except as set forth at section 12-266 of this chapter.

C. Any development or use in violation of the terms and conditions of the special use permit shall be deemed a violation of this title. (Ord. 501, 11-18-2008)

12-243: DURATION OF PERMIT:

A. Special use permits issued under the terms of this chapter shall be valid for a period specified in the permit, and in the discretion of the Board, may include site preparation and cleanup or restoration after the event concludes, the use is discontinued or the structure is removed. On petition by the permittee, the Board may allow one extension of time for the completion of the terms of the special use permit. Special use permits shall be deemed to run with the land to which they are attached, and the terms of these permits shall not be modified, abrogated or abridged by a change in ownership of the lands, or other private contracts or agreements. (Ord. 501, 11-18-2008)

B. A special use permit shall be issued for a single event, use or structure, or a combination, for a specific period and shall not be renewable for annual or repeated events, uses or structures, with the following exceptions:

- 1. Fun runs, cycling events, triathlons, or other similar recreational and community events may be renewable provided:
 - a. The repeat event is located on the same site.
 - b. The applicant has been issued a special use permit or renewal within the previous two (2) years.
 - c. There have been no violations of previous permits.
 - d. The applicant submits a renewal application and pays the fee set forth by the official fee schedule.
 - e. The number of renewals for a repeat event shall not exceed five (5).
 - f. The number of attendees or expected attendees does not exceed the original permitted number.

2. The Planning Director is authorized to issue the renewal and apply the conditions of the original permit and other conditions reasonably related to the conditions of section 12-246 of this subchapter. (Ord. 539, 8-20-2014)

12-244: APPLICATION FOR SPECIAL USE PERMIT:

Applications for special use permits shall be made on forms supplied by the Planning Director and shall include:

A. The name of the applicant responsible for conducting the special use and responsible for compliance with the terms and conditions of the special use permit. If the applicant is not the owner of the subject property, written and notarized evidence of the permission of the owner to conduct the proposed special use shall accompany the application.

B. A description of the proposed use, including the type of activity, hours of operation, number of vehicle trips anticipated, duration of the activity (including site preparation and site restoration or cleanup), size of structures or nature of structures to be built, and any management or operations planned to minimize effects of the activity on surrounding properties.

C. A vicinity map depicting the site and the surrounding area, including all pertinent features such as roads, public facilities, bodies of water and current land uses.

D. A site plan showing the property boundaries, general topography, building layout, access, parking and any other details that clearly depict the proposed use.

E. The names and addresses of owners of properties located within three hundred feet (300') of the proposed special use as shown in the records of the Assessor's Office. If the proposed special use is a part of a larger parcel of land under the same ownership, the names and addresses of owners of properties adjoining the larger parcel shall also be included.

F. An application fee as set forth at section 12-265 of this chapter. The Board may waive the fee for political subdivisions or public agencies. (Ord. 501, 11-18-2008)

12-245: STANDARDS FOR REVIEW OF SPECIAL USE PERMITS:

The board shall examine all applications for special use permits for compliance with the following standards:

- A. The type of temporary use proposed, its general location and the characteristics of the specific site are compatible with the nature of the district and will not have material and long term negative effects.
- B. There is sufficient land area to accommodate the proposed special use, and that the temporary use and any appurtenant structures are arranged on the land to minimize any adverse effects on surrounding properties, and will not create particular hazards to adjacent properties.
- C. The design and management of the proposed special use will not pose a material risk to public health and safety.
- D. Adequate public services (such as water supply, sewage disposal facilities, roads, law enforcement, traffic control, fire protection,

emergency medical services, etc.) exist or will be provided to serve the proposed special use.

E. The site plan and accompanying descriptive material for the special use are sufficiently detailed to provide a clear and unambiguous description of the nature of the use to be allowed under the terms of the special use permit.

F. Measures can and will be taken to mitigate any adverse effects that the proposed special use may have. (Ord. 501, 11-18-2008)

12-246: CONDITIONS MAY BE ATTACHED, SPECIAL USE PERMITS:

In addition to the standards for special uses set forth in this subchapter, conditions may be attached to a special use permit. Conditions may include, but are not limited to:

- A. Minimizing adverse impacts on adjacent lands;
- B. Controlling the sequence and timing of the special use;
- C. Controlling the duration of the special use;
- D. Assuring that the special use is maintained properly;
- E. Designating the exact location and nature of the special use;
- F. Requiring the provision for on site or off site public health and safety facilities or services;
- G. Requiring more restrictive standards for structural placement than those required in the zone district in which the special use is to be established, and requiring the removal of any temporary structure;
- H. Requiring mitigation of effects of the proposed special use on public and emergency service delivery;
- I. Requiring improvements of the road or transportation systems and/or requiring traffic control measures serving the use or development for the safe and efficient movement of vehicles to and from the site;
- J. Requiring specific measures to prevent erosion, for water quality protection and/or for revegetation, restoration or reclamation of disturbed portions of the site;
- K. Requiring security measures (e.g., fencing, security patrol or limited access) to protect users of the site or the general public;
- L. Requiring that the applicant or developer enter into special agreements with Bonner County to guarantee construction or maintenance of improvements, ensure that operations are carried out with minimal risk to public health and safety, or to minimize public or county liability which might result from the issuance of the special use permit; and/or
- M. Requiring the applicant or developer to obtain and maintain in force liability insurance of a general nature or for any particular risk and/or insuring Bonner County against claims of liability resulting from the issuance of such special use permit. (Ord. 501, 11-18-2008)

12-247: PROCEDURE FOR REVIEW OF SPECIAL USE PERMIT:

A. On receipt of a completed application for a special use permit, the planning director shall schedule a public hearing before the board for the next available meeting, allowing time for the requirement for notice and staff and agency review.

B. At a minimum, the planning director shall provide public hearing notice to adjacent property owners as set forth in subsection 12-244E of this subchapter, notifying them of the public hearing. These letters shall be sent by U.S. mail, at least fifteen (15) days prior to the date of the hearing and shall include a description of the proposed special use, and the date, time and place of the public hearing. The planning director shall also send the public hearing notice to be sent to those public agencies that may be affected by the proposed special use.

C. The planning director shall have notice of the public hearing published in one issue of the official county newspaper at least fifteen (15) days prior to the date of the public hearing. This notice shall contain a description of the proposed special use, and the date, time and place of the public hearing. The planning director shall have the notice of public hearing posted in a prominent place on the property at least one week prior to the date of the public hearing.

D. The board shall hold a public hearing on the application for a special use permit. The board shall consider the application, the standards for special uses in section 12-245 of this subchapter, any comments received, the facts on the record and may:

1. Approve the special use permit, attaching any conditions that the board considers necessary under the terms of this subchapter;
2. Require that specific changes be made to the application before the special use permit is approved; or
3. Deny the special use permit and specify the actions (if any) that the applicant could take to obtain approval.

E. The final decision on any special use permit application shall be in writing and state: the specific location; event, use or structure; the person or persons responsible for compliance with the terms of the permit; and any and all limitations or conditions placed on the special use permit. If the final decision is to deny the special use permit, the written decision shall also specify the actions (if any) the applicant could take to obtain approval of the special use permit.

F. The violation of any specific term, limitation or condition of a special use permit is a violation of this subchapter. Each day each violation continues is a separate offense.

G. Violation of this subchapter is a misdemeanor and, upon conviction, shall carry a penalty of three hundred dollars (\$300.00) or six (6) months imprisonment.

H. In addition to the criminal penalties above, the county may pursue civil actions to enjoin further violation, enforce the terms of a special use permit or recover damages caused by a violation of the terms of a special use permit. (Ord. 501, 11-18-2008)

SUBCHAPTER 2.5 - PLANNED UNIT DEVELOPMENTS (PUD)

12-250: PURPOSE:

This subchapter includes provisions that allow flexibility in how development and uses can be configured and phased on a site. (Ord. 501, 11-18-2008)

12-250.1: DISTRICTS PERMITTING PLANNED UNIT DEVELOPMENTS:

Planned unit developments (PUDs) are permitted in all districts. (Ord. 501, 11-18-2008)

12-251: PLANNED UNIT DEVELOPMENT CLASSIFICATION AND MINIMUMS:

- A. A "small scale residential" PUD consisting of only residential and accessory uses and having six (6) dwelling units or fewer.
- B. A "small scale mixed use" PUD consisting of a combination of residential and subordinate commercial uses and having a minimum gross land area of ten (10) acres.
- C. A "large scale mixed use" PUD consisting of commercial, industrial, residential or recreational uses and having a minimum gross land area of twenty (20) acres.
- D. A commercial/industrial PUD consisting of primarily commercial and/or industrial uses, wherein the permitted uses within the PUD shall be the same as those within the base zone district.
- E. A "large scale residential" PUD consisting of only residential and accessory uses and having more than six (6) dwelling units. (Ord. 501, 11-18-2008)

12-252: USES PERMITTED WITHIN PLANNED UNIT DEVELOPMENTS:

Permitted uses shall be the same as those within the base zone district, with the following exceptions:

- A. Duplexes and multi-family dwellings are permitted in the Recreation, Rural, Rural Service Center and Alpine Village Districts, provided the development meets applicable density limits set forth in sections 12-411 and 12-412 of this title.
- B. Limited commercial and related recreational activities and facilities which are designed primarily to accommodate the needs of residents within a "mixed use" PUD described in section 12-251 of this subchapter may be permitted in any district, except for Industrial. Commercial recreation areas, such as ski resorts, golf courses or marinas, where permitted or conditionally permitted in applicable districts, may include related commercial uses to accommodate the general public as well as residents within the PUD when included and approved as part of the PUD development plan. (Ord. 501, 11-18-2008)

12-253.1: PLANNED UNIT DEVELOPMENT APPLICATION REQUIREMENTS:

Application for a PUD shall be made with the Bonner County Planning Department. In addition to the basic information requirements and application forms provided by the department, a completed application shall include the following:

- A. A report showing how the proposed PUD complies with the conditional use standards of section 12-223 of this chapter.
- B. Environmental analysis, which shall address the impacts of the development on the various physical features of the land, including wetlands, wildlife habitat, vegetation, floodplain and floodways, cultural resources, water quality and other natural resources. (Ord. 501, 11-18-2008)
- C. Reserved. (Ord. 583, 12-5-2018)
- D. Preliminary development plan or conceptual land use plan for a "large scale" PUD of significant size which may be planned in phases for a variety of land use types over a period of time. The preliminary development plan contents for a "small scale" or "mixed use" PUD, or for any portion of an approved "large scale" PUD which is contemplated to be completed or under construction within two (2) years after approval, shall include the proposed use or uses, housing densities and arrangements, parking facilities, preliminary subdivision plan (if applicable), common areas, open spaces and a transportation network for vehicular and pedestrian circulation. The Planning Director or Governing Body may require drawings and sketches demonstrating the design characteristics and physical relationships of various uses and siting conditions in order to determine the feasibility and desirability of any necessary variation from the conventional development standards of this title.
- E. A trip generation and distribution letter. (Ord. 501, 11-18-2008)

12-253.2: PREAPPLICATION MEETING:

The developer or developer's representative for a PUD shall meet with the Planning Director or designee, prior to submitting an application. The purpose of this meeting is to discuss early and informally with the developer, the purpose and qualifying provisions of this chapter along with any known constraints in order to assist the applicant in determining the feasibility of the proposal. The meeting will familiarize the developer with the comprehensive plan, this title, sewer and water regulations and general soil information. The developer shall also consult with the serving utility companies and agencies regarding electrical power, sewer and water supply prior to submission of the preliminary development plan. (Ord. 501, 11-18-2008)

12-253.3: CONCURRENT PROCESSING OF PLANNED UNIT DEVELOPMENT AND SUBDIVISION APPLICATIONS:

When a PUD includes a subdivision, the processing of the subdivision application shall take place concurrently with the PUD application. (Ord. 501, 11-18-2008)

12-254: "LARGE SCALE" PUD, GENERAL PROVISIONS:

- A. A conditional use permit may be granted for a conceptual land use plan for a "large scale" PUD, subject to submission of preliminary development plans as provided in this title. The commission shall consider the conceptual land use plan and shall make its recommendation to the Board, which shall conduct its own hearing on the plan. If phasing is proposed, a phasing schedule shall be provided with the application. Subdivisions may be considered concurrently with the conceptual land use plan or separately after approval of the conceptual land use plan, pursuant to the provisions of subchapter 6.4 of this title.
- B. Development plans submitted as part of an approved "large scale" PUD shall be in substantial compliance with the approved conceptual land use plan. Any significant change affecting the original approval of the plan shall require a public hearing. A change in density or a more intensive use of the same area constitutes a significant change. (Ord. 501, 11-18-2008)

12-255: PROCEDURE FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS:

The procedures of subchapter 2.2 of this chapter for approval of conditional use permits apply to consideration and approval of planned unit developments, except as otherwise provided in this title. The commission shall consider the planned unit development proposal and shall make its recommendation to the board, which shall conduct its own hearing on the planned unit development. (Ord. 501, 11-18-2008)

12-256: DESIGN STANDARDS FOR PLANNED UNIT DEVELOPMENTS:

Approval of a development plan by the commission shall include, but is not limited to, the following performance standards and requirements, which may be in addition to and may vary from the minimum standards of this title:

- A. Common Open Space: At least ten percent (10%) of the gross land area of a residential PUD shall be reserved as common open space, exclusive of streets, parking areas, and utility easements and other improvements which would detract from the function of the "common open space", as defined below. The required common open space must fall into one or more of the following categories:
 1. Wildlife habitat or wildlife corridors, as identified by the Idaho department of fish and game or U.S. fish and wildlife service. These areas might be stream corridors, waterways subject to artificial high water marks, as defined, which shall not exceed fifty percent (50%) of the total required common open space, waterways, wetlands, grasslands, stands of mature timber, areas with snags, wintering areas, nesting and

roosting sites, waterfront areas and travel corridors between habitat blocks and sources of food and water.

2. Areas with native vegetation, including native grassland, unique vegetative communities as identified by the Idaho conservation data center.
3. Recreational areas, including trails, sports courts and wildlife viewing areas, and other similar recreational uses.
4. Historic or culturally significant areas as determined by the Idaho state historical society.
5. Areas within a scenic byway.
6. Actively managed pasture, farm or timbered land in the A/F and rural districts. Accessory agricultural structures are allowed within the common open space.

B. Owners' Association: A PUD shall include a homeowners' association and/or corporate ownership, which shall be responsible for the development, use and permanent maintenance of all common activities and facilities.

C. Covenants, Articles Of Incorporation: Articles of incorporation for the homeowners' association or corporate entity governing the PUD shall be recorded with the final plat of any PUD subdivision or final development plans. The covenants, conditions and restrictions shall be sufficient to enforce development requirements and responsibilities of the homeowners' association and/or ownership.

D. Development Density: The unit density of a PUD containing residential uses (dwelling units/acre) shall not exceed the density of the zone district in which it is located, except for density bonuses as provided in the following tables:

TABLE 2-1

DENSITY BONUS FOR COMMON OPEN SPACE

(Numbers in parentheses refer to additional standards located below the table.)

Amount Of Common Open Space (Percent Of Site) (2)	Maximum Percentage Increase In Approved Building Lots (1)	
	A/F-10, R-5 (3)	A/F-20 And R-10 Districts S, AV, C, REC And RSC Districts (4)
10 percent - 19 percent	0 percent	0 percent
20 percent - 29 percent	10 percent	Bonus percentage increase equal to percentage of common open space.
30 percent - 39 percent	20 percent	
40 percent - 49 percent	30 percent	
50 percent - 79 percent	40 percent	
80 percent or more	50 percent	

Standards:

1. To qualify for the full bonus percentages herein, the common open space must comply with applicable requirements of subsection A of this section.
2. Common open space percentages may be rounded off to the nearest whole percentage.
3. Planned unit development subdivisions shall not exceed 150 percent of the density allowed by the underlying zoning district through provision of common open space percentages and other density bonus actions listed in table 2-2 below. For example, an applicant with 40 acres in the R-5 district [normally allowed a maximum of 8 lots] may qualify for up to 12 lots via common open space and other bonus actions.
4. Planned unit development subdivisions shall not exceed 200 percent of the density allowed by the underlying zoning district through provision of common open space percentages and other density bonus actions listed in table 2-2 below. For example, an applicant with 40 acres in the R-5 district [normally allowed a maximum of 8 lots] may qualify for up to 16 lots via common open space and other bonus actions.

TABLE 2-2

DENSITY BONUS FOR OTHER ACTIONS

Density Bonus Action	Maximum Percentage Increase In Approved Building Lots
1. Provide subdivision residents with usable access to adjacent lakes, streams or public lands. The access must meet the minimum trail/pathway design standards specified in section 12-625 of this title.	5 percent
2. Provide general public with usable access to common open space, adjacent lakes, streams or public lands. (Note: This option is in lieu of, not in addition to, action 1.) The access must meet the minimum trail/pathway design standards specified in section 12-625 of this title.	15 percent

3. Provide a sidewalk or pathway system that connects each lot in the subdivision per the design standards in section 12-625 of this title.	5 percent if open only to subdivision residents. 15 percent if open to the general public.
4. Provide other public amenities. The board may approve bonus lots for other improvements and amenities, both on and off site, where the applicant can successfully demonstrate that the proposed improvements/amenities benefit the public. See subsections E and F of this section for examples and requirements. Improvements required to mitigate impacts shall not be used to earn bonus lots.	Up to 25 percent
5. Bonus for urban sewer (where not required to achieve given density) (i.e., suburban using "urban sewer" to get to smaller acres).	25 percent

E. Public Amenities: Below are public amenities that can be provided to obtain a density bonus. All are subject to approval by the board:

1. Construct recreational improvements that are available for the use by the general public. Improvements may include, but are not limited to, play fields, picnic shelters, children play areas and indoor recreational facilities. Applicants must successfully demonstrate that the improvements are safe, accessible and desirable to the general public.
2. Construct public facilities such as schools, fire stations or libraries. To qualify, the land and/or facilities must be accepted by the applicable public agency. The land itself set aside for such public use shall be considered as common open space for the purposes of obtaining a density bonus.
3. Pave roadways (where they are not required to be paved).
4. Provide environmental improvements as certified by wetlands, plant or other biologists having expert knowledge of the specific environmental feature. An example could be replacement of nonnative vegetation with native vegetation in common open space areas. Such improvements are particularly desirable in and around wetland areas and designated critical wildlife habitat.
5. Provide off site road improvements (above and beyond what is required by board for subdivision approval).

The applicant shall include a cost estimate for the proposed public amenity improvements prepared by a professional construction estimator, registered general contractor, engineer, architect or landscape architect shall be submitted with the application. The cost estimate shall be limited to physical improvements, labor and utility costs associated with the proposed public amenity feature.

F. Requirements For Public Amenities: To qualify for a density bonus, the proposed public amenity must meet the following requirements:

1. Applicants must successfully demonstrate how the improvements benefit the public.
2. The percentage of density bonus shall be commensurate with the cost of the applicable improvements per the following scale:

Cost of proposed improvements = \$Y

Density bonus = Extra lot or lots* valued at the equivalent of two (2) times the cost of proposed improvements (2 x Y) up to a maximum density bonus of twenty five percent (25%).

*The average value of lots in the proposed subdivision as determined by a state licensed appraiser at the time the application is submitted. The appraised value shall take into account the average size of proposed lots, proposed physical improvements (including proposed amenities), and locational attributes.

For example, if the applicant proposes off site road improvements costing an estimated fifty thousand dollars (\$50,000.00), the applicant is then eligible for a bonus lot or lots equaling up to one hundred thousand dollars (\$100,000.00) in assessed value. If a state licensed appraiser concludes that the average market value for one of the proposed cluster lots is fifty thousand dollars (\$50,000.00), then the applicant qualifies for up to two (2) additional lots (provided the extra lots do not exceed 25 percent of the total density of the subdivision). (Ord. 501, 11-18-2008)

G. Design Standards: Minimum development standards set forth in this title may be increased or decreased sufficient to accomplish design objectives in the utilization of natural or created amenities (i.e., topographic features, seasonal recreational uses, etc.), provided the development meets the intent of the standards. PUD subdivisions shall comply with the conservation subdivision provisions of section 12-633 of this title. (Ord. 512, 1-6-2010)

H. Buffering, Clustering: Residential PUDs shall provide for the clustering of dwelling units. Clustered lots shall be accessed by interior road systems. To the maximum extent possible, cluster lots shall be located so that common open space provides a buffer between the cluster lots and adjacent properties and/or right of way. When this is not possible, the development shall be designed to provide at a minimum one of the following:

1. Cluster lots that abut surrounding properties or right of way shall be at least seventy five percent (75%) of the minimum lot size standard for the subject parcel.
2. Cluster lots that abut surrounding properties or rights of way shall be separated from adjacent properties or rights of way by a minimum buffer strip of one hundred feet (100'). At a minimum, proposed or existing landscaping and vegetation within the buffer strip shall be of sufficient size and type to provide a buffer of vegetation six feet (6') in height and fifty percent (50%) opaque year round within three (3) years of planting. New landscaping materials shall consist of a combination of native trees and shrubs, as provided in appendix B of this title. Variations to these standards may be permitted where the applicant can demonstrate that unique topographic conditions provide sufficient buffering, such as intervening waterways, ridges or ravines, or other land features. (Ord. 501, 11-18-2008)

12-257: STANDARDS FOR REVIEW OF APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS:

The staff, commission and/or board shall review the particular facts and circumstances of each planned unit development proposal. To approve a planned unit development proposal, the commission and/or board must find adequate evidence showing that the proposal has met the following:

- A. The planned unit development is in accord with the Bonner County comprehensive plan.
- B. The proposed planned unit development or the first phase of it can be substantially completed within two (2) years from the date of

approval.

C. Each individual development phase can exist as an independent unit meeting the minimum standards set forth in this subchapter.

D. The streets and thoroughfares proposed are suitable and adequate to gather anticipated traffic and will not generate traffic in amounts that will overload the street network outside the planned unit development. Connections to public transportation systems shall also be considered.

E. Any residential development will constitute a residential environment of sustained desirability and stability and will be in harmony with the character of the surrounding neighborhood and community.

F. Any proposed commercial or industrial development will constitute an efficient well organized development, with adequate provisions for access and storage, and it will not adversely affect adjacent or surrounding development. (Ord. 501, 11-18-2008)

12-258: EXPIRATION AND EXTENSION OF PLANNED UNIT DEVELOPMENT APPROVAL:

A. Preliminary Subdivision PUD: Conditional use approval for a preliminary subdivision PUD shall expire two (2) years from the date of approval if the final plat has not been approved and recorded.

B. PUD Final Development Plan: Conditional use approval for a PUD final development plan other than a subdivision shall expire two (2) years from the date of approval if building permits have not been issued and/or construction begun on a substantial portion of the project, as determined by the board of county commissioners.

C. Large Scale PUD: Conditional use approval for a conceptual "large scale" PUD shall expire four (4) years from the date of approval if no improvements have started in accordance with subdivision and/or development plan approval requirements. The developer is responsible for keeping the county informed of progress made during the approval period.

D. Extension: An extension of time request not to exceed two (2) years may be granted by the board of county commissioners. The request shall be made in writing prior to the expiration date and shall state the reasons why the extension is needed and how the developer intends to progress with the project. If it is found that the intent of the PUD approval is merely for speculation purposes, the extension shall not be granted. (Ord. 501, 11-18-2008)

**SUBCHAPTER 2.6 - ABANDONMENTS, APPEALS, COMPLAINTS, EXCEPTIONS, FEES,
MODIFICATIONS, PUBLIC HEARINGS, APPLICATION PROCESSING**

12-260: ABANDONMENT OF APPLICATION:

An application that has been filed under the terms of this title which has received a notice of incompleteness from the planning department and has remained incomplete for one hundred twenty (120) days minimum may be considered abandoned by the planning department if:

A. The planning department has sent by certified mail a written notice to the applicant, stating that the application is incomplete and will be considered abandoned if not determined complete by the planning department within thirty (30) days of the date of the notice; and

B. The application remains incomplete either because the applicant fails to respond by thirty (30) days or fails to provide the required information to complete the application by thirty (30) days. (Ord. 501, 11-18-2008)

12-261: ADMINISTRATIVE APPEALS:

A. Any determination made by the Planning Director in the administration of the provisions of this title may be appealed to the Board by paying the required fee and notifying the Planning Director in writing of the intent to appeal within ten (10) working days from the date of the determination. Within ten (10) working days of receipt of an appeal, the Planning Director shall schedule a meeting with the Board to hear the appeal and shall provide written notice to the appellant of the time and place of the meeting. The Planning Director and appellant shall be provided an opportunity to present the relevant issues to the Board at that meeting. The appellant bears the burden of proof and may be responsible for costs incurred for producing such proof, including engineering or surveying documents or other evidence. The Board's decision shall be final, and further recourse of the appellant shall be as provided by Idaho Code. If no appeal to the Board is filed, the Planning Director's decision shall be deemed final. (Ord. 551, 3-9-2016)

B. An administrative appeal shall not be granted if it would function as a grant of special privilege or provide an exception to the regulations contained within this title. (Ord. 501, 11-18-2008)

12-262: APPEALS FROM FINAL DECISION OF COMMISSION/HEARING EXAMINER:

A. Presentation Of Appeal: Any "affected person", as defined by Idaho Code title 67, chapter 65, may appeal to the Board any final decision by the commission/hearing examiner.

B. Filing Time Limit; Fee: Any affected person may file an appeal of the final decision of the commission/hearing examiner with the Planning Director within twenty eight (28) days after the final written decision of the commission/hearing examiner has been issued. The appellant shall pay the fee required by this title upon filing the appeal. An appeal shall not be considered to be filed until such fee has been paid. Failure to file the appeal within the time limits shall cause automatic dismissal of the appeal.

C. Notice Of Appeal Contents: The notice of appeal shall be in writing and shall provide the grounds for the appeal and set forth the issues of appeal.

D. Procedures For Consideration Of Appeal:

1. Within sixty (60) days of the receipt of the appeal, the Board shall conduct a public hearing. The hearing shall be conducted in the same manner using the same standards, as if the Board had original jurisdiction to hear the application.

2. Upon consideration, the Board may affirm, reverse, or modify the decision of the commission/hearing examiner, after compliance with applicable procedural standards.

3. The decision of the Board shall be final, and any further recourse shall be as provided by law.

E. Applicability: The appeal process shall be coordinated with administration of land use ordinances. The procedures for appeal set forth herein shall be applied in a manner which is consistent with the zoning, subdivision and related land use ordinances of Bonner County. (Ord. 559, 1-4-2017)

12-263: RECONSIDERATION:

A. Reconsideration: Every applicant or affected person seeking judicial review of the Board's final decision must first file with the Board a motion for reconsideration of the Board's decision, specifying deficiencies in the decision within fourteen (14) days of the date of the decision, along with the applicable fee. A failure to seek reconsideration is also a failure to exhaust administrative remedies.

B. Initial Decision: The Board may consider the reconsideration motion as scheduled on an open business meeting agenda and determine whether to grant or deny the request. If the Board grants reconsideration in whole or in part, a hearing before the Board will be scheduled to address the specific deficiencies identified by the applicant or affected person and to allow interested persons to have an opportunity to be heard. If the Board denies the request for reconsideration, it shall promptly notify the parties in writing.

C. Public Notice On Hearing: Notice of the public hearing on the reconsideration, identifying the specific deficiencies alleged in the reconsideration request, will be provided as follows, including:

1. Notice To Agencies And Political Subdivisions: At least fifteen (15) days prior to the public hearing, the Director shall send notice to all political subdivisions providing services with the planning jurisdiction, including school districts and the manager or person in charge of the local public airport.

2. Legal Notice: At least fifteen (15) days prior to the public hearing, the Director shall publish a notice of the time and place in the official newspaper or paper of general circulation in the County.

3. Radius Notice: Will be provided in the same manner as originally provided on the application.

D. Decision: Following the hearing on the reconsideration, the Board may affirm, reverse or modify its prior decision and shall provide a written decision to the applicant and the affected person(s) within sixty (60) days of receipt of the request for reconsideration. If the Board fails to timely decide, the original decision of the Board will stand. (Ord. 573, 10-25-2017)

12-264: ADMINISTRATIVE EXCEPTIONS:

An administrative exception, not to exceed one foot (1') of any dimensional requirements applicable to the waterfront setbacks and ten percent (10%) of any dimensional requirement applicable to front, side, rear and flanking street setbacks, and a five percent (5%) exception to subdivision design depth to width standards, or parcel/lot size may be granted by administrative action of the Planning Director without public notice and without public hearing. (Ord. 578, 7-11-2018)

12-265: SCHEDULE OF FEES:

A. By resolution, the Board shall establish an official fee schedule for land use applications and permits governed under this title.

B. Whenever an application, review or public hearing is required by this title, the person or persons requesting the hearing or review shall pay the fee established in the official fee schedule.

C. All fees collected shall be nonrefundable unless an application is withdrawn prior to the Planning Department's determination that the application is complete, in which case one-half ($\frac{1}{2}$) of the fee will be refunded.

D. Until all required fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. No permit or action shall become effective until all fees have been paid.

E. The commission may initiate action on any change in the Comprehensive Plan, zoning district or this title without a fee, in accordance with Idaho Code section 67-6509.

F. The Board may waive all or part of any fees for political subdivisions or public agencies.

G. A copy of the official fee schedule shall be maintained by the Planning Department and shall be available for public inspection during normal business hours. (Ord. 501, 11-18-2008)

12-266: MODIFICATION OF TERMS AND CONDITIONS OF PERMIT APPROVAL:

A. The terms and conditions of the approval of any permit authorized or required in this title may be modified only by the Planning Director, commission and/or Board as established in this section. This section applies to modifications of approved permits, including, but not limited to, conditional use permits, special use permits, variances, preliminary plats, final plats, lot line adjustments and planned unit developments.

B. Application for a modification of terms and conditions of approval shall be made to the Planning Department, on forms provided by the department, and accompanied by the fee specified in section 12-265 of this subchapter.

C. A public hearing shall be scheduled and notice provided in accordance with the requirements for the original permit issuance.

D. The Planning Director, commission and/or Board shall consider the proposed modification in accordance with the requirements for the original permit application and shall confine the review to the proposed modification.

E. The Planning Director, commission and/or Board shall render a decision in writing on the proposed modification within five (5) working days after consideration of the proposal, and the decision shall conform to the procedures, standards and requirements pertaining to the original permit. (Ord. 501, 11-18-2008)

12-266.1: EXTENSION OF EXPIRATION DATE:

A. All land use approvals listed at subsection 12-266A of this chapter and surety agreements authorized by section 12-644 of this title may be granted one additional time extension not to exceed two (2) years, provided:

1. Bonner County has granted the applicant a single time extension:

- a. That expires after the effective date of this subsection.
- b. That expired in 2010.

2. A written request for the additional time extension is made to the planning department prior to the expiration of the first time extension. Project time extensions that expired in 2010 may still be considered for the additional extension if the request is submitted by December 31, 2011.

3. The required fee is paid.

B. The time extension request shall be considered by the governing body authorized to grant time extensions for the given project, as identified in this title.

C. Approval of the time extension will automatically modify the original permit to allow the additional time for completion of conditions of approval. No additional hearing shall be required. (Ord. 520, 12-8-2010)

12-267: PUBLIC HEARINGS:

Public hearings required by this title shall be conducted as follows:

A. The public hearing shall proceed in the following order:

1. The chairperson shall announce that the public hearing is opened, and state the purpose and subject of the hearing.
2. The chairperson shall ask if any members of the board or commission wish to declare a conflict of interest in the matter to be considered, and excuse members who do so from further participation in the hearing in their official capacity.
3. The chairperson shall ask the staff to present its report on the proposal being considered. The staff report and presentation shall include a summary of the proposal, the sections of this title related to the processing of the proposal, a summary of the written testimony, and responses thereto, submitted up to the time of the hearing, and a recommendation including conditions, findings and conclusions.
4. Following the staff report, the chairperson shall ask for a statement from the person (and/or a designated representative) who has requested action on the proposal.
5. Following the statement, the chairperson shall entertain questions from members of the commission or the board, for the staff or for the applicant regarding the location and nature of the proposal.
6. The chairperson shall then entertain statements from the public. Any testimony given shall specifically address the proposal's compliance or lack of compliance with the requirements of this title, requirements of Idaho Code, applicable statutes or regulations, or the Bonner County comprehensive plan. After having been recognized by the chairperson, members of the public shall state for the record their name and place of residence prior to making their statement. Members of the public may be permitted to speak for three (3) minutes, or as otherwise determined by the chairperson. Questions or comments made by the recognized member of the public shall be directed to the chairperson. The chairperson shall not entertain irrelevant statements, and shall not entertain statements that are inflammatory, personally attacking or derogatory toward any board or commission member, staff member, elected official, member of the public or business. Any unrecognized comments or disruptive behavior will be grounds for removal from the hearing by the chairperson and may subject the person or persons being removed to criminal prosecution according to law. The chairperson may direct staff to respond to any questions raised.
7. When all statements by members of the public have been given, the chairperson shall call for discussion among the commission or board. The chairperson will entertain any questions by members of the commission, or the board, to be directed to any person present, including staff members, in order to clarify statements or elicit further information that commission or board members feel is necessary to evaluate the application. (Ord. 501, 11-18-2008)
8. Following any questions, the Chairperson shall afford the applicant or a designated representative an opportunity to present rebuttal to any statements or to clarify his or her own statement. New statements, the introduction of new information, or new exhibits shall not be permitted at this time. (Ord. 520, 12-8-2010)

9. After the applicant's rebuttal and clarifications have been given, the Chairperson shall announce that the hearing is closed to further testimony.

10. The Chairperson shall then call for discussion among the commission or Board members. As a part of this discussion, members may direct questions to planning staff members.

11. At the close of the discussion, the Chairperson shall entertain any motions relevant to the proposal under consideration. Motions may include, but are not limited to:

- a. Motions for recommendation, approval or denial as appropriate;
- b. Motions to continue the public hearing to a future certain date, pending the receipt of additional information or the modification of the proposal;
- c. Motions to reopen the public testimony portion of the public hearing, if new information has been introduced or become available; or
- d. Motions to close the public hearing and/or continue discussion on the proposal until a future certain date.

B. The following procedures may be used at the option of the Chairperson and are intended for use at public hearings where large numbers of persons are expected to testify or where several public hearings are on the agenda:

1. The Chairperson may impose a reasonable time limit on statements from the applicant, the public or persons representing groups.
2. The Chairperson may request that persons wishing to testify register their intention to do so with the Secretary. The Chairperson will then use the register to call on persons to present their statements.
3. The Chairperson may extend the period for written statements to be accepted for the hearing record to a future certain date. The applicant may request an equivalent time for rebuttal, which shall be limited to a future certain date. During such an extension of time, the public hearing remains open. (Ord. 501, 11-18-2008)

C. Written statements, plans, drawings and similar materials offered in support of statements at a public hearing are part of the hearing record, and shall be marked with an exhibit number and shall be retained by the County. Written statements shall be submitted to the Planning Department record no later than seven (7) days prior to the public hearing. Written statements not exceeding one standard letter sized, single spaced page may be submitted at the public hearing. The Chair may request the document be read into the record. All written statements shall include the name, signature and address of the person submitting the document. The Chair may rule as inadmissible any written document that fails to meet these standards. Nothing contained herein prohibits the Chair or Governing Body from extending the written comment period as provided by this title. (Ord. 590, 6-12-2019)

12-268: APPLICATION PROCESS, GENERAL PROVISIONS:

Applications submitted for action under the provisions of this title shall be processed as follows:

- A. All applications shall be submitted with their required fees to the Planning Department.
- B. The Planning Department shall have thirty (30) days to examine the application to determine its completeness, based on the requirements provided in this title for each type of application. The Board, by resolution, may extend the thirty (30) day time period when extenuating circumstances merit an extension.
- C. The Planning Director shall inform the applicant in writing if the application is incomplete and specify the items or information necessary to complete the application. (Ord. 501, 11-18-2008)
- D. When the Planning Director has determined the application is complete and in compliance with this title, the Planning Director shall send copies of the application to public agencies and entities that may be affected by the proposal, including, but not limited to, the Health District, fire districts, irrigation or drainage districts, sewer and water districts, school districts, solid waste and transportation agencies and fish and wildlife

agencies. The notice shall be sent at least twenty two (22) days prior to the public hearing. (Ord. 590, 6-12-2019)

E. Applications for permits within an Area of City Impact shall be noticed according to the agreements set forth for the individual community.

F. Reserved. (Ord. 582, 12-5-2018)

G. Any permit application which relates to a public school facility or public emergency facility shall receive priority consideration and shall be reviewed at the earliest reasonable time, regardless of the timing of its submission, relative to other applications.

H. The Governing Body may consider related permits concurrently at a single public hearing for the convenience of the applicants and the public. (Ord. 501, 11-18-2008)

I. When the Governing Body has made a final decision on an application, the Planning Director shall provide notice to applicants of the final decision in writing within five (5) working days of the date of the decision. (Ord. 590, 6-12-2019)

CHAPTER 3

ZONING DISTRICTS AND LAND USES

SECTION:

12-300: Purposes

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12-300: PURPOSES:

The purposes of this chapter are to:

- A. Establish districts compatible with the goals, objectives and policies of the comprehensive plan, wherein compatible uses of land may be located and grouped to create, protect or maintain a quality environment for the citizens of Bonner County.
- B. Acknowledge the values of agricultural and timber lands.
- C. Protect water quality and wildlife resources.
- D. Provides areas for economic growth.
- E. Encourage affordable housing.
- F. Focus growth in areas where adequate public and private services can be provided.
- G. To limit development in potentially hazardous areas.
- H. To protect and stabilize land values.
- I. To retain the rural character of Bonner County. (Ord. 501, 11-18-2008)

SUBCHAPTER 3.1 - ZONING MAP AND INTERPRETATION

12-310: OFFICIAL ZONING DISTRICT MAP:

The official zoning district map and the official supplemental maps shall be available for public review during regular business hours in the office of the Bonner County planning department and shall bear the signature of the chairperson of the board of county commissioners, attested by the county clerk or deputy, and the adoption date of the enacting ordinance. (Ord. 501, 11-18-2008)

12-311: ADOPTION OF OFFICIAL ZONING MAP, CERTIFICATION, AMENDMENTS TO BE SHOWN:

A. Official Zoning District Map: The county is divided into zones or districts, as shown on the official zoning district map, which, with all explanatory matter thereon, is adopted by reference and declared to be a part of this title. The official zoning map shall be identified by the signature of the chairperson of the board, attested by the county clerk:

This is to certify that this is the official zoning district map referred to in section 12-311 of the Bonner County Revised Code, of Bonner County, Idaho.

B. Amendments: If, in accordance with the provisions of this title, changes are made in district or zone boundaries, or other matter portrayed on the official zoning district map, changes shall be entered on the official zoning district map promptly after the amendment has been approved by the board, with the entry on the official zoning district map specifying the file number of the particular change. No amendment to this title which involves matter portrayed on the official zoning district map shall be effective until such change and entry has been made on said map.

C. Conformance With Procedures: No changes of any nature shall be made in the official zoning district map or matter shown thereon except in conformity with the procedures set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and punishable under sections 12-132 and 12-133 of this title.

D. Map To Be Final Authority: Regardless of the existence of purported copies of the official zoning district map, which may from time to time be made or published, the official zoning district map which shall be located in the office of the Bonner County planning department shall be the final authority as to the current zoning status of land and water areas, building and other structures in the county. The official zoning district map shall be available for public inspection free of charge during normal business hours. (Ord. 501, 11-18-2008)

12-312: REPLACEMENT OF OFFICIAL ZONING MAP, CERTIFICATION:

A. If the official zoning district map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the board may by resolution adopt a new official zoning district map which shall supersede the prior official zoning district map. The new official zoning district map may correct drafting or other errors or omissions in the prior official zoning district map, but no correction shall have the effect of amending the original official zoning district map or any subsequent amendment thereof. The new official zoning district map shall be identified by the signature of chairperson of the board, and shall state:

This is to certify that this official zoning district map supersedes and replaces the official zoning district map adopted (date of adoption of map being replaced) as part of title 12, Bonner County Revised Code of Bonner County, Idaho.

B. Unless the prior official zoning district map has been lost or totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment. (Ord. 501, 11-18-2008)

12-313: SUPPLEMENTARY OFFICIAL ZONING DISTRICT MAPS:

A. From time to time the board may adopt supplementary official zoning district maps to portray particular areas or zone districts at an appropriate scale. Supplementary official zoning maps shall be adopted following the procedures set forth at section 12-311 of this subchapter and shall be amended or replaced following the procedures set forth at section 12-312 of this subchapter.

B. The official supplementary zoning district maps shall be on deposit at the office of the Bonner County planning department, and be available for public inspection free of charge during regular business hours. (Ord. 501, 11-18-2008)

12-314: APPLICATION OF DISTRICT OR ZONE REGULATIONS:

A. The regulations set by this title within each district or zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land use.

B. No building, structure or land shall hereafter be used or occupied, and no building or structure, or part thereof, shall be erected, subject to provisions of subchapter 3.4 of this chapter, constructed, reconstructed, moved or structurally altered, except in conformity with all of the regulations specified for the district or zone in which it is located. (Ord. 501, 11-18-2008)

12-315: RULES FOR INTERPRETATION OF ZONING DISTRICT BOUNDARIES:

Where uncertainty exists as to the boundaries of zones or districts as shown on the official zoning district map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow the centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following those lines.

C. Boundaries indicated as approximately following city limits shall be construed as following city limits.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as following shorelines shall be construed to follow those shorelines and legally established meander lines. In the event of change in the shoreline, boundaries shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow those centerlines.

F. Boundaries indicated as parallel to, or extensions of features indicated in subsections A through E of this section shall be so construed. Distances not specifically indicated on the official zoning district map shall be determined by the scale of the map.

G. Boundaries indicated as following section or township lines shall be construed as following those section or township lines.

H. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning district map, or in other circumstances not covered by subsections A through G of this section, the board shall interpret the district or zone boundaries.

I. Where a district or zone boundary line divides a lot which was in single ownership at the time of passage of this section, the board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty feet (50') beyond the district or zone line into the remaining portion of the lot. (Ord. 501, 11-18-2008)

SUBCHAPTER 3.2 - ZONING DISTRICTS ESTABLISHED

12-320.1: ZONING DISTRICTS AND MAP DESIGNATION, PURPOSE:

The purpose statements for each zone and map designation set forth in the following sections shall be used to guide the application of the zones and designations to all lands in unincorporated Bonner County. The purpose statements also shall guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title. (Ord. 501, 11-18-2008)

12-320.2: ZONING DISTRICTS AND MAP DESIGNATIONS ESTABLISHED:

In accordance with the provisions of Idaho Code and the objectives set forth in this code, all land in the unincorporated areas of Bonner County is hereby classified according to the following zoning designations and zoning map symbols, which shall be applied as shown on the official zoning district map:

TABLE 3-1

ZONING DISTRICTS AND MAP DESIGNATIONS

Zoning Designation	Map Symbol
Forestry	F
Agricultural/forestry	A/F-10, A/F-20 (10 or 20 acre minimum lot sizes)
Rural	R-5, R-10 (5 or 10 acre minimum lot sizes)
Suburban	S
Commercial	C
Industrial	I
Rural service center	RSC
Recreation	REC
Alpine village	AV

(Ord. 501, 11-18-2008)

12-321: FORESTRY DISTRICT:

A. The forestry district is established to preserve the forest land base; to conserve and protect the long term productivity of forest lands; and to restrict uses unrelated to or incompatible with forestry. These purposes are accomplished by:

1. Applying the F zone to large contiguous areas where a combination of site, soil and climatic characteristics make it possible to sustain timber growth and harvests over time.
2. Limiting residential, recreational, commercial and industrial uses to those uses that are compatible with forestry, to minimize the potential hazards of damage from fire, pollution and land use conflicts.
3. Providing for compatible outdoor recreation uses and for conservation and protection of municipal watersheds and fish and wildlife habitats.

B. Use of this zone is appropriate in areas designated as remote ag/forest land in the comprehensive plan. The remote agricultural/forest land is located on mountaintops and remote areas of the county where few or no access roads have been constructed. Included in these areas are most of the state and federal lands, which are managed for forest production or recreation. (Ord. 501, 11-18-2008)

12-322: AGRICULTURAL/FORESTRY DISTRICT:

A. The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:

1. Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.
2. Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture, or requiring close proximity for the support of agriculture.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

1. A/F-20 in all areas designated as prime ag/forest land in the comprehensive plan. The A/F-20 zone is also appropriate in areas designated ag/forest land in the comprehensive plan that also feature:
 - a. Prime agricultural soils.
 - b. Are characterized by agricultural or forestry uses.
 - c. Areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production.
2. A/F-10 in areas designated as ag/forest land in the comprehensive plan that do not feature prime agricultural soils, but where agricultural and forestry pursuits remain viable. These areas may be within or adjacent to areas of city impact or where lands are afforded fire protection, access to standard roads and other services. (Ord. 501, 11-18-2008)

12-323: RURAL DISTRICT:

A. The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:

1. Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
2. Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
3. Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as follows:

1. R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
 - a. Characterized by slopes that are steeper than thirty percent (30%).
 - b. Located within critical wildlife habitat as identified by federal, state or local agencies.
 - c. Contain prime agricultural soils.
 - d. Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code or appendix A (private roads) of this title or are absent.
 - e. Within the floodway.
 - f. Contain limited access to public services.
2. R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above. (Ord. 501, 11-18-2008)

12-324: SUBURBAN DISTRICT:

A. The suburban district is established to promote the development of residential uses located on the edges of the incorporated cities or other developed communities or areas, where urban sewer and water services are either available or have the potential to become available in the near future by reason of their inclusion in service districts, city service areas, or are adjacent to those areas or areas of city impact. Access to primary transportation routes and a system of hard surfaced roads are expected. The purpose can be accomplished by:

1. Providing for single-family detached dwelling units and other compatible housing forms, with a variety of densities in locations appropriate for urban densities.
2. Allowing only those accessory and complementary nonresidential uses that are compatible with urban residential communities.
3. Establishing density designations to facilitate advanced areawide planning for public facilities and services, and to protect environmentally sensitive sites from over development.
4. Encouraging conservation development configurations that create permanent open space, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.
5. Requiring conservation development configurations in areas where all urban services are not available to provide the opportunity in the future to subdivide the land at urban densities.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as transition, urban growth area, resort community or suburban growth area in the comprehensive plan where a network of hard surfaced roads provides good access to primary transportation routes or potential public transportation systems. Urban services may not be available immediately, but are capable of being extended or constructed in the area. (Ord. 501, 11-18-2008)

12-325: COMMERCIAL DISTRICT:

A. The commercial district is established to promote a range of commercial uses to serve the needs of the immediate area, surrounding rural communities and visitors without adversely affecting adjacent residential neighborhoods. The commercial district is also intended to provide opportunities for a variety of affordable housing types that are within walking distance of commercial services. Intensive large scale commercial development is not appropriate due to the limited density of surrounding unincorporated areas. Access to primary transportation routes and a system of hard surfaced roads are expected and consideration is given to the potential public transportation access. These purposes are accomplished by:

1. Providing for a wide range of small to medium scaled retail, professional, governmental and personal service uses.
2. Allowing for mixed use buildings (housing over office or retail) and a range of housing types, including cottage housing, townhouses, apartments and mobile home parks where sufficient services are provided.
3. Allowing for light industrial uses where activities are conducted primarily indoors and impacts to adjacent uses can be mitigated.
4. Excluding commercial uses with extensive outdoor storage.

5. Excluding large scale commercial uses that would be more effectively located in incorporated cities.
6. Applying simple design standards that enhance pedestrian access and improve the character of the area.

B. Use of this zone is appropriate in areas designated as neighborhood commercial, urban growth area or transition by the comprehensive plan and community plans and that are served at the time of development by adequate sewage disposal services, water supply, roads and other needed public facilities and services. Expansion of existing commercial districts or the creation of new commercial districts may be considered only if the expansion will not negatively impact the safety and function of a state highway or other roadway. (Ord. 501, 11-18-2008)

12-326: INDUSTRIAL DISTRICT:

A. The industrial district is established to promote the development of areas for manufacturing, processing, fabrication and wholesale sales, research and testing operations, limited retail sales and warehousing. It is also a purpose of this zone to protect the industrial land base for industrial economic development and employment opportunities. Due to the intensity of land use, these areas require primary transportation routes, urbanlike water and sewer services, fire and police services and consideration given to the potential public transportation access. These purposes are accomplished by:

1. Providing for a wide range of industrial and manufacturing uses.
2. Establishing appropriate development standards and public review procedures for industrial activities with the greatest potential for adverse impacts.
3. Limiting residential, institutional, office and other nonindustrial uses to those that are accessory to industrial activities.
4. Allowing limited commercial uses that complement industrial activities.

B. Use of this zone is appropriate in areas designated by the comprehensive plan as transition which are served at the time of development by adequate sewage disposal services, water supply, roads and other needed public facilities and services. Expansion of existing industrial districts or the creation of new industrial districts may be considered only if the expansion will not negatively impact the safety and function of a state highway or other roadway. (Ord. 501, 11-18-2008)

C. The planning commission and board of county commissioners may add specific conditions to require compatibility with surrounding uses and to assure compliance with the intent of the industrial district, this title, and the health and safety of the public. To assure conditions are met, the county shall require the execution of a written commitment concerning the use or development of the subject parcel. This commitment shall be recorded in the office of the county recorder and noted on the supplemental zoning map. The commitment shall take effect on the adoption of the amendment to the zoning map. The commitment shall be binding on the owner of the parcel, each subsequent owner, and each person acquiring an interest in the parcel. A commitment may be modified following the procedures for modification provided within this title and the approval of the board. The commitment may be terminated and the zoning designation reversed on the failure of the landowner/operator to abide by the terms of the agreement, following notice to the landowner/operator by certified mail of the violations and after a reasonable time, as determined by the governing board, has been given to abate the violation. No such reversal of zoning may occur without appropriate notice and public hearing as set forth in Idaho Code and this code for zoning district amendments and proof beyond a reasonable doubt that a violation remains after attempts to abate have been exhausted. If the board reverses the zoning designation after a hearing, the board decision shall be final and further recourse shall be as provided by Idaho Code. (Ord. 551, 3-9-2016)

12-327: RURAL SERVICE CENTER DISTRICT:

A. The rural service center district is established to promote the development of local commercial services in small communities to meet the needs of rural residents as well as limited tourist commercial services and limited light industrial uses consistent with the maintenance of the rural character of the area. The rural service center district is also intended to provide opportunities for a variety of affordable housing types that are within walking distance of commercial services. These purposes are accomplished by:

1. Providing for a range of small scale retail and rural service uses.
2. Allowing for mixed use buildings (housing over office or retail) and a range of housing types, including detached single-family dwelling units, cottage housing, townhouses, apartments and mobile home parks where sufficient services are provided.
3. Allowing for light industrial uses where activities are conducted primarily indoors and impacts to adjacent uses are mitigated.
4. Excluding commercial uses with extensive outdoor storage.
5. Excluding large scale commercial uses that would be more effectively located in incorporated cities.
6. Applying simple design standards that enhance pedestrian access and improve the character of the area. (Ord. 501, 11-18-2008)

B. Use of this zone is appropriate in areas designated as neighborhood commercial, resort community or transition by the comprehensive plan and community plans and that are served at the time of development by adequate sewage disposal services, water supply, roads and other needed public facilities and services. Expansion of existing rural service center districts or the creation of new rural service center districts may be considered only if the expansion will not negatively impact the safety and function of a state highway or other roadway. (Ord. 512, 1-6-2010)

12-328: RECREATION DISTRICT:

A. The recreation district is established to provide a wide range of recreational uses in areas where if access is by road rather than solely by waterways, the road shall be located within a recorded easement or public right of way, except where subject to the terms of an approved special use permit or a state or federal agency, adequate water and sewer services and fire services. Consideration shall also be given to access to potential public transportation systems. The recreation district is intended to provide for a range of housing types and uses that are accessory and complementary to recreational and residential uses. These purposes are accomplished by:

1. Allowing for a range of housing types provided adequate services are available.
2. Providing for commercial and private resorts which contain provisions for a range of recreational activities.
3. Excluding uses that are not compatible with the desired recreational character of the area.
4. Encouraging conservation development configurations that create permanent open space, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.
5. Applying simple design standards that enhance the recreational opportunities and character of the area.

B. Use of this zone is appropriate in areas designated as transition, neighborhood commercial, urban growth area and resort community with the following conditions:

1. Land is physically suitable to accommodate a broad range of residential and recreational uses.

2. Sites are served by adequate sewage disposal service, water supply, roads and other needed public facilities and services. (Ord. 501, 11-18-2008)

12-329: ALPINE VILLAGE DISTRICT:

A. The Alpine Village District is established to accommodate recreational development in high elevation communities while recognizing the unique and challenging features of mountain communities. The Alpine Village District is intended to provide for a range of housing types and uses that are accessory and complementary to recreational and residential uses. These purposes are accomplished by:

1. Allowing for a range of housing types.
2. Providing for commercial and private resorts which include a range of recreational activities.
3. Excluding uses that are not compatible with the desired recreational/residential character of the area.
4. Applying development standards that address the unique environmental needs of high elevation communities.

B. Use of this zone is appropriate in areas designated as alpine community by the comprehensive plan. These are areas of the County generally greater than three thousand feet (3,000') in elevation that support and complement mountain recreational activities. Consideration within this district should also be given to potential public and community transportation systems. (Ord. 501, 11-18-2008)

SUBCHAPTER 3.3 - USE PROVISIONS

12-330: USE TABLES DESCRIBED:

In the use tables in this subchapter, land use classifications are listed on the vertical axis and zoning districts are shown on the horizontal axis.

- A. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district.
- B. If the symbol "P" appears in the box at the intersection of the column and row, the use is permitted subject to general requirements for the use and the zoning district.
- C. If the symbol "C" appears in the box at the intersection of the column and the row, the use is permitted subject to the conditional use provisions specified in chapter 2, subchapter 2.2 of this title and to general requirements for the use and the zoning district.
- D. Standards associated with particular uses are identified by numbers in parentheses. Standards are listed below the tables. Standards listed in the "use" column (far left column in each table) apply to the applicable use in each district that the use is permitted or conditionally permitted. (Ord. 501, 11-18-2008)

12-331: INTERPRETATION OF USE TABLES:

- A. In the case of a question as to the inclusion or exclusion of a particular proposed use in a particular use category, the Planning Director shall have the authority to make the final determination based on the characteristics of the operation of the proposed use and the Planning Director's interpretation of the standard land use coding manuals, as provided in section 12-339 of this subchapter.
- B. In the case of a conflict between the general description and the use table, the table shall prevail. (Ord. 501, 11-18-2008)

12-332: RESIDENTIAL USE TABLE:

TABLE 3-2
RESIDENTIAL USE TABLE

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Accessory building	P	P	P	P	P	P	P	P	P
Caretaker's residence (1)	P	P	P		P	P	P		
Cottage housing (2), (3)		C (4)	C (4)	C	C (5), (7)		C	C	C
Duplex (2)		P	P	P	P (5), (7)		P	C	C
Dwelling, multi-family				C (4)	C (5), (6), (7)		C (6)	C (6)	C (6)
Dwelling, single-family. Refer to sections 12-411 and 12-412 of this title for applicable density standards	P	P	P	P	P (5), (7)		P	P	P
Dwelling unit, accessory (8)	P	P	P	P	P (5)		P	P	
Farm labor housing (11)	P	P	P						
Mobile home park (10)				C	C (5)		C		
Dwelling unit, Recreational vehicles (9)	P	P	P	P	P		P	P	P
Townhouse (2)				P	C (5), (7)		C	C (6)	C (6)

Standards:

(1) Must be living quarters within the structure of a permitted use. Caretaker must be a bona fide employee of the property ownership and/or management.

(2) Refer to section 12-411, table 4-1 and section 12-412, table 4-2 of this title, for applicable density standards for residential uses. For the F, A/F and Rural Districts, the required acreage for a duplex shall be double the site area minimum for the respective zoning district. For the S, C, RSC, REC and AV, the required acreage for a duplex shall be 15,000 square feet where all urban services are provided, 1 acre where urban sewer is provided, and 2¹/₂ acres elsewhere.

(3) Refer to section 12-480 of this title for cottage housing provisions/standards.

(4) Use only permitted in conjunction with a conservation subdivision, provided such subdivision complies with the density standards of the applicable district (see section 12-411, table 4-1 and section 12-412, table 4-2 of this title) and the use is authorized on the plat.

(5) Ground floor residential uses are prohibited within 100 feet of a State highway or designated arterial.

(6) Multi-family dwellings with a minimum of 12,000 square feet of lot area for the first unit, plus 3,000 square feet for each additional unit; provided, that all urban services are available.

(7) See section 12-627 of this title for standards related to subdivisions intended for residential uses in the Commercial District.

(8) Refer to section 12-490 of this title for accessory dwelling unit provisions/standards. One (1) accessory dwelling unit is permitted per lot or parcel without respect to density. This does not apply to parcels/lots that have explicit restrictions on the number of dwellings.

(9) Building Location Permit regulations do not apply to non-commercial temporary, intermittent or occasional use of recreational vehicle. When a recreational vehicle is used in the same manner as a single family dwelling or an accessory dwelling unit, such use is limited to a maximum of 2 recreational vehicle dwelling units per parcel, and the conditions of BCRC 12-496 apply.

(10) See section 12-485 of this title for mobile home park standards.

(11) Farm labor housing: Caretaker must be a bona fide employee of the property ownership and/or management. The total allowable number of dwelling units does not apply to temporary or seasonal farm labor housing, such as a bunkhouse where only sleeping quarters are provided for farmworkers.

(Ord. 501, 11-18-2008; amd. Ord. 512, 1-6-2010; Ord. 581, 10-24-2018; Ord. 598, 1-22-2020; Ord. 607, 7-22-2020)

12-333: COMMERCIAL USE TABLE:

TABLE 3-3

COMMERCIAL USE TABLE

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Accessory building	P	P	P	P	P	P	P	P	P
Adult entertainment					C				
Agri-education		C (36)	C (36)	C (36)					
Animal establishments (1), (2)		C (3)	C (3)		C		C	C	
Animal shelters (2), (4)		C	C		C	C			
Art, performing arts and recording studios		C (2)	C (2)		P	P	C	C	C
Bed and breakfast establishments (2), (5), (6)		C	C	C	C		C	C	C
Boat storage					P	P	C (33)	C (33)	
Convalescent center				C	P		C		
Equipment sales and service	C (31)	C (31)	C (31)		P	P	P		
Farmers' market	P (35)	P (35)	P (35)	P (35)	P	P	P	P (35)	P (35)
Golf courses, athletic facilities (e.g., tennis clubs, etc.) (7), (8)		C (3), (9)	C (3)	C	P			C	C
Gun clubs and rifle ranges (10), (11), (12)	C (2)	C (2)	C (2)						
Hardware stores					P (24)	P (24)	P (26)		
Home occupation I (14)	P	P	P	P	P		P	P	P
Home occupation II (14)		P (2), (14)	P (2), (14)	P (14)	P		P (14)	P (14)	P (14)
Home occupation III (14)		C (2)	C (2)	C	P		P	C	C
Hostel (2), (5), (32)		C			P		C	C	C

Hotels/motels					P		C	C (15)	C (15)
Indoor recreational uses and amusement places and associated concessions					P		C	C (15)	C (15)
Laundromats, showers					P	P	P	P (15)	P (15)
Nurseries and daycare centers, child/adult (16)		C (2)	C (2)	C	P		C	C	C
Outdoor advertising structures									
Outdoor recreational uses and amusement places (11), (17), (18), (19)					C			C	C
Outdoor sales (17), (18)					C		C		
Professional offices, service facilities and public offices					P		P		
Racetracks (3), (10), (20), (34)		C	C						
Recreational facilities (8), (17)	C (2)	C (2)	C (2)	C	P		P	C	C
Recreational vehicle parks/campgrounds (8), (21)		C	C	C	C		C	C	C
Rental warehouses/ministorage (17), (33)					P	P	C	C	
Repair services, boat and motor, minor		C (31)	C (31)		P	P	P	C (17)	
Resorts, commercial (3), (22)					C		C	C	C
Resorts, private (3), (23)					C		C	C	C
Restaurants					P	P	P	C (15)	C (15)
Retail sales					P (24)	P (25)	P	C (15)	C (15)
Retail sales, automobile, boat, recreational vehicles and/or mobile homes					P	P	C		
Retail sales of food, gas and sundries					P	P (25)	P (26)	C (15)	C (15)
Retreats (27)		C (2)	C (2)				C	C	C
Roadside stands		P (28)	P (28)						
Storage of materials not in connection with a permitted use									
Taverns, bars and similar drinking establishments					P	P	C	C (15)	C (15)
Temporary real estate sales office structures					P (29)			P (15)	P (15)
Theaters, outdoor (10), (19), (30)			C (3)		C		C	P (15)	P (15)
Vacation rentals		P	P	P			P	P	P
Vehicle sales and service, mechanical repair shops, car washes					P	P	P		
Wholesale sales					C	P			

Standards:

(1) All animals, other than livestock, shall be housed in permanent structures which can be physically enclosed during nighttime hours. All buildings and fenced running areas will be a minimum of 300 feet from any existing dwelling other than that of the owner. The operator of such a use will maintain adequate housekeeping practices to prevent the creation of a nuisance.

(2) Where access to the site is by road, the road shall be located within a recorded easement or public right of way, and constructed to provide adequate emergency vehicle access (including, but not limited to, fire, medical, and law enforcement), except where subject to the terms of an approved special use permit issued by a state or federal agency.

(3) Where access to the site is by road, the road shall be located within a recorded easement or public right of way, and constructed to the appropriate standard set forth in title 2 of this code or appendix A of this title, except where subject to the terms of an approved special use permit issued by a state or federal agency.

(4) Adequate daily food, water, veterinary care, ventilation, sanitation and shelter shall be provided for the animals. Facilities shall be designed to provide for isolation and quarantine of any animals exhibiting disease symptoms. The operator shall maintain identification and death records and shall permit a minimum of 1 inspection annually.

(5) 1 on premises sign, not in excess of 6 square feet, shall be permitted when included as part of the conditional use permit application.

(6) A bed and breakfast shall be a detached single-family dwelling, occupied and operated by the owner or a resident manager, where 5 or fewer rooms are available for rent for a period not to exceed 2 weeks per guest, where meals are served from a central kitchen only to overnight guests. Guestrooms shall not have separate outside entrances as the primary method of entrance and exit. Liquor shall not be available for sale by the drink within the establishment. Food service facilities, water supply and wastewater disposal, and accessory uses, such as pools, shall conform to regulations set by the state of Idaho. Health and safety requirements shall conform to the adopted uniform codes based upon the occupancy and type of construction.

(7) In addition to the golf course or athletic facility, no commercial uses will be permitted except those related to the sale or rental of equipment associated, or food or beverage sales.

(8) Adequate water supplies for drinking and fire suppression, as well as approval of sewage disposal sites and methods by the Panhandle health district and/or the state of Idaho, must be demonstrated as appropriate.

(9) Use not permitted in the A/F-20 district.

(10) All facilities shall be designed and located with full consideration to the safety factors involved with such a use and to minimize the noise, smoke, dust and other nuisance factors to nearby land uses.

(11) Sufficient off street parking for patrons shall be provided.

(12) Gun clubs and rifle ranges shall have a minimum area of 5 acres. Target areas shall be at least 600 feet from any existing dwelling, except that of the owner or caretaker.

(13) Reserved.

(14) Use subject to the applicable home occupation permit per standards in section 12-489 of this title.

(15) Permitted only in conjunction with an approved resort or as part of a planned unit development.

(16) As defined in Idaho Code, except where used as a subordinate part of a permitted use.

(17) Sufficient land area is required to accommodate the proposed use, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties.

(18) Specified conditions with respect to emissions of noise, light, glare, smoke, odor, dust, particulate matters, vibrations or hours of operation may be prescribed differently from those required in a given district, as to be compatible with other applicable state and federal standards.

(19) For drive-in theaters, the site shall provide for adequate screening from adjacent land uses using a sight obscuring fence, plus a strip of type A landscaping at least 20 feet wide along the applicable property line.

(20) Racetracks shall have a minimum area of 20 acres and shall be a minimum of 1,000 feet from any suburban district.

(21) Refer to Section 12-497 of this Title for RV Parks/Campground standards. Site requirements for RV parks include at least 25 percent tree canopy coverage and a maximum of 25 percent impervious surface.

(22) Commercial resorts on sites meeting the minimum lot size of the applicable zoning district, but no less than 1 acre. Resorts may include facilities for food and beverage sales, rented seasonal living units, retail sales of equipment, supplies or services in conjunction with a resort, campgrounds and recreation vehicle parks.

(23) Private resorts on sites meeting the minimum lot size of the applicable zoning district, but no less than 1 acre. Resorts shall contain provisions for outdoor recreation uses, which may include areas for group meetings, boating, camping, swimming, skiing, golfing, shooting.

(24) Individual retail or hardware stores shall have a maximum floor area of 40,000 square feet or less.

(25) Uses are limited to 2,000 square feet of floor area on each property, except for the hardware stores in the industrial district, as noted in standard (24) of this table.

(26) Food or retail stores shall have a maximum floor area of 10,000 square feet or less. Commercial malls that feature more than 1 food or retail store shall have a maximum floor area of 25,000 square feet.

(27) Meals, recreation and housing may be provided for the participants during the period of the retreat or program only. Retreats shall not be used by the general public for meals or overnight accommodations. Accommodations may include a lodge, dormitory, sleeping cabins without kitchen facilities, tents or other similar housing. Kitchen and dining facilities may be located in a single, centrally located building. Where access to the site is by road, the road shall be located within a recorded easement or public right of way constructed to provide adequate emergency vehicle access (including, but not limited to, fire, medical, and law enforcement). Demonstration of adequate sewer and water provisions and fire protection are required. The applicant shall also demonstrate there is sufficient area to accommodate the retreat and any appurtenant structures so as to minimize any adverse effects on surrounding properties and will not create hazards on adjoining properties. At minimum, the property shall meet the minimum lot size requirement of the applicable district.

(28) Of not more than 300 square feet for the sale of agricultural products produced on the premises.

(29) Temporary real estate sales office for the lots within the applicable development are allowed, provided they do not exceed 2 years.

(30) A traffic plan is required describing, at minimum, the method of ingress and egress to the site, traffic circulation within the site, and on premises parking and loading areas.

(31) Limited to tier III home occupation and subject to the standards of section 12-489 of this title.

(32) Housing shall be owner/manager supervised and may consist of dormitory style, separate or family sleeping quarters. Food service facilities, water supply and wastewater disposal, and accessory uses, such as pools, shall conform to regulations set by the state of Idaho. Health and safety requirements shall conform to the adopted uniform codes based upon the occupancy and type of construction. Hostels in the A/F district shall be associated with low intensity recreational or natural amenities, similar to recreational facilities.

(33) Maximum square footage for ministorage, boat storage, and rental warehouse facilities on a single lot or parcel shall be 10,000 square feet for the rural service center and recreation districts. The maximum square footage for ministorage facilities on a single lot or parcel in the commercial district shall be 40,000 square feet and unlimited within the industrial district. Maximum square footage for rental warehouses in the commercial and industrial districts shall be unlimited.

(34) Adequate fire and emergency medical services shall be provided during racetrack events, to the satisfaction of Bonner County.

(35) Farmers' markets may also be established in existing churches, schools, community centers or similar public or private community facilities.

(36) At least 2 acres of the site must be actively farmed/ranched, producing products or crops to be used in the agri-education school. School shall be clearly incidental to farm/ranch operation. Meals sold as part of the school are limited to foods primarily produced or grown on site. Associated lodging facilities shall conform to the standards of section 12-483 of this title, with exceptions to subsection 12-483C of this title limiting the lodging to only those attending, teaching or staffing at the school and allowing central lodging. (See section 12-493, "Agricultural Direct Marketing Activities", in this title for daytime classes, tours or other temporary educational opportunities.)

(Ord. 501, 11-18-2008; amd. Ord. 521, 3-2-2011; Ord. 538, 6-26-2014; Ord. 540, 10-22-2014; Ord. 547, 7-6-2015; Ord. 549, 12-9-2015; Ord. 594, 12-18-2019)

12-334: INDUSTRIAL USE TABLE:

TABLE 3-4

INDUSTRIAL USE TABLE

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Accessory building	P	P	P	P	P	P	P	P	P
Electronics: electrical and related parts; electrical appliances, motors and devices, electrical and mechanical					C (12), (13)	P (2)			
Food and dairy products processing and manufacturing including frozen foods greater than 2,000 square feet (15)		C	C	C	C (2)	P (2)	C		
Furniture manufacturing and upholstery					P (12), (13)	P (2)			
Industrial and manufacturing, fabricating or processing of products (1)						P (2)			
Industrial, light					P (3)	P	P (3)		
Instruments: scientific and precision; medical and dental; timing and measuring					C (12), (13)	P (2)			
Junkyards/wrecking yards (5), (6)						C			
Laboratories: dental, medical, and optical					C (12), (13)	P (2)			
Machine shop					C	P (2)	C		
Manufacturing of explosives (7)						C			
Meat processing greater than 2,000 square feet (14)		C	C		C (2)	P (2)	C		
Pharmaceuticals: cosmetics, drugs, perfumes, toiletries and soap (not including refining or rendering of oils or fats)					C (12), (13)	P (2)			
Sawmills, shingle or planing mills, woodworking plants (8), (9)	C	C (4)	C (4)			P			
Slaughterhouses (8), (10), (11)		C (4)	C (4)			C			
Warehouse storage						P			

Standards:

(1) Fabrication or assembly of products, wholesale distribution facilities, such as warehouses, bulk plants, etc., not used for agricultural purposes.

(2) Uses must meet the following criteria:

- a. Carried on in such a manner as to be protected from fire and explosions.
- b. Emits no obnoxious odors.
- c. Exhaust no waste or dust.
- d. Discharge no treated or untreated industrial waste.
- e. Carry on any operation that would produce heat, light or glare perceptible from any property line of the industrial site.

(3) Use must be wholly contained within a single building having less than 10,000 square feet. Buildings larger than 10,000 square feet are subject to a conditional use permit in the Commercial District.

(4) Where access to the site is by road, the road shall be located within a recorded easement or public right-of-way, and constructed to the appropriate standard set forth in title 2 of this Code or appendix A of this title.

(5) The site shall provide for adequate screening by using a sight obscuring fence and a strip of type A landscaping at least 20 feet wide around the perimeter of the site.

(6) No materials, parts, automobiles or junk will be visible from any public right-of-way. A performance bond or developer's agreement may be required for assurance of compliance with the provisions of this conditional use.

(7) Manufacturing of explosives shall have a minimum area of 10 acres and shall be at least 1,000 feet from any residential district or residential use. The use shall be subject to approval of the local fire officials and all other applicable agencies. Facilities will not be approved if not located in a fire district. The use shall meet all other local, State and Federal requirements.

(8) All facilities shall be designed and located with full consideration to the safety factors involved with such a use and to minimize the noise, smoke, dust and other nuisance factors to nearby land uses.

(9) All sawmill, shingle or planing mill, or woodworking plant facilities must meet air quality standards applicable at the time of issuance of this permit. All facilities must make provision for fire protection; facilities must also meet the requirements and be approved by the appropriate fire district. Facilities will not be approved if fire protection is not provided.

(10) Off street parking for all patrons shall be provided.

(11) Slaughterhouse shall have a minimum area of 5 acres and all facilities shall be at least 600 feet from any existing dwelling other than the owner's.

(12) In conjunction with a retail storefront.

(13) Square footage limit for manufacturing in the Commercial Zone shall be limited to 1,000 square feet or 10 percent of the commercial use, whichever is greater.

(14) Meat processing operations less than 2,000 square feet or as a home occupation is permitted if it meets the requirements of a home occupation. The home occupation meat processing shall be a minimum 200 feet from any existing dwelling other than the owner's.

(15) Food and dairy products processing and manufacturing including frozen foods less than 2,000 square feet or as a home occupation is permitted if it meets the requirements of a home occupation.

(Ord. 577, 5-23-2018)

12-335: PUBLIC USE TABLE:

TABLE 3-5

PUBLIC USE TABLE

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Airports (1), (2) (airstrip)		C (3)	C (3)			C		C	
Cemeteries (4)		C (3)	C (3)	C					
Churches, grange halls, public or private community facilities		C (3)	C (3)	C	P	P	C	C	C
Communication towers	C (3)	C (3)	C (3)	C	C	C	C	C	C
Docks and marinas, community, upland accommodations (5), (6), (7)					C			C	
Heliports (8)		C	C	C	C	C		C	C
Hospitals and clinics (9)				C	P	P (10)	P	C	C
Park	P	P	P	P	P	P	P	P	P
Public utility facility (6), (11)	C	C (3)	C (3)	C	C	C	C	C	C
Sanitary landfills (12), (13)		C (3)	C (3)						
Schools, public and private (9)		C (3)	C (3)	C	C		C	C	C
Service center facilities					P	P	P		
Solid waste collection facilities (12)	C	C (3)	C (3)	C	C	C	C	C	C

Standards:

(1) All facilities shall be designed and located with full consideration to the safety factors involved with such a use and to the proximity of residential and adjacent land uses, including the reduction of nuisance factors such as noise, smoke and dust.

(2) Airports shall have a minimum area of 20 acres. The facilities must be located at least 2,000 feet from any Suburban District. Storage of flammable liquids, fuel, gases or combustible materials shall meet all local, State and Federal codes.

(3) Where access to the site is by road, the road shall be located within a recorded easement or public right-of-way, and constructed to the

appropriate standard set forth in title 2 of this Code or appendix A of this title, except where subject to the terms of an approved special use permit issued by a State or Federal agency.

(4) Cemeteries shall have a minimum area of 15 acres and shall be at least 500 feet from any existing dwelling, except the dwelling of the owner or employee. No graves shall be located within 30 feet of any public right-of-way. Buildings shall be located no less than 100 feet from property lines. The cemetery shall not be approved if it is of such size, shape or location as to adversely affect the residential development of the existing neighborhood. The cemetery shall be provided with perpetual care for maintenance of the grounds and landscaping.

(5) Sufficient land area is required to accommodate the proposed use, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties.

(6) Specified conditions with respect to emissions of noise, light, glare, smoke, odor, dust, particulate matter, vibrations or hours of operation may be prescribed differently from those required in a given district, as to be compatible with other applicable State and Federal standards.

(7) A traffic plan is required describing, at minimum, the method of ingress and egress to the site, traffic circulation within the site, and on premises parking and loading/launching areas.

(8) The granting of approval of a heliport shall be based on the design of the unit, which will meet all local, State and Federal requirements for such use, and will be subject to the approval of the Federal Aviation Administration. Heliports will be located in areas where effects from the noise, vibration, dust or light will not adversely affect adjoining properties, and where the safety of adjoining residents and the public is not endangered. Storage of fuel will meet all local, State and Federal Fire Codes. No flammable liquids, fuel, gases or other combustible materials will be stored below the surface of any lake, river, stream or water body.

(9) Adequate water supplies for drinking and fire suppression, as well as approval of sewage disposal sites and methods by the Panhandle Health District and/or the State of Idaho, must be demonstrated as appropriate.

(10) Clinics are permitted in the Industrial District, but hospitals are prohibited.

(11) The area of land covered by buildings shall not exceed 35 percent of the total lot area. The site area shall be sufficient to accommodate the facility and required parking, setbacks, landscaping, walkways and other applicable development standards. The public utility facility lot or parcel is not required to meet the minimum lot/parcel size of the zoning district in which it is located. In considering applications, the Planning Commission shall consider the public convenience and necessity of the facility and any adverse effect that the facility will have upon properties in the vicinity, and may require such reasonable restrictions, or conditions of development; or protective improvements as to uphold the purpose and intent of this title and the comprehensive plan. A sewage management agreement shall be approved and executed prior to the issuance of a conditional use permit for subsurface sewage disposal systems serving 10 or more residential dwelling units or designed with a capacity of 2,500 gallons or more per day.

(12) The site will provide for adequate screening from adjacent sensitive land uses using a sight obscuring fence, landscaping and/or other approved treatment.

(13) Sanitary landfills shall adhere to the following conditions: a) have a minimum area of 10 acres; b) conform to standards prescribed by the appropriate State and local health authorities; c) conform to time limits for daily operation, as defined by the Board; d) provide a bond, for privately owned sites, to ensure compliance with the provisions of the zoning approval; e) provide for a paved street to the facility; f) be supervised during the hours of operations; g) provide for dust control measures that will limit the site's nuisance factor; and h) provide a suitable guarantee will be provided to assure compliance with the zoning and health regulations and also to guarantee adequate rehabilitation of the site.

(Ord. 501, 11-18-2008; amd. Ord. 512, 1-6-2010)

12-336: RESOURCE BASED USE TABLE:

TABLE 3-6

RESOURCE BASED USE TABLE

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Accessory building	P	P	P	P	P	P	P	P	P
Agricultural direct marketing activities (14)		P	P	P (17)			P		
Agriculture	P	P	P	P (11), (12), (13)	P (1)	P (1)	P (1)	P (1)	P (1)
Batch plant - asphalt and/or concrete (4), (21), (22)						P			
Confined animal feeding operation		C							
Expanded seasonal harvest festivities (16)		C	C				C		
Fur farms, commercial (2)		C	C						
Keeping of equine animals	P	P	P	P (13)				P (9)	
Mining, stone quarries, gravel pits, and stone mills (3), (4)	C (5)	C (5)	C (5)			C		C (10)	C (10)
Open pit (23)						P			
Rock crushing operations	C (5)	C (5)	C (5)			C			

Seasonal harvest festivities (15)		P	P				P		
Value added agricultural processing (18)		C	C	C (19)					
Water bottling works at the source; wineries, breweries and distilleries subordinate and accessory to farming (3), (4), (5), (7), (8), (20)	C	C	C						C

Standards:

- (1) Includes growing and harvesting of crops only. All other agricultural uses are prohibited, except where otherwise noted in this title.
- (2) Commercial fur farms shall have a minimum area of 10 acres. All animals and runs will be housed in permanent buildings not less than 100 feet from any dwelling other than the dwelling of the owner. The operator of such a use will maintain adequate housekeeping practices to prevent the creation of a nuisance.
- (3) Sufficient land area is required to accommodate the proposed use, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties.
- (4) Specified conditions with respect to emissions of noise, light, glare, smoke, odor, dust, particulate matter, vibrations or hours of operation may be prescribed differently from those required in a given district, as to be compatible with other applicable State and Federal standards.
- (5) Where access to the site is by road, the road shall be located within a recorded easement or public right-of-way, and constructed to the appropriate standard set forth in title 2 of this Code or appendix A of this title.
- (6) Temporary rock crushing operations located outside of city impact areas within an existing or approved gravel pit.
- (7) 1 on premises sign, not in excess of 32 square feet, which may be lighted from the exterior, shall be permitted when included as part of the conditional use permit application.
- (8) A traffic plan is required describing, at minimum, the method of ingress and egress to the site, traffic circulation within the site and on premises parking and loading areas.
- (9) The keeping of equine animals for noncommercial uses and associated nonresidential accessory structures, on property having an area of 3 acres or more is permitted, provided that animal care and waste management meet all applicable State and health district regulations and provided that the number of animals not exceed 2 equine animals on 3 acres and 1 additional equine animal for each additional acre up to a maximum number of 10 equine animals. The keeping of equine animals for noncommercial purposes on property having an area of not less than 1 acre and not more than 3 acres and associated nonresidential accessory structures may be conditionally permitted, provided that animal care and waste management meet all applicable State and health district regulations and the number of equine animals does not exceed 2.
- (10) Mining and rock crushing activities shall be temporary, and shall be limited in lifetime and scope by conditions established by the commission.
- (11) Includes growing and harvesting of crops. Other agricultural uses are limited, as specifically provided by this title.
- (12) The keeping of chickens and rabbits are permitted, subject to the following standards:
 - a. Roosters are prohibited.
 - b. Up to 10 chickens, rabbits or combination thereof may be kept on lots/parcels of less than 1 acre, provided all enclosures and coops are set back a minimum of 20 feet from all property lines and from any residences other than the owner/renter.
 - c. Up to 30 chickens, rabbits or combination thereof may be kept on lots/parcels between 1 and 3 acres, provided all enclosures and coops are set back a minimum of 20 feet from all property lines and from any residences other than the owner/renter.
 - d. Up to 50 chickens, rabbits or combination thereof may be kept on lots/parcels greater than 3 acres, provided all enclosures and coops are set back a minimum of 50 feet from all property lines and from any residences other than the owner/renter.
 - e. All chickens or rabbits shall be kept in a predator resistant enclosure during daytime hours and shall be enclosed in a predator resistant, covered coop or enclosure during nighttime hours.
 - f. Animal care and waste management practices shall meet all applicable State and health district standards.
 - g. Chickens or rabbits shall be kept on the same lot/parcel as the landowner/renter or on an adjacent lot or parcel to owner/renter.
- (13) The keeping of bees, livestock, farm animals and domestic fowl (turkeys, ducks and geese), are permitted, subject to the following standards:
 - a. The lot or parcel shall contain a minimum of 3 acres.
 - b. Animals shall be limited to 2 animal units for the first 3 acres of fenced, pastureland, forestland or enclosure associated with the agricultural use and 1 additional animal unit per acre thereafter. Total animal units shall not exceed 20 animal units no matter the acreage. (See animal unit chart in chapter 8 of this title.)
 - c. Beekeeping operations shall be registered with the State Department of Agriculture.
 - d. Confined feeding areas, cages, pastureland or enclosures shall be constructed and maintained to keep the animals contained. Feeding areas, cages, pastureland or enclosures may be placed up to the property line but shall not be closer than 40 feet from any residence other than the owner or renter. Hives shall be a minimum of 25 feet from all property lines and any residences other than the owner or renter.
 - e. Animals shall be kept on the same lot/parcel as the landowner/renter or an adjacent lot/parcel to the owner/renter.
 - f. Animal care and waste management shall meet all applicable State and health district regulations. Waste shall not be stockpiled or composted within 50 feet of any property line or any residence other than the owner or renter.
 - g. Keeping of swine, unneutered male goats, guinea fowl, peafowl, ostrich, emu, buffalo, yak, and beefalo is prohibited. Exception: 1

potbellied pig is permitted.

(14) Subject to standards contained in section 12-493 of this title.

(15) Subject to standards contained in section 12-494 of this title.

(16) Subject to section 12-495 of this title.

(17) In the Suburban Zoning District, a minimum of 5 acres is required for agricultural direct marketing activities.

(18) Shall meet all applicable local, State, and Federal regulations. At least 2 acres of primary ingredient used in processing shall be grown on site.

(19) A minimum of 5 acres is required in the Suburban District. Use shall be contained within building not exceeding 10,000 square feet of floor area.

(20) At least 0.5 acre of primary beverage ingredient used in distilling or brewing shall be grown on site. Winery, brewery or distillery shall be clearly subordinate to agricultural operation. All structures associated with the beverage operation shall be a minimum of 75 feet from property lines. Sales are limited to fermented or distilled beverages produced on site and limited food sales. Sales of bottle openers, glasses or other such promotional items identifying the site are permitted. Hours of operation and maximum occupancy may be limited by the conditional use permit.

(21) Batch plant operations shall be located outside of city impact areas. The emissions control system(s) on such batch plants shall be of "Best Available Control Technology" (BACT) as generally accepted under relevant industry standards, within 5 years prior to application.

(22) A batch plant shall only locate in an active gravel pit. A batch plant placed in a gravel pit shall be considered a separate, discrete use, and not the increased intensity of a grandfathered use to operate the gravel pit itself.

(23) An open pit, also known as a sand box, is an area where material (usually soil, gravel or sand) has been dug for use at another location. Open pits shall be in conjunction with and close to major construction projects and shall be limited in lifetime and scope by conditions established by the commission.

(Ord. 577, 5-23-2018)

12-337: ACCESSORY USE TABLE:

TABLE 3-7

ACCESSORY USE TABLE

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
Accessory solar, geothermal facilities and ground-source heat pump	P	P	P	P	P	P	P	P	P
Apparatus needed for the operation of active or passive solar energy systems or other alternate energy systems, including but not limited to, overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping	P	P	P	P	P	P	P	P	P
Employee housing as an integral part of the commercial operation (1), (2)	P	P	P	P	P	P	P	P	P
Incidental services for employees on a site occupied by a permitted or conditional use						P			
Watchman's or caretaker's living quarters only when incidental to and on the same site as a permitted or conditional use (2)	P	P	P	P	P	P	P	P	P

Standards:

(1) Employee housing as part of an integral part of the commercial operation shall be onsite housing and shall meet all the required standards and permits of the requested type of housing, i.e., subdivision, RV park or condominium.

(2) Watchman or caretaker living quarters shall be limited to 1 unit per lot/parcel.

(Ord. 577, 5-23-2018)

12-338: RESERVED:

(Ord. 577, 5-23-2018)

12-339: CLASSIFICATION OF NEW USES WITHIN ZONE DISTRICTS:

It is recognized that new unanticipated types of land uses will be proposed in Bonner County. In order to provide for such changes and contingencies, when a use is proposed that is not listed as a prohibited, permitted or conditional use in a zone district, the Planning Director shall make a determination that:

A. The use falls within the same standard classification pursuant to the "Standard Industrial Classification Manual" or the North American Industry Classification System, as amended, modified or superseded, as a listed permitted or conditional use in a current zone district and that it may be processed in the same fashion as the listed use; or

B. The use does not fall within the same standard classification pursuant to the "Standard Industrial Classification Manual" or the North

American Industry Classification System, as amended, modified or superseded, as a listed permitted or conditional use in a particular zone district, and thus is a prohibited use in that district; or

C. The use is unique in nature and an amendment to this title is necessary in order to allow for its placement within the appropriate zone district. (Ord. 577, 5-23-2018)

SUBCHAPTER 3.4 - NONCONFORMING USES AND STRUCTURES

12-340: INTENT:

Within the district or zone established by this title or amendments that may later be adopted, there exist:

- A. Lots;
- B. Structures;
- C. Uses of land and structures; and
- D. Characteristics of uses which were lawful before this title was passed or amended, but which would be prohibited, regulated or restricted under the terms of this title or future amendment. It is the intent of this title to permit these nonconformities to continue as required by law. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district or zone. (Ord. 501, 11-18-2008)

12-341: GENERAL PROVISIONS FOR NONCONFORMING USES AND STRUCTURES:

A. Subject to the provisions of this subchapter, a nonconforming use or structure may be continued but may not be extended or altered, unless necessary to comply with a lawful requirement and unless the use or structure is a less intensive use than the permitted uses in the zone (such as a residence in a conforming residential zone which has been rezoned to industrial). Exceptions:

1. The accumulated expansion by up to ten percent (10%) of a commercial, industrial or public use or structure in any zoning district that was established prior to December 9, 1981, and that has been in use continuously since December 9, 1981, is permitted, provided no additional land area is being acquired for the expansion.

2. The accumulated expansion of such use identified in subsection A1 of this section by more than ten percent (10%), but no more than fifty percent (50%) is conditionally permitted, provided no additional land area is being acquired for the expansion.

B. The extension of a nonconforming use to a portion of a structure for which a building location permit or building permit or zoning permit has been granted at the time of passage of this chapter shall not be deemed an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this title. (Ord. 501, 11-18-2008)

C. If a nonconforming use is discontinued for a period of two (2) years or more, further use of the property shall conform to this title. For "surface mines", as defined in section 12-813 of this title, it shall be concluded that the operator has permanently ceased surface mining operations as to a given affected land if no "minerals", as defined in section 12-813 of this title, have been removed from the mine in question for a period of three (3) years or more. Discontinued nonconforming uses are also governed by the standards of Idaho Code section 67-6538, as it may be amended or retitled from time to time. If a nonconforming use has been discontinued for two (2) or more years, the County may require a written declaration of intent from the landowner, pursuant to the provisions of Idaho Code section 67-6538. (Ord. 524, 1-11-2012)

D. Nothing contained in this subchapter shall require any change in the plans, construction, alteration or designated use of a structure for which a building location permit or building permit has been issued by the county prior to the adoption of this section, provided the structure has been completed and in use within two (2) years from the time the permit is issued. (Ord. 501, 11-18-2008)

12-342: NONCONFORMING LOTS OF RECORD:

A. The minimum site area requirements will apply in all districts, except that these regulations shall not prohibit permitted uses on a lot of record (i.e., lots divided prior to the date of this section). All structures will meet minimum setback requirements as provided in this title.

B. In any district or zone in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this section, notwithstanding limitations imposed by other provisions of this title. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district or zone; provided, that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district or zone in which such lot is located. (Ord. 501, 11-18-2008)

C. Any conforming or legally nonconforming parcel or lot reduced or further reduced in size below the zoning district minimums by a government action for the purpose of acquiring public rights of way shall be considered legally nonconforming. (Ord. 524, 1-11-2012)

12-343: NONCONFORMING USES OF LANDS:

Nonconforming uses of land may be continued so long as they remain otherwise lawful, provided:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this section, except where otherwise noted in this subchapter.

B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this section. (Ord. 501, 11-18-2008)

12-344: NONCONFORMING STRUCTURES:

Where a lawful structure exists at the effective date of adoption or amendment of this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in any way which increases its nonconformity. Any structure or portion thereof may be altered to decrease its nonconformity.

B. A nonconforming structure or nonconforming portion of a structure destroyed by any means may be reconstructed so long as the reconstruction does not increase its nonconformity and reconstruction occurs within two (2) years of its destruction.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district or zone in which it is located after it is moved.

D. No nonconforming portion of a structure may be enlarged or altered in any way which increases its bulk (such as lot area, open space,

yards, lot coverage, height, impervious surface ratios and floor area ratios). (Ord. 501, 11-18-2008)

12-345: NONCONFORMING USES OF STRUCTURES AND PREMISES IN COMBINATION:

If a lawful use involving individual structures exists at the effective date of adoption or amendment of this title that would not be allowed in the district or zone under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this title in the district or zone in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district or zone in which it is located.

B. Any nonconforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use at the time of adoption or amendment of this section, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure or structure and premises may be considered by the commission for a change to another nonconforming use through the conditional use permit process provided by this title, provided the commission shall find that the proposed use is equally appropriate or more appropriate to the district or zone than the existing nonconforming use. In permitting such change, the commission may require appropriate conditions and safeguards in accord with the provisions of this title.

D. Any existing structure devoted to a use not permitted by this title in the district or zone in which it is located that is superseded by a permitted use shall thereafter conform to the regulations for the district or zone, and the nonconforming use may not thereafter be resumed.

E. When an existing structure devoted to a use not permitted by this title in the district or zone in which it is located fails to be used for the nonconforming use for two (2) years (except where government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district or zone in which it is located.

F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction", for the purpose of this subsection, is defined as damage to an extent of more than fifty percent (50%) of the replacement value at time of destruction. (Ord. 501, 11-18-2008)

G. Any nonconforming use or structure and use in combination that is damaged or destroyed by an involuntary event such as fire, explosion, collapse or similar catastrophe may be repaired or reconstructed and the nonconforming use restored, provided the following conditions are met:

1. A building permit or building location permit has been issued, reconstruction has commenced and the use has resumed within two (2) years of the qualifying event.

2. The nonconformity shall not be enlarged, increased or intensified.

3. The reconstruction shall meet all applicable floodplain regulations of this title. (Ord. 524, 1-11-2012)

12-346: REPAIRS AND MAINTENANCE:

If a nonconforming structure, or portion of a structure, containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district or zone in which it is located. (Ord. 501, 11-18-2008)

CHAPTER 4

DEVELOPMENT STANDARDS

SECTION:

12-400: Purpose

Subchapter 4.1 - Density And Dimensional Standards

12-410: Interpretation Of Tables

12-411: Density And Dimensional Standards; Forestry, Agricultural/Forestry And Rural Zones

12-412: Density And Dimensional Standards; Suburban, Commercial, Industrial, Rural Service Center, Recreation And Alpine Village Zones

12-413: Lot Combination

Subchapter 4.2 - General Standards

12-420: General Standards

12-421: Performance Standards For All Uses

Subchapter 4.3 - Parking Standards

12-430: Purpose

12-431: Parking Standards

12-432: Minimum Off Street Parking Requirements

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12-496: Recreational Vehicles

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12-400: PURPOSE:

The purpose of this chapter is to establish basic development standards consistent with the goals and policies of the comprehensive plan. (Ord. 501, 11-18-2008)

SUBCHAPTER 4.1 - DENSITY AND DIMENSIONAL STANDARDS

12-410: INTERPRETATION OF TABLES:

A. Sections 12-411 and 12-412 of this chapter contain general density and dimension standards for the various zones and limitations specific to a particular zone. The minimum setbacks shall apply to all structures, as defined in section 12-819 of this title, except as otherwise noted. Additional rules, exceptions and methodologies are set forth in the remainder of this chapter.

B. The density and dimension tables are arranged in a matrix format on two (2) separate tables and are delineated into two (2) zoning district groupings for ease of use:

1. Forestry, agricultural/forestry, rural.
2. Suburban, commercial, industrial, rural service center, recreation, alpine village.

C. Development standards are listed down the left side of both matrices, and the zones are listed at the top. The matrix cells contain the minimum dimensional requirements of the zone. A blank box indicates that there are no specific requirements related to the applicable standard. Specific requirements or exceptions associated with particular standards are identified by numbers in parentheses. Such requirements or

exceptions are listed below the table. Requirements or exceptions listed in the "standard" column (far left column in each table) shall apply to the standard in each zoning district referenced in the table. (Ord. 501, 11-18-2008)

12-411: DENSITY AND DIMENSIONAL STANDARDS; FORESTRY, AGRICULTURAL/FORESTRY AND RURAL ZONES:

TABLE 4-1

DENSITY AND DIMENSIONAL STANDARDS

Standard	Zoning District				
	F	A/F-20	A/F-10	R-10	R-5
Minimum lot sizes (acres) (1), (2)	40 (4)	20 (5)	10 (6)	10 (6)	5 (7)
Maximum residential density	1 dwelling unit per minimum lot sizes (3), (8)				
Minimum street setback (9), (10), (13)	25 feet	25 feet	25 feet	25 feet	25 feet
Minimum property line setback (11), (12), (13)	25 feet	25 feet	25 feet	25 feet	25 feet
On premises sign property line or street setback	25 feet	25 feet	25 feet	25 feet	25 feet
Maximum lot coverage	(14)	(14)	(14)	(14)	(14)

Requirements Or Exceptions:

- (1) Building lots in conservation subdivisions can be smaller than the minimum lot size for each zone. See chapter 6 subchapter 6.3 of this title for more details.
- (2) For the purposes of subdividing or adjusting lots or parcel lines: Gross acreage may include rights of way within the boundaries of the land being subdivided or where right of way has been dedicated within the subject aliquot division of a section of land. Acreages may be rounded off per the following: 4.95 acres and larger shall be considered 5 acres; 9.95 acres and larger shall be considered 10 acres; 19.95 acres and larger shall be considered 20 acres; 39.95 acres and larger shall be considered 40 acres.
- (3) Density may be increased via conservation subdivision provisions set forth in section 12-637 of this title for properties in the A/F and R zones.
 - (4) Or 1/16 aliquot division of the section minimum site area.
 - (5) Or 1/32 aliquot division of the section minimum site area.
 - (6) Or 1/64 aliquot division of the section minimum site area.
 - (7) Or 1/128 aliquot division of the section minimum site area.
- (8) Dwellings, not to exceed a total of 3 dwelling units, may be permitted on a single parcel of land; providing, that the parcel is large enough to comply with the density requirements of the zone. For example, 3 dwelling units may be permitted on a 15 acre parcel in the R-5 district.

Exceptions:

 - a. The total allowable number of dwelling units does not apply to temporary or seasonal farm labor housing, such as a bunkhouse where only sleeping quarters are provided for farmworkers.
 - b. Additional dwelling units may be allowed on a lot or parcel in a conservation subdivision or PUD, provided the subdivision or development plan complies with the density requirements of the district and where the dwelling units are authorized on the plat, if applicable.
- (9) From Street as defined in BCRC12-819 including any portion of a private easement providing access to three (3) or more lots or parcels beyond the subject lot or parcel.
- (10) Utility structures not exceeding 30 square feet, such as well houses may be permitted within the required street setback, when necessary per applicable utility company or property owner.
- (11) For legal nonconforming lots or parcels the following setback exceptions may be applied, provided snow storage and stormwater are accommodated on the subject site:
 - a. The minimum property line setback may be reduced to 5 feet for lots/parcels of less than one (1) acre.
 - b. The minimum property line setback may be reduced to 10 feet for lots/parcels larger than 1 acre but less than 5 acres.
- (12) Setback requirements per this subchapter do not exempt land owners from deeded restrictions or confirm landowners are not building in recorded or prescriptive ingress/egress boundaries. Nothing in this Title shall be construed to relieve an applicant from complying with deeded restrictions, prescriptive easements or legally binding easement boundaries.
- (13) The minimum property line setbacks for agricultural buildings and other nonresidential structures shall be at least 40 feet, the minimum setback requirements may be reduced to 50 percent of the requirement if acceptable landscaping or screening, approved by the planning director, is provided. Such screening shall be masonry or solid fence between 4 feet and 8 feet in height, maintained in safe condition and free of all advertising or other signs on the residential side of lot or parcel. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 20 feet in width, planted with an evergreen hedge or dense planting of evergreen shrubs not less than 4 feet in height at the time of planting. The setback may be reduced to 25 feet from property line or a street. The minimum property line setbacks for agricultural buildings used solely for growing and harvesting crops shall be 5 feet. The minimum street setback for row covers, hoop houses or other membrane covered, season extending structures may be reduced to 15 feet, provided they are not on permanent foundations.
- (14) For legal nonconforming lots or parcels less than 1 acre in size, the maximum lot coverage shall be 35 percent.

12-412: DENSITY AND DIMENSIONAL STANDARDS; SUBURBAN, COMMERCIAL, INDUSTRIAL, RURAL SERVICE CENTER, RECREATION AND ALPINE VILLAGE ZONES:

TABLE 4-2

DENSITY AND DIMENSIONAL STANDARDS

Standard	Zoning District					
	S	C	I	RSC	REC	AV
Minimum lot size where all urban services are available	10,000 square feet (1), (2)	See standard (3)	See standard (3)	12,000 square feet (1), (2)	12,000 square feet (1), (2)	12,000 square feet (1), (2)
Urban water only (19)	1 acre (4)	1 acre	1 acre	1 acre	1 acre (4)	1 acre (4)
Urban sewer only	20,000 square feet (4)	20,000 square feet	20,000 square feet	20,000 square feet	20,000 square feet (4)	20,000 square feet (4)
Community LSAS and urban water (19), (20)	1 acre (4)	1 acre	1 acre	1 acre	1 acre (4)	1 acre (4)
Community drainfield and individual well (19), (20)	1 acre (4)	1 acre	1 acre	1 acre	1 acre (4)	1 acre (4)
Minimum lot size where urban sewer and water services are not available (1)	2 ¹ / ₂ acres (2), (4), (5)	2 ¹ / ₂ acres (2), (5)	2 ¹ / ₂ acres (5)	2 ¹ / ₂ acres (2), (5)	2 ¹ / ₂ acres (2), (4), (5)	2 ¹ / ₂ acres (2), (4), (5)
Maximum residential density (if applicable)	1 dwelling unit per minimum lot size (2), (6)					
Minimum street setback (7), (8), (9)	25 feet	25 feet (10)	25 feet	25 feet (10)	25 feet (10)	(11)
Minimum property line setback (12), (15), (18)	5 feet	5 feet	5 feet	5 feet	5 feet	15 feet (16)
On premises sign property line or street setback (7), (17)	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
Maximum lot coverage	35 percent	35 percent	35 percent	35 percent	35 percent	35 percent

Requirements Or Exceptions:

- (1) Cluster lots in a conservation subdivision can be smaller than the minimum lot size for each zone.
- (2) Density may be increased via conservation subdivision bonus provisions set forth in section 12-637 in this title.
- (3) Lots must be sized sufficient to accommodate permitted uses and associated parking, setbacks, landscaping, walkways and other applicable development standards. Residential density for the C district shall be determined the same as for the minimum standards of the S district.
- (4) Clustering lots via a conservation subdivision is encouraged to allow for the opportunity to develop at greater density if and when urban services become available. See section 12-636 of this title for more details.
- (5) Or ¹/₂₅₆ aliquot division of the section minimum site area.
- (6) Dwellings, not to exceed a total of 3 dwelling units, may be permitted on a single parcel of land; providing, that the parcel is large enough to comply with the density requirements of the zone. For example, 3 dwelling units may be permitted on a 30,000 square foot parcel with all urban services in the S district. Exceptions:
 - a. The total allowable number of dwelling units does not apply to temporary or seasonal farm labor housing, such as a bunkhouse where only sleeping quarters are provided for farmworkers.
 - b. Additional dwelling units may be allowed on a parcel in a conservation subdivision, provided the subdivision complies with the density requirements of the district and where the dwelling units are authorized on the plat.
- (7) From Street as defined in BCRC 12-819 including any portion of a private easement providing access to two or more lots or parcels beyond the subject lot or parcel.
- (8) Utility structures not exceeding 30 square feet such as well houses may be permitted within the required property line or street setback, when necessary per applicable utility company or property owner.
- (9) Street setback exceptions:

- a. Street setbacks may be reduced where approved and indicated on the final plat of a conservation subdivision or PUD.
 - b. First-floor porches and decks, open and unenclosed on three sides, and attached to the Dwelling Unit, may project up to 8 feet into the street setback.
- (10) The minimum street setbacks may be reduced to 0 for buildings containing ground floor commercial uses facing the street, provided the following conditions are met:
- a. A 12 foot wide sidewalk with street trees between the street and walkway is provided.
 - b. The street facade contains transparent windows and doors along at least 50 percent of the facade 3 feet and 8 feet above the sidewalk grade.
 - c. There is a public building entrance off of the sidewalk.
 - d. Street facade features weather protection at least 5 feet in width along at least 50 percent of the facade. Said weather protection could be a building overhang, permanent canopy or awning, or fabric awning, and must be at least 8 feet above the grade of the sidewalk.
 - e. Building location does not conflict with county or state roadway plans.
- (11) Structures shall be set back at least 35 feet from the centerline of a paved road, but not closer than 5 feet setback from the property line fronting the right of way.
- (12) Minimum property line setbacks shall be increased to 20 feet where abutting land in the A/F district.
- (13) Property line setbacks are 5 feet for detached, residential accessory buildings or structures, except where abutting land in the A/F district.
- (14) The minimum property line setbacks for detached, residential accessory buildings shall be 5 feet.
- (15) Property line setbacks may be reduced to 0 (only for lots internal to a subdivision) where indicated on the final plat of a conservation subdivision.
- (16) Structures, including roof overhangs, shall not take up more than 60 percent of lot street frontage.
- (17) Signs mounted on buildings are subject to all setback requirements contained in this subchapter.
- (18) The minimum property line setbacks for agricultural buildings and other nonresidential structures shall be at least 40 feet, the minimum setback requirements may be reduced to 50 percent of the requirement if acceptable landscaping or screening, approved by the planning director, is provided. Such screening shall be masonry or solid fence between 4 feet and 8 feet in height, maintained in safe condition and free of all advertising or other signs on the residential side of lot. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 20 feet in width, planted with an evergreen hedge or dense planting of evergreen shrubs not less than 4 feet in height at the time of planting. The setback may be reduced to 25 feet from property line or a street. The minimum property line setbacks for agricultural buildings used solely for growing and harvesting crops shall be 5 feet. The minimum street setback for row covers, hoop houses or other membrane covered, season extending structures may be reduced to 15 feet, provided they are not on permanent foundations.
- (19) New lots created through any land division process shall include the sanitary restriction lift.
- (20) Community LSAS or community drain field shall be located on a common lot or tract of land. (Ord. 501, 11-18-2008; amd. Ord. 512, 1-6-2010; Ord. 538, 6-26-2014; Ord. 606, 7-14-2020; Ord. 615, 11-18-2020)

12-413: LOT COMBINATION:

Where the owner of two (2) or more platted lots with a common lot line desires to have the lots regarded as a single lot for purposes of building placement, the owner shall record a notice of lot combination with the Bonner County recorder. The form for said notice shall be provided by the planning department and shall state: "Lots (lot numbers) of block (block number) in (subdivision name), recorded in the book of plats (book number) at page (number), of the Bonner County records, are hereby combined for the purposes of building placement pursuant to the provisions herein." The notice shall bear the notarized signature of the property owner and a copy of the recorded notice shall be provided to the planning department. The recording of a notice of lot combination shall only have the effect of modifying the minimum side or rear yard requirements for the common lot line and all other requirements of this title shall remain in full force and effect. (Ord. 501, 11-18-2008)

SUBCHAPTER 4.2 - GENERAL STANDARDS

12-420: GENERAL STANDARDS:

- A. Buildings, Structures: No building or other structure shall hereafter be erected or altered:
 - 1. To accommodate or house a greater number of families than permitted by the standards of this title;
 - 2. To occupy a greater percentage of lot area than permitted by the standards of this title; (Ord. 512, 1-6-2010)
 - 3. To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this title.
- B. Areas Not Included In Requirements: No part of a yard, or other open space, or off street parking or loading space required about or in connection with any building for the purpose of complying with this title, shall be included as part of a yard, open space or off street parking or loading space similarly required for any other building.
- C. Yard Reductions: No yard or lot existing at the time of passage of this section shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date hereof shall meet at least the minimum requirements.
- D. Structure To Have Access: Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off street parking.
- E. Fences, Walls And Hedges: Notwithstanding other provisions of this title, fences, walls and hedges may be permitted in any required yard, unless otherwise restricted by provisions of this title.
- F. Parking And Storage Of Certain Vehicles: Any automobile body which is not properly and currently licensed, and is not in operating condition or has not been used for a period of six (6) months or more, whether left on public or private property, and which is offensive to the sight of the community or neighborhood, or to persons passing by on a public thoroughfare, will be considered a public nuisance.

G. Temporary Buildings: Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a building location permit or building permit authorized by the planning director.

H. Conversion Of Dwellings To More Units: A residence may not be converted to accommodate an increased number of dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district.
2. The lot meets density requirements for the applicable district as stated in section 12-411, table 4-1 or section 12-412, table 4-2 of this chapter.
3. The conversion is in compliance with all other relevant codes and ordinances.

I. Visibility At Intersections: On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet ($2\frac{1}{2}$ ') and ten feet (10') above the centerline grades of the intersecting streets bounded by the right of way lines of such corner lots and a line joining points along said street right of way lines twenty five feet (25') from the point of intersection. (Ord. 501, 11-18-2008)

J. Projections: All architectural projections such as canopies, eaves, balconies, platforms, decks, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into any required setback except as otherwise provided by this title. (Ord. 512, 1-6-2010)

12-421: PERFORMANCE STANDARDS FOR ALL USES:

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this title may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements:

A. Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential fire danger involved as specified in the international fire code as adopted by the state of Idaho. (See also section 12-487 of this chapter.)

B. Radioactivity Or Electrical Disturbance: No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

C. Noise: "Objectionable noise", as defined in this subsection, which is due to volume, frequency or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from the requirement. "Objectionable noise" is defined as:

1. Residential land use resulting in greater than sixty (60) decibels at the property line of the lot or parcel developed with the residential land use.
2. Commercial land use resulting in greater than sixty five (65) decibels at the property line of the lot or parcel developed with the commercial land use.
3. Industrial land use resulting in greater than seventy (70) decibels at the property line of the lot or parcel developed with the industrial land use.

D. Vibration: No vibration shall be permitted which is discernible without the use of vibration detection instruments on any adjoining lot or property.

E. Air Pollution: Any use must be operated and maintained in conformance with the minimum air pollution control standards and regulations established by the health authority.

F. Reserved.

G. Water Pollution: Any use must be operated and maintained to conformance with the minimum water pollution control standards and regulations established by the health authority.

H. Enforcement Provisions: The planning director, prior to giving zoning approval, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

I. Measurement Procedures: Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Institute, New York; the Manufacturing Chemists' Association, Inc., Washington, D.C.; the United States bureau of mines; and the health authority. (Ord. 501, 11-18-2008)

SUBCHAPTER 4.3 - PARKING STANDARDS

12-430: PURPOSE:

The purpose of this subchapter is to provide adequate parking spaces for uses. (Ord. 501, 11-18-2008)

12-431: PARKING STANDARDS:

A. Requirements: Parking spaces required shall be exclusive of drives and access lanes and each space will be provided with adequate ingress and egress.

B. Size Of Parking Spaces: Parking spaces shall be no less than two hundred (200) square feet in area.

C. Unspecified Uses: Parking for unspecified uses shall be determined by the planning director. Requirements for such unspecified uses shall be based on the requirements for the most comparable use pursuant to the "Standard Industrial Classification Manual" or the North American industry classification system, as amended, modified or superseded.

D. Handicapped Parking: Handicapped parking shall be provided consistent with the Americans with disabilities act, where applicable.

E. Cooperative Off Street Parking: Any two (2) or more uses may establish cooperative off street parking where it can be established to the

satisfaction of the planning director that the hours of traffic generation on the part of the different land uses are at nonoverlapping times of the day based on hours of operation. In that case, the off street parking provisions for each can be credited to the same off street parking areas provided cooperatively. All shared parking and mutual easements shall be recorded and a copy provided to the planning department.

F. Gross Area Determination: In determining the gross area required for an off street parking lot requiring a specified number of parking spaces, including driveways and aisles, two hundred fifty (250) square feet per parking space shall be used. (Ord. 501, 11-18-2008)

12-432: MINIMUM OFF STREET PARKING REQUIREMENTS:

A. For the purposes of defining off street parking, the floor area shall exclude areas devoted exclusively to circulation or service, such as storage, restrooms, corridors, hallways, entries, stairways, elevators, equipment/utility rooms, kitchens not to be occupied by clientele, and other areas for utility purposes not connected with general conduct of business for which office or sales space is provided.

B. Off street parking areas shall contain the minimum number of parking spaces stipulated in table 4-3 following, plus adequate stopping or parking areas for service vehicles, as specified in subsection C of this section. Standards associated with a particular use are identified by numbers in parentheses. Standards are listed below the table. A use that is similar to any of the below referenced uses shall adhere to the minimum parking requirements for the referenced use or uses. The planning director shall determine the minimum parking requirements for service vehicles and for a use that is not referenced in this section based on the most comparable use pursuant to the "Standard Industrial Classification Manual" or the North American industry classification system, as amended, modified or superseded.

TABLE 4-3

MINIMUM OFF STREET PARKING REQUIREMENTS

Use	Minimum Requirement	Proximity Of Parking Spaces
Residential Uses:		
Residential, single-family (1)	2 spaces/dwelling unit	On the same lot as the dwelling unit
Residential, multi-family (1)		Within 300 feet of the principal use
Studio	1 space/dwelling unit	
1 bedroom	1.5 spaces/dwelling unit	
2 or more bedrooms	2 spaces/dwelling unit	
Mobile home parks	1 space/homesite	Within 200 feet of the homesite
Cottage housing (2)	1.5 spaces/dwelling unit	Located on the same property as the cottage development
Commercial Uses:		
Convalescent center (3)	1 space/4 beds AND 1 space/day shift employee	Within 500 feet of the principal use
Bed and breakfast	2 spaces plus 1 space/room for rent	
Financial institutions	3 spaces/1,000 square feet floor area	
Hotels, motels, RV sites (3)	1.25 spaces/unit	Within 500 feet of the principal use
Racetrack	1 space/3 seats (4)	
Restaurants	8 spaces/1,000 square feet	
Retail (3)	1 space/250 gross square feet floor area	Within 500 feet of the principal use
Theaters (3)	1 space/4 fixed seats AND 1 space/100 square feet of gross floor area without fixed seats for assembly purposes	Within 500 feet of the principal use
Wholesale sales or service (3)	1 space/200 gross square feet floor area	Within 500 feet of the principal use
Industrial Uses:		
Industrial or institutional (3)	1 space/1,000 gross square feet floor area OR 1/2 space/employee, whichever is greater	Within 800 feet of the principal use
Warehouse	1 space/5,000 gross square feet floor area	Within 800 feet of the principal use
Public Uses:		
Assembly buildings (e.g., community halls) (3)	1 space/100 gross square feet floor area	Within 500 feet of the principal use
Churches, synagogues and temples	1 space/4 fixed seats AND 1 space/50 square feet of gross floor area without seats for assembly purposes	
Community docks and marinas	0.5 space/boat slip (5)	

Golf courses (excluding clubhouses) (3)	4 spaces/tee AND 1 space/tee for driving ranges	Within 500 feet of the principal use
Hospitals (3)	1 space/2 beds AND 1 space/employee	Within 500 feet of the principal use
Schools (daycare, preschool and kindergarten) (3)	1 space/10 students AND 1 space/employee or teacher	Within 500 feet of the principal use
Schools (elementary) (3)	1 space/5 students AND 1 space/employee or teacher	Within 500 feet of the principal use
Schools (secondary and vocational) (3)	1 space/3 students AND 1 space/employee or teacher	Within 500 feet of the principal use

Standards:

1. Vehicles, to include automobiles, recreational vehicles, boats or campers that are to be parked or stored for a period exceeding 48 hours, shall be located on the same lot as the use they are intended to serve. The subject vehicles must be outside of the required front yard.
 2. Parking for cottage housing shall be: a) screened from public streets and adjacent residential uses by landscaping or architectural screening; b) located in clusters of not more than 5 adjoining spaces; c) prohibited in required minimum front and interior side yards; and d) a pitched roof design is required for all detached parking structures.
 3. Industrial, institutional and commercial uses shall be provided with off street loading spaces, exclusive of access areas, of not less than 12 feet in width. Loading spaces shall not project into public rights of way or setback areas.
 4. Parking to be provided with a security type fence and a suitable dust prevention type of road surfacing.
 5. 25 percent of parking spaces arranged as tandem spaces not less than 10 feet by 40 feet.
- C. Commercial uses will be provided with off street loading spaces, exclusive of access areas, of not less than twelve feet (12') in width. Loading spaces shall not project into public rights of way or setback areas. (Ord. 501, 11-18-2008)

12-433: PARKING LOT PATHWAY STANDARDS:

See subsection 12-453C of this chapter for applicable parking lot pathway standards. (Ord. 501, 11-18-2008)

12-434: PARKING LOT LANDSCAPING STANDARDS:

See subchapter 4.6 of this chapter for applicable parking lot landscaping standards. (Ord. 501, 11-18-2008)

SUBCHAPTER 4.4 - SIGN STANDARDS

12-440: PURPOSE:

- A. To encourage signage that is both clear and of appropriate scale for the project.
- B. To encourage quality signage that contributes to the character of the area. (Ord. 501, 11-18-2008)

12-441: GENERAL STANDARDS:

- A. All signs erected, altered or maintained pursuant to this title will comply with the regulations herein, except for political signs or posters, traffic control signs and directional signs maintained by government entities.
- B. No sign or advertising structure shall be attached, installed or erected as to affect in any manner an emergency access, fire escape, door or window.
- C. All signs shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign. (Ord. 501, 11-18-2008)
- D. Signs shall be limited in subject matter to products, an object, a place, persons, institutions, businesses, services or activities occurring on the premises, except as otherwise provided for in this chapter. With the permission of the property owner, off premises, temporary event signs or banners are permitted in all zoning districts, for up to a maximum of thirty (30) days total during one calendar year, in connection with a single temporary event. (Ord. 538, 6-26-2014)
- E. Freestanding signs, building mounted signs, or combination thereof, in an aggregate size not to exceed ninety six (96) square feet in area, shall be allowed, provided no individual sign exceeds sixty four (64) square feet in area. (Ord. 501, 11-18-2008)

12-442: ILLUMINATION STANDARDS:

- A. Illuminated signs or lighting devices shall not be placed in such a manner as to permit beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or navigable water.
- B. All internally illuminated signs are prohibited, except for neon signs, dark opaque signs where light only shines through the individual letters, and logos no more than ten (10) square feet in size.
- C. Externally illuminated signs that are downwardly directed are encouraged.
- D. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs or advertising structures shall be in accordance with the provisions of all electrical codes established by the state of Idaho. (Ord. 501, 11-18-2008)

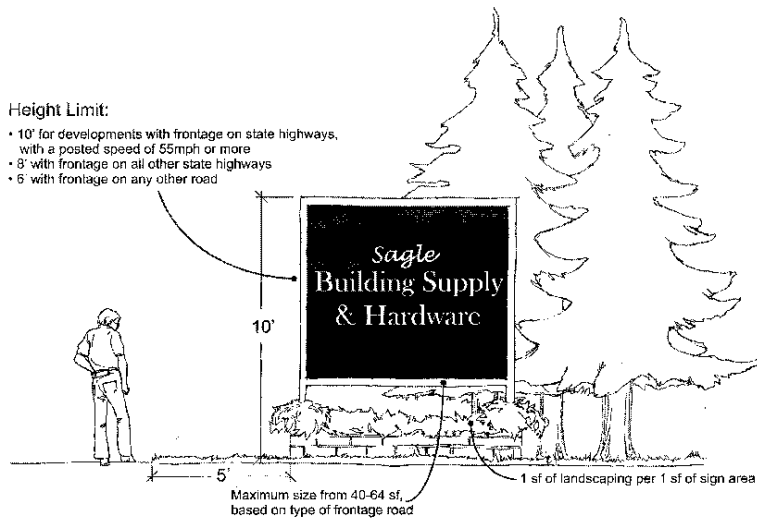
12-443: SIGN STANDARDS FOR NONRESIDENTIAL USES IN COMMERCIAL, INDUSTRIAL, RECREATION, ALPINE VILLAGE, AND RURAL SERVICE CENTER ZONE DISTRICTS:

- A. Not more than two (2) signs may be installed to identify a business, service, product, person, accommodation or activity. Businesses located on street corners may use up to three (3) signs.
- B. Table 4-4 of this section provides dimensional standards for freestanding signs.

TABLE 4-4

DIMENSIONAL STANDARDS FOR FREESTANDING SIGNS

	Type Of Frontage Road		
	State Highway With Speed Limit Posted 55 Miles Per Hour Or More	All Other State Highways	All Other Roads
Maximum height, measured at grade	10 feet	8 feet	8 feet
Maximum area	64 square feet	50 square feet	40 square feet
Minimum separation of freestanding signs along a street (includes neighboring property)	150 feet	150 feet	100 feet
Landscaping	1 square foot of landscaping around base per sign area per each 0.5 square foot of sign area (see subchapter 4.6 of this chapter for other applicable landscaping standards). A rock or masonry base or other natural landscape materials may be substituted as approved by the planning director.		



- C. Building mounted signs shall not project above the eaves line or parapet wall of the building to which it is affixed.
- D. Moving, rotating or flashing signs, or parts thereof, are prohibited, with the exception of time and temperature displays.
- E. Portable or sandwich board signs are prohibited.
- F. Should any sign not comply with regulations, or be unsafe to property or persons, the owner shall, upon receipt of notice from the planning director, conform with regulations, put the sign in safe and secure condition or remove the sign at once. (Ord. 501, 11-18-2008)

SUBCHAPTER 4.5 - DESIGN STANDARDS

12-450: PURPOSE:

- A. To preserve and enhance the rural character and natural resource amenities of the county.
- B. To encourage clustered development and discourage sprawl and strip development.
- C. To enhance the character of commercial and multi-family areas.
- D. To provide an integrated community transportation system wherever possible.
- E. To develop a system of bike and pedestrian pathways as commercial areas of the county develop.
- F. To preserve rural dark skies by reducing nighttime glare and light pollution. (Ord. 501, 11-18-2008)

12-451: APPLICABILITY:

The standards in section 12-453 of this chapter shall apply to all new development in the commercial, industrial where commercial uses and services are proposed, and rural service center districts and all other commercial, multi-family, public and industrial development in other zoning districts unless otherwise noted. (Ord. 512, 1-6-2010)

12-452: SITE AND BUILDING PLANS:

The applicant shall submit site and building plans through the applicable permit process detailed as necessary to demonstrate how the standards in section 12-453 of this chapter have been met. (Ord. 501, 11-18-2008)

12-453: STANDARDS:

A. Sidewalk/Pathway Standards: Provide a sidewalk or pathway paralleling or nearly paralleling the street along the front edge of the property for all new developments and any building addition where the value of the addition equals or exceeds fifty percent (50%) of the market value of the existing structure and/or site improvements as determined by the Bonner County assessor's office over any five (5) year time period. The sidewalk/pathway may be built within the public right of way (where authorized by the applicable agency) or on private property and shall be at least six feet (6') in width (except where greater widths are specifically set forth in the Bonner County trails plan). Where the sidewalk/pathway is

provided on private property, an easement at least fifteen feet (15') in width allowing for public access is encouraged. For subdivisions in applicable zoning districts, the easement shall be noted on the plat, and the sidewalk/pathway constructed prior to final plat approval. The sidewalk/pathway shall be constructed with an all weather surface per specifications in the Bonner County trails plan or as approved by the planning director. The planning director may grant an exception to the above requirement if the following criteria are met, as determined by the planning director:

1. Adjacent property or properties along the applicable street frontage are not zoned for commercial uses.
2. For sites with multiple buildings fronting the street, a pathway along the street linking the two (2) buildings shall be required, but trail connections to the adjacent properties will not be required where subsection A1 of this section is applicable.
3. Sites at the end of dead end road where pedestrian connections beyond the road are not possible or desirable.

For all exceptions above, except subsection A3 of this section, the development shall be positioned in a way that allows for trail construction along the front edge of the property (or within the right of way adjacent to the front property line) in the future.

B. Pedestrian Connections: Provide walkways connecting all on site commercial and multi-family buildings with each other and the street for all new developments and any building additions where the value of the additions equals or exceeds fifty percent (50%) of the market value of the existing structure and/or site improvements as determined by the Bonner County assessor's office over any five (5) year time period. For other additions or improvements, pathways shall be provided to connect any new structures with existing structures, as determined by the planning director. Buildings/uses where little or no pedestrian traffic is anticipated may be exempted from this requirement. Walkways must be clearly delineated from vehicular access and other areas by curbs, landscaping, or other elements as approved by the planning director. Walkways shall be at least four feet (4') in width or wider where greater pedestrian activity is anticipated. The pathways shall be constructed with an all weather surface.

C. Parking Lot Pathways: Large new or expansion of existing developments must provide specially marked or paved walkways through parking lots. Specifically, walkways should be provided every four (4) rows and a maximum distance of one hundred fifty feet (150') shall be maintained between paths. Parking lots less than one hundred fifty feet (150') wide or long are exempt from this requirement. Pathways must be at least five feet (5') in width and constructed with an all weather surface. The pathway must be separated from vehicular traffic by an elevation change, change in surface material or color, or other treatments as approved by the planning director. Where possible, the pathways shall be aligned to connect with major building entries or other destinations. The pathways shall conform to the minimum Americans with disabilities act (ADA) requirements as established by the federal government.

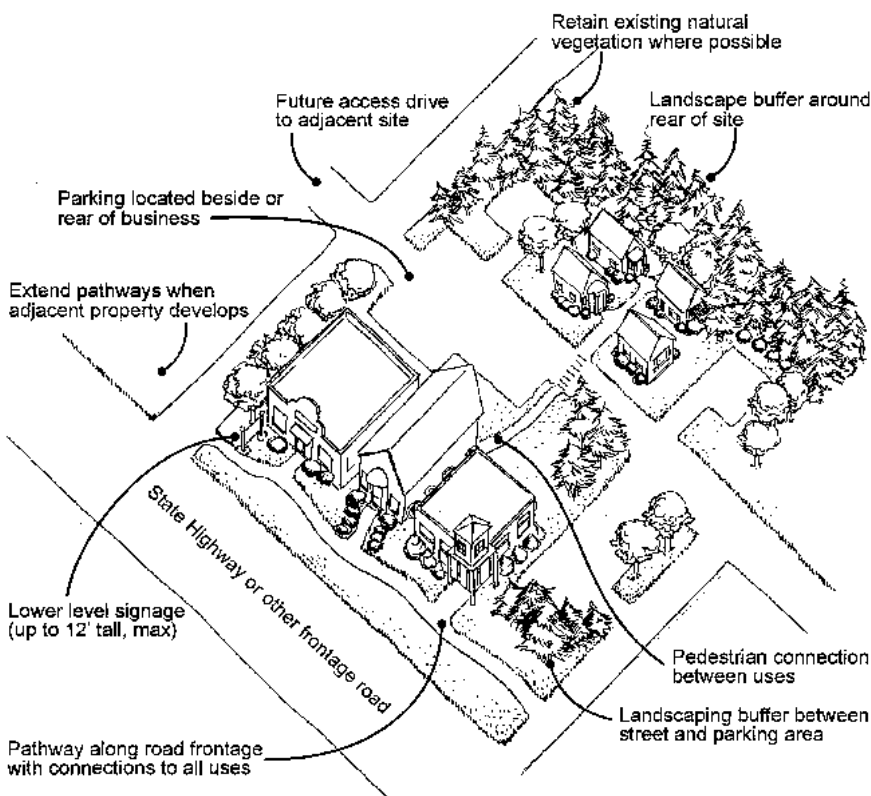
D. Parking Location Guidelines: New developments are encouraged to locate parking areas to the side or rear of buildings. For large sites (more than 2 acres), developments are encouraged to limit parking areas to no more than fifty percent (50%) of the lot frontage (other areas may be buildings and/or open space). Developments that meet these guidelines qualify for all of the following:

1. Landscaping buffers between any parking lot and a street may be reduced by fifty percent (50%) in width.
2. Minimum front yard requirements may be reduced by fifty percent (50%).
3. Setbacks for freestanding signs may be reduced to five feet (5').

E. Main Building Entry Standards For Commercial Uses: Weather protection at least four feet (4') deep shall be provided over all building entries. Accessory building entrances, service only entrances and secondary residence entrances are exempted from this requirement. Building entry standards are strongly recommended for industrial uses.

FIGURE 4.2

ILLUSTRATING DESIGN STANDARDS AND GUIDELINES FOR
COMMERCIAL AND MIXED-USE DEVELOPMENT



F. Lighting Standards:

1. Lighting shall be directed downward to the intended area to be lighted. All exterior lighting fixtures shall incorporate cutoff shields to prevent spillover into residential areas. Broadcast lighting fixtures that project lighting outward rather than downward are discouraged. Outdoor lighting shall be arranged so that the light is directed downward and away from adjoining properties. Temporary high intensity construction lights should be oriented so as to reduce or eliminate glare onto adjoining properties.
2. Freestanding light fixtures shall be limited to fourteen feet (14') in height.
3. Vehicular roadway and highway lighting shall be subject to the county requirements.
4. Mercury vapor light fixtures are prohibited.
5. When using decorative miniature lighting strings, bulbs larger than eleven (11) watts each shall not be used. Low wattage, light emitting diode devices and other lighting that reduces electrical use is encouraged.
6. Backlit awnings are prohibited.

The above lighting standards are encouraged for single- family uses in all zones.

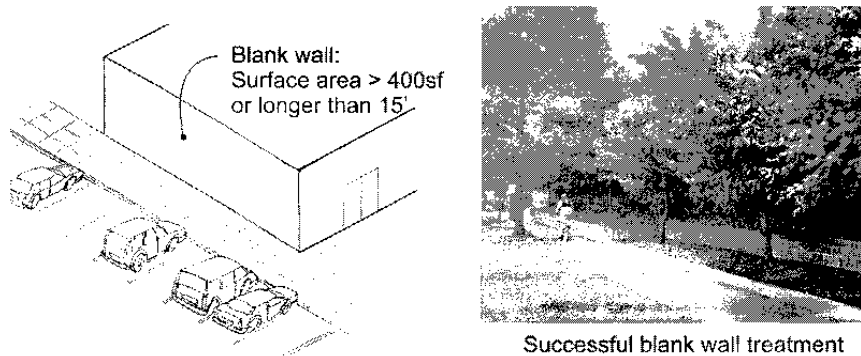
G. Blank Wall Treatment Standards: Untreated "blank walls", as defined in section 12-802 of this title, adjacent to a street or customer/resident parking areas are prohibited. The intent is to add visual character of commercial and multi-family areas and add visual interest. Proposed methods to treat blank walls shall be submitted at the time of building location permit or building permit and shall include one or more of the following:

1. Transparent windows or doors.
2. Display windows.
3. Landscaped bed at least five feet (5') wide in front of the wall with planting materials sufficient to obscure at least fifty percent (50%) of the wall surface within three (3) years.
4. A vertical trellis in front of the wall with climbing vines or other plant materials. The trellis must be of sufficient size to enable plant materials to cover at least fifty percent (50%) of the wall surface within three (3) years.
5. Special architectural design features and/or use of materials that add visual interest and mitigates the visual impact of a blank wall. Developers are encouraged to incorporate landscaping elements in front of portions of the wall.
6. Other methods that add visual interest and mitigate the visual impact of a blank wall as approved by the planning director.

For blank walls that are longer than one hundred feet (100'), a combination of treatments are encouraged to add visual interest to commercial and multi-family areas.

FIGURE 4.3

BLANK WALL AND EXAMPLE BLANK WALL TREATMENT



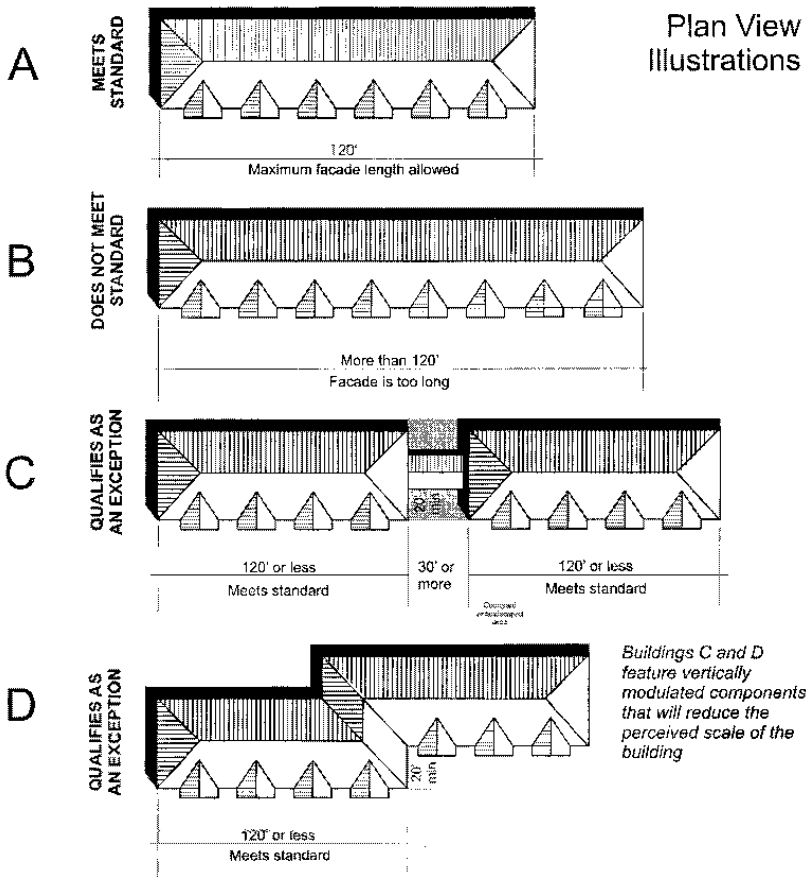
H. Maximum Building Width: For all building facades adjacent to a street or customer/resident parking areas, the maximum building width shall be one hundred twenty feet (120'). The planning director may grant exceptions to the maximum building width, provided the building design complies with the following options:

1. The building features vertical building modulation so that it reduces the perceived scale of the building or makes it appear that it is two (2) separate buildings. To achieve this, the depth of vertical modulation must be at least twenty feet (20') and the width of the vertical modulation must be at least thirty feet (30'). Two (2) examples of how this is achieved is illustrated in figure 4-4 of this section.
2. Other treatments that successfully reduce the perceived scale of the building or make it appear that it is two (2) separate buildings as per the planning director. Examples include articulation techniques (repeating window patterns, changes in building materials or architectural detailing, or roofline modulation) that break the scale of the building down into components that are less than one hundred twenty feet (120') in width.

FIGURE 4-4

MAXIMUM FACADE WIDTH STANDARDS AND EXCEPTIONS

Plan View Illustrations



I. Recreational Space For Multi-Family Developments: Multi-family developments featuring more than four (4) dwelling units shall provide at least two hundred fifty (250) square feet of on site recreational space per dwelling unit. Examples of on site recreational space include landscaped courtyards, centralized lawn areas that can be used for informal recreational activities, common or private decks or balconies, or children's play areas. Such space shall be located, designed and maintained per the following:

1. Space shall be placed in a dedicated recreation tract or area if developed in conjunction with a planned unit development or subdivision.
2. Space shall be maintained by the landowner, homeowners' association, or other incorporated organization or private organization formed to provide long term care of the recreational space.
3. Space shall be centrally located in an area that is visible from two (2) or more of the proposed dwelling units.
4. Space contains physical conditions that allow for active and passive recreation. For example, slopes should generally be less than five percent (5%), soils and hydrological conditions should be compatible with desired active and passive recreational activities.
5. Space shall have no dimension less than thirty feet (30') except for trail segments and balconies.
6. Balconies and private decks may qualify for up to fifty percent (50%) of the required recreational space.
7. Required setback areas shall not be counted as on site recreational space unless the planning director finds that the design of the space will be usable for active and/or passive recreational activities.
8. Space shall feature landscaping and other amenities to make the area usable for active and/or passive recreational activities.
9. Large developments are encouraged to provide a range of activities that accommodate a range of age groups.

Exceptions: Developments in the alpine village district shall be exempted from these requirements. Also, developments in conservation subdivisions, where indicated on the final plat, may use common open space to meet these requirements where the applicant can successfully demonstrate that the design of the common open space will meet the recreational needs of residents.

J. Outdoor Storage: Outdoor storage of commercial and industrial materials:

1. Will be screened from view from any existing adjoining residence or residential zoned area, whether or not such property is separated by an alley or street per landscaping standards in subchapter 4.6 of this chapter.
2. Will not be located in any front yard setback.

K. Solid Waste, Recycling Collection Areas: All solid waste and recycling collection areas for commercial, industrial and multi-family residential uses:

1. Shall be located to minimize visibility from the public and adjacent nonindustrial uses. Service elements should generally be concentrated and located where they are designed for easy access by service vehicles and for convenient access by tenants.
2. When visible from a street or resident/customer parking area, the receptacles shall be enclosed on at least three (3) sides by a solid wall or fence of at least six feet (6') in height, or within an enclosed building. Screen fences should be made of masonry, ornamental metal or wood, or some combination of the three (3). The use of chainlink, plastic or wire fencing is prohibited.
3. Shall be animalproofed. (Ord. 501, 11-18-2008)

12-454: COMPLETION OF REQUIRED IMPROVEMENTS:

Completion of required improvements per section 12-453 of this subchapter shall be required prior to occupancy. (Ord. 501, 11-18-2008)

SUBCHAPTER 4.6 - LANDSCAPING AND SCREENING STANDARDS

12-460: PURPOSE:

- A. To reduce the visual impacts of parking and storage areas on the street and adjacent properties.
- B. To enhance the character of commercial and multi-family areas.
- C. To provide visual screens and barriers as a transition between differing land uses.
- D. To promote the use of native and drought tolerant species appropriate for the region.
- E. To provide increased areas for permeable surfaces to allow for infiltration of surface water into groundwater resources, reduce the quantity of stormwater discharge and improve the quality of stormwater discharge. (Ord. 501, 11-18-2008)

12-461: APPLICABILITY:

The standards in this subchapter shall apply to all new development in the commercial, industrial and rural service center districts and all other commercial, multi-family, public and industrial development in other districts unless otherwise noted. For remodels or additions, the standards in this subchapter shall apply where the value of the additions equals or exceeds fifty percent (50%) of the market value of the existing structure and/or site improvements as determined by the Bonner County assessor's office over any five (5) year time period. For other additions or remodels, the landscaping standards shall only apply to the specific areas being improved. For instance, if a commercial use is adding additional parking, the new parking area must feature landscaping per the standards in this subchapter. (Ord. 512, 1-6-2010)

12-462: LANDSCAPING PLAN REQUIRED:

A landscape plan shall be submitted with all new development requiring a building location permit, or building permit or conditional use permit. Such landscape plan shall be drawn to scale and include the following information:

- A. Boundaries and dimensions of the site.
- B. Identification of all species and locations of existing trees that are to be retained.
- C. Location and identification of all proposed plantings.
- D. Location and design of areas to be landscaped, buffered and maintained.
- E. Type, location and design of proposed irrigation.
- F. Plant list or schedules with common name, quantity, spacing and size of all proposed landscape material at the time of planting.
- G. Location and description of other landscaping improvements, such as earth berms, furniture, fences, lights and paved areas.
- H. Methods of protecting existing vegetation during construction.
- I. Planting/maintenance schedule. (Ord. 501, 11-18-2008)

12-463: LANDSCAPING STANDARDS AND GUIDELINES:

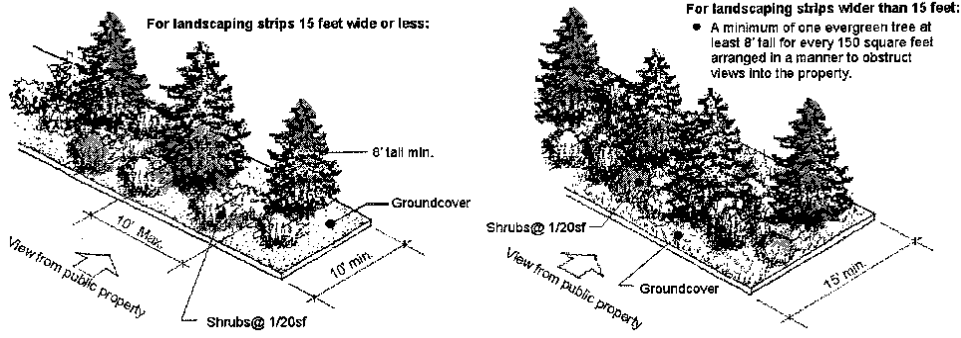
- A. Applicants are encouraged to integrate the existing on site trees and native vegetation (if applicable) into the design of the site. Retention of the existing on site trees and native vegetation is preferred over new landscaped areas. Where existing trees or other native plant materials are proposed to be retained, the landscape professional should provide supplemental plantings in the area where needed or provide confirmation that existing vegetation meets or exceeds objectives stated in section 12-460 in this chapter. Xeriscaping, or designs for drought tolerant vegetation and low water usage, are encouraged.
- B. Planting areas should be a mix of evergreen and deciduous shrubs whose height and width will be proportionate to the area being planted, except where otherwise noted in this subchapter.
- C. Trees, shrubs, ground covers and/or grasses that are native to northern Idaho and are appropriate to the conditions of the site are preferred. Appendix B of this title provides a list of native plants and their landscape uses. Nonnative plants may be considered, provided they are appropriate to the region and not invasive.
- D. Landscape plans shall demonstrate that the vegetation will not visually block lines of sight for vehicles or pedestrians or obscure businesses with landscape material that will be too large for the site at maturity.
- E. Ground cover material should cover seventy percent (70%) of the soil in one growing season or seventy percent (70%) of the soil in three (3) years if mulch is applied until the ground cover fills the designated area. (Ord. 501, 11-18-2008)

12-464: LANDSCAPING TYPES:

- A. Type A: Landscape type A (evergreen screen) standards:
 - 1. For landscaping strips ten feet (10') to fifteen feet (15') wide, trees, shrubs and ground covers per the standards below to result in a total covering of the landscape strip:
 - a. At least one row of evergreen trees, minimum six feet (6') in height and fifteen feet (15') maximum separation.
 - b. Permitted evergreen tree species are those with the ability to develop a minimum branching width of eight feet (8') within five (5) years.
 - c. Shrubs at a rate of one shrub per twenty (20) square feet of landscaped area. Shrubs shall have a minimum container size of two (2) gallons at the time of installation and have a mature height between three feet (3') and four feet (4').
 - d. Ground cover.
 - 2. For landscaping strips wider than fifteen feet (15'), trees, shrubs and ground covers per the standards below to result in a total covering of the landscape strip:
 - a. A minimum of one evergreen tree at least six feet (6') in height for every two hundred twenty five (225) square feet arranged in a manner to obstruct views into the property.
 - b. Permitted evergreen tree species are those with the ability to develop a minimum branching width of eight feet (8') within five (5) years.

c. Shrubs and ground cover as required in subsection A1 of this section.

FIGURE 4-5



B. Type B: Landscape type B (mixed buffer) standards:

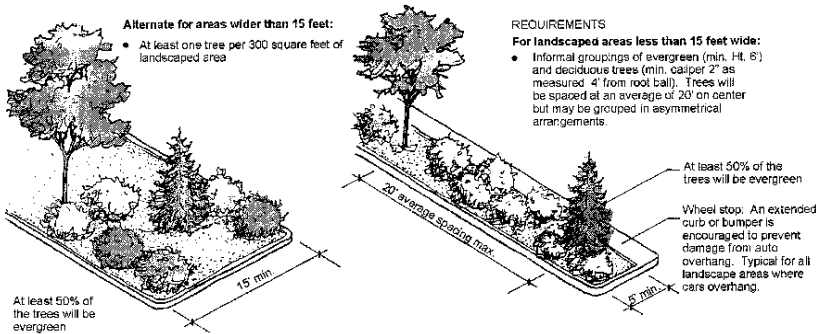
1. For landscaping strips less than fifteen feet (15') wide, trees, shrubs and ground covers per the standards below to result in a total covering of the landscape strip:

- a. Informal groupings of evergreen (minimum 6 feet in height) and/or deciduous. Deciduous trees shall be a minimum two inch (2") caliper as measured four feet (4') from the root ball at the time of planting. At least fifty percent (50%) of the trees must be evergreen. Trees to be spaced at an average of twenty feet (20') on center, but may be grouped in asymmetrical arrangements.
- b. Permitted tree species are those with the ability to develop a minimum branching width of eight feet (8') within five (5) years.
- c. Shrubs at a rate of one shrub per twenty (20) square feet of landscaped area. Shrubs shall have a minimum container size of two (2) gallons at the time of installation and have a mature height between three feet (3') and four feet (4').
- d. Ground cover.

2. For landscaping strips wider than fifteen feet (15'), trees, shrubs and ground covers per the standards below to result in a total covering of the landscape strip:

- a. At least one tree sized per subsection B1 of this section per three hundred (300) square feet of landscaped area. At least fifty percent (50%) of the trees must be evergreen.
- b. Tree species, shrubs and ground cover as required in subsection B1 of this section.

FIGURE 4-6



C. Type C: Landscape type C (see through buffer) standards:

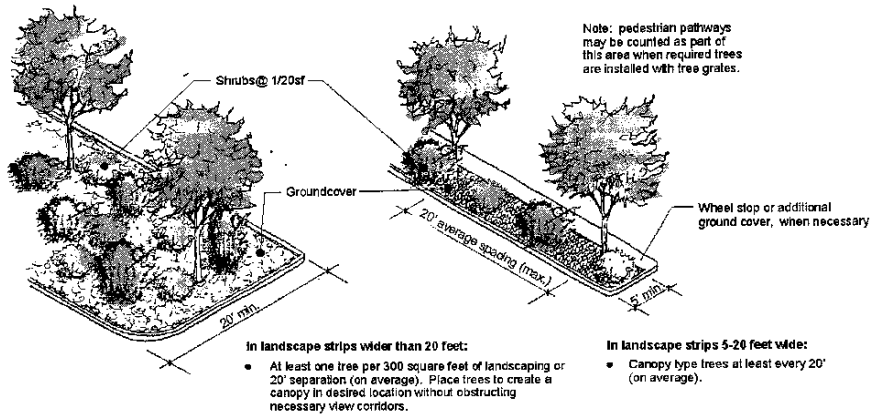
1. For landscaping strips five feet (5') to twenty feet (20') wide:

- a. Trees at twenty feet (20') on center on average. Trees may be clustered to allow greater visibility into the site, where desired by the applicant. Trees shall be a minimum two inch (2") caliper as measured four feet (4') from the root ball at the time of planting.
- b. Permitted tree species are those that reach a mature height of at least thirty five feet (35').
- c. Shrubs at a rate of one shrub per twenty (20) square feet of landscaped area. Shrubs shall have a minimum container size of two (2) gallons at the time of installation and have a mature height between three feet (3') and four feet (4').
- d. Ground cover.

2. For landscaping strips wider than twenty feet (20'):

- a. At least one tree per three hundred (300) square feet of landscaped area or twenty foot (20') separation (on average). Place trees to create a canopy in desired locations without obstructing necessary view corridors.
- b. Tree species, shrubs and ground cover as required in subsection C1 of this section.

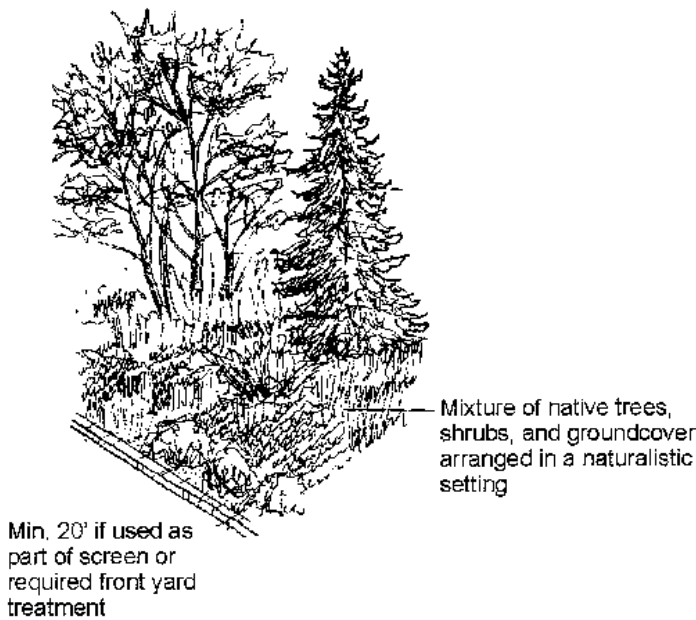
FIGURE 4-7



D. Type D: Landscape type D (naturalistic buffer) standards:

1. Landscaping shall consist of trees, shrubs and ground covers that are native to northern Idaho and are appropriate to the conditions of the site. Species shall be on the plant list found in appendix B of this title.
2. Arrangement of plants shall be asymmetrical and plant material shall be sufficient in quantity to cover the soil in one growing season.
3. Minimum twenty feet (20') in width if used as a screen or required front yard treatment.

FIGURE 4-8



(Ord. 501, 11-18-2008)

12-465: BUFFER REQUIREMENTS:

A. Developments shall conform to the landscaping buffer requirements in table 4-5 of this section, where applicable. Where conditions feature more than one landscaping type in the second column, applicants have the option of choosing any of the landscaping types, unless otherwise directed through the PUD or conditional use permit. Additional standards associated with particular buffers are identified by numbers in parentheses. Such standards are listed below the table.

TABLE 4-5

BUFFER REQUIREMENTS

Site Condition	Landscaping Types	Buffer Width
Parking area adjacent to a street (includes auto, RV and mobile home dealers)	C	25 feet adjacent to a state highway 15 feet adjacent to all other roads
Parking area along side or rear property lines (includes auto, RV and mobile home dealers)	A, B or D (1)	10 feet
Outdoor storage of equipment or materials	A, B (2) or D (2)	20 feet along perimeter of site, except 10 feet in industrial district side and rear yards

Multi-family uses	A, B or D (2)	10 feet along the side and rear perimeter of site
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Standards:

1. 20 feet if type D.
 2. 30 feet along perimeter of site if type B or D, except 20 feet in industrial district.
- B. Exceptions to landscaping buffer requirements in table 4-5:
1. See subsection 12-263A in this subchapter regarding the preference to preserve existing native vegetation, where applicable.
 2. The planning director may allow exceptions to the width and type of landscaping buffer requirements where it can be successfully demonstrated by the landowner or landowner's design professional that the buffer is not needed for privacy to and from current or future adjacent uses due to unique natural conditions on the site. This can include slopes, rock outcroppings or existing native vegetation.
 3. The planning director may reduce the required width and type of landscaping buffer requirements where they would block desirable views from residential units, as evidenced by photographs, drawings, topographic detail or other proof and such reduction in buffering does not adversely impact the adjoining properties. (Ord. 501, 11-18-2008)

12-466: MAINTENANCE:

All required landscaping shall be permanently maintained in a healthy growing condition by the property owner or the property owner's designee. The property owner shall remove and, if required to meet the standards of this subchapter, shall replace any unhealthy or dead plant material immediately or as the planting season permits. (Ord. 501, 11-18-2008)

12-467: COMPLETION OF REQUIRED IMPROVEMENTS:

Completion of required improvements specified in this subchapter shall be required prior to occupancy. (Ord. 501, 11-18-2008)

SUBCHAPTER 4.7 - STANDARDS FOR DEVELOPMENT IN THE ALPINE VILLAGE DISTRICT

12-470: PURPOSE:

- A. To provide measures to accommodate snowfall in high elevation communities.
- B. To provide measures to minimize erosion and surface slippage. (Ord. 501, 11-18-2008)

12-471: STANDARDS:

- A. Plans for retaining wall taller than four feet (4') shall bear the stamp of a structural engineer and shall be submitted at the time of building location or building permit.
- B. Applicants for building location permits or building permits shall submit a snow management plan to the satisfaction of the agency having jurisdiction over the public or private travelways.
- C. Applicants for all building location permits or building permits shall submit a grading, stormwater and erosion control plan, containing the minimum requirements of chapter 7, subchapter 7.2 of this title. In addition to the requirements for stormwater management plans, the following shall be addressed in the plan:
 1. Water resulting from snowmelt on the site.
 2. Plans to reclaim disturbed ground with native plants having soil holding properties.
- D. Parking requirements for residential uses shall be two (2) off street spaces per dwelling unit, or one space per one thousand (1,000) square feet of floor area (living space), whichever is more.
- E. Driveways that do not have a snowmelt system are limited to an eight percent (8%) maximum grade so that they are usable during winter months. All portions of driveways that extend into public rights of way shall be paved and include swales or other treatments acceptable to the agency having jurisdiction over the public or private travelways to protect roadways from excessive water runoff and accumulations. (Ord. 501, 11-18-2008)

SUBCHAPTERS 4.8 AND 4.9 - STANDARDS FOR SPECIFIC USES

12-480: COTTAGE HOUSING:

- A. Intent:
 1. To provide a housing type that responds to changing household sizes, ages and interests.
 2. To create an efficient layout of dwelling units that reduces the development footprint and infrastructure costs.
 3. To ensure that the overall size, including bulk and mass of cottage structures and cottage housing developments, remains smaller and incurs less visual impact than standard sized single-family dwellings.
 4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cottage housing developments.
 5. To provide private area around the individual dwellings to enable diversity in landscape design and foster a sense of ownership.
 6. To ensure minimal visual impact from vehicular use and storage areas for residents of the cottage housing development as well as adjacent properties.
 7. To maintain a single-family character along public streets.
- B. Cottage Development Procedural Options: Cottage development applicants have four (4) procedural options for obtaining approval:
 1. Applicants intending to retain ownership of all of the units may use the planned unit development process per subchapter 2.5 of this title to allow the development of four (4) or more cottages on a single (or multiple) property.
 2. Applicants intending to record a condominium plat can use the planned unit development process per subchapter 2.5 of this title and the

requirements for condominium projects in subchapter 6.7 of this title.

3. Applicants intending to subdivide the individual lots must use the conservation subdivision process and standards set forth in this title.

4. The owner or owners of multiple lot or parcels may reconfigure their properties through one of the processes above to create a cottage development.

C. Cottage Development Approval: The applicants must demonstrate compliance with all standards in this section. For example, an applicant seeking to create a speculative cottage housing subdivision must demonstrate how the site is designed to accommodate cottage units and open spaces consistent with the standards prescribed herein. The final plats, condominium plans or development plans, thus, shall include building envelopes, building design and other standards pursuant to approval of the particular application.

D. Permit Applicants To Comply: Building location permit or building permit applicants for cottage housing unit as approved per subsections B and C of this section shall comply with the requirements in this section.

E. Density Bonus: Due to the reduced size of individual cottages, two (2) cottages are permitted for every one dwelling unit. For example, for a property large enough to allow three (3) dwelling units, six (6) individual cottages are allowed, subject to the standards set forth in this section.

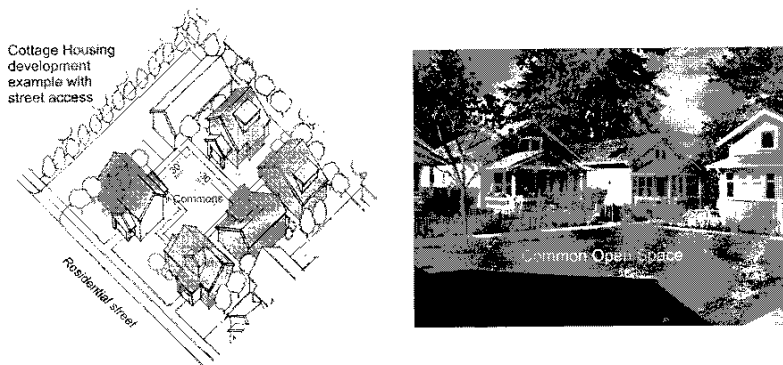
F. Dimensional Standards: The dimensional standards for cottage housing shall be pursuant totable 4-6 below:

TABLE 4-6

COTTAGE HOUSING DIMENSIONAL STANDARDS

Standard	Requirement
Maximum gross floor area	1,500 square feet per dwelling unit.
Maximum gross floor area/ground or main floor	900 square feet per dwelling unit.
Minimum common open space	600 square feet per dwelling unit in the rural district and 400 square feet per dwelling unit in all other districts (see subsection G of this section).
Minimum private open space	200 square feet per dwelling unit (see subsection H of this section).
Maximum building height for cottages with minimum roof slope of 6:12	25 feet subject to all parts of the roof above 18 feet shall be pitched.
Minimum front, side and rear yards	Same as other residential development in applicable zoning districts, except for the rural district, where cottage dwelling units must be at least 100 feet from any property adjacent to the parent tract.
Minimum distance separating structures (including accessory structures)	10 feet
Maximum building height for cottages without roof slope of 6:12 and all accessory structures	18 feet
Clustering groups	Developments shall contain a minimum of 4 and a maximum of 12 dwellings located in a cluster group to encourage a sense of community among the residents. A development site may contain more than one group of cottage clusters.

FIGURE 4-9



G. Common Open Space Requirements:

1. At least fifty percent (50%) of the cottages in a cottage housing development shall abut the required common open space.
2. At least two (2) sides of the required common open space shall be abutted by cottages.
3. An entrance, preferably the main entrance of cottages, shall face the required common open space.
4. Cottage facades facing the required common open space or common pathway shall feature a roofed porch at least sixty (60) square feet in size with a minimum dimension of six feet (6') on any side.
5. Cottages shall be within sixty feet (60') walking distance of the required common open space, as measured from the closest architectural

projection.

6. The common open space shall be sized large enough to include an area with a dimension of no less than thirty feet by thirty feet (30' x 30') completely inside it (see figure 4-9 for example). For example, a twenty foot (20') wide pathway corridor would not be wide enough to meet the size requirements.

7. Required common open space shall be maintained by the homeowners' association or other incorporated or private entity formed to ensure long term maintenance of the open space.

H. Private Open Space Requirements: Private open space shall be adjacent to each dwelling unit and for the exclusive use of the cottage residents. The private open space shall:

1. Be usable (not on a steep slope).
2. Be oriented toward the common open space as much as possible.
3. Have no dimension less than ten feet (10').

I. Garages: Shared garages and parking areas are encouraged. Attached private garages are acceptable if they do not conflict with the development's ability to meet all other standards specified in this section (notably the common open space requirements above).

J. Communal Buildings: Communal buildings intended for social, recreational or other use by the residents of the development are acceptable. (Ord. 501, 11-18-2008)

12-481: CONFINED ANIMAL FEEDING OPERATIONS:

A. Minimum area: Forty (40) acres.

B. Confined animal feeding operations (CAFO), shall be conducted so as to minimize the effects of light, glare, noise, vectors, pests, smoke, odor and dust upon adjacent properties and the surrounding transportation and circulation system.

C. The specific provisions of this section control when other portions of this code are inconsistent with provisions of this section. Any action by Bonner County pursuant to this section does not ensure that the applicant is in compliance with any other provisions of applicable local, state and/or federal laws, rules and/or regulations. The provisions of this section are minimum standards, and any more restrictive standards required by other applicable local, state and/or federal laws, rules and/or regulations must be complied with.

D. Any and all livestock operations are subject to the following requirements:

1. A waste distribution plan for all waste from a livestock operation. Discharge of waste from a property owned or controlled by any livestock operator is prohibited. This applies to any livestock operation, regardless of size or type. Animal waste products, including sprinkled waste, shall not leave the property of the operator, unless the operator has agreed with another party through a recorded agreement or easement to disperse animal waste products on that person's property. Liquid waste treatment lagoon, separators and holding ponds and such dispersal shall meet all local, state and federal guidelines.

2. Animal waste shall not be applied to frozen ground.

3. Animal waste may be surface applied not closer than three hundred feet (300') from any river, stream, lake, wetland or other bodies of water.

4. A comprehensive nutrient management plan, prepared by a certified nutrient management planner, which generally analyzes the effect of the proposed CAFO on surface and subsurface waters. The analysis shall also include and identify, at a minimum, the following: climatic, hydrogeologic and soil characteristics; watershed delineation; a map showing the location of all private and community domestic water wells, irrigation wells, existing monitoring wells and existing injection wells as documented by the Idaho department of water resources (IDWR), or other sources which are within a one mile radius of the proposed CAFO; the location of existing patterns of surface drainage; the depth to groundwater and a potentiometric map for the uppermost and regional aquifer; direction of water flows; estimates and sources of recharge to the uppermost aquifer; characterization of the relationship between the groundwater and adjacent surface waters; and a summary of local surface and subsurface water quality including microorganisms, nutrients and pharmaceuticals and organic compounds.

5. Odor management and vector and pest control plans which shall utilize current best management practices.

6. A waste system design for solid and liquid waste approved by the appropriate state agency regulating solid and liquid waste.

7. Water right information including one of the following: evidence that a valid water right exists to supply adequate water for the operation of the proposed CAFO; or a copy of an application for a permit to appropriate water that has been filed with IDWR, which if approved, will supply adequate water for operation of the proposed CAFO; or a copy of an application to change the point of diversion, place, period and nature of use of an existing water right that has been filed with IDWR, which if approved, will supply adequate water for the operation of the proposed CAFO.

8. Waste storage on property not a part of the CAFO, i.e., leased or rented property, is required to follow setbacks stated in subsection E of this section.

E. Required setbacks for a CAFO:

1. All structures and animal confinement areas shall be a minimum of one hundred feet (100') from any public or private right of way or easement or lot line.

2. All potable water wells shall be a minimum of three hundred feet (300') from any liquid or solid waste storage facility and a minimum of fifty feet (50') from all animal confinement areas.

3. Animal confinement areas shall be one thousand feet (1,000') from any residence not associated with the CAFO if the residence is in existence or under construction at the time the CAFO application is filed. All CAFO corrals or feed yards shall be one thousand feet (1,000') away from the artificial or natural high water mark of any public body of water, canal, lateral or ditch, which might return to any public body of water.

4. Liquid waste treatment lagoons, separators, holding ponds, liquid and/or solid waste storage facilities shall be a minimum of fifty feet (50') away from the artificial or natural high water mark of any canal, lateral or ditch which might return to any public body of water, and three hundred feet (300') from any CAFO property line. Composting of animal waste shall be a minimum of one thousand feet (1,000') from any residence not associated with the CAFO. It shall be a minimum of fifty feet (50') from any highway district right of way and fifty feet (50') minimum from the water's edge of any canal, lateral or ditch, and fifty feet (50') from any adjoining neighbor's property line.

5. Animal confinement areas, liquid waste treatment lagoons, separators, liquid and/or solid waste storage facilities, and feed storage areas

(excluding dry hay and straw storage), shall be a minimum of one thousand feet (1,000') from the boundary between the agricultural/forestry or rural zone district and any other zone district.

6. No animal confinement area, liquid waste treatment lagoon, holding pond, waste storage area or composting area shall be located within the boundary of a 100-year flood zone.

7. All distance requirements noted in subsections E1 through E6 of this section shall apply equally to new CAFO construction or new residence construction. For example, subsection E3 of this section requires animal confinement areas to be a minimum of one thousand feet (1,000') from existing residences. This requirement also means that new residences (construction begun after permit application for a CAFO) must be located a minimum of one thousand feet (1,000') from the animal confinement areas shown on the CAFO site plan as approved by Bonner County.

F. A stormwater management and erosion control plan shall be prepared and submitted concurrently with the application for conditional use permit pursuant to the requirements of subchapter 7.2 of this title.

G. Final approval of a CAFO shall reside with the board of county commissioners who shall hold at least one public hearing affording the public an opportunity to comment on each proposed CAFO site. Any "affected person", as defined by Idaho Code section 67-6520, may provide comment. The board may reject a site regardless of the approval or rejection of the site by a state agency.

H. Notice of public hearing to consider a CAFO application shall be made in accordance with Idaho Code section 67-6512, with the exception that notices shall be mailed to all property owners within one thousand feet (1,000') of the external boundaries of the land being considered.

I. Pastured animals are not considered to be a confined animal feeding operation and, therefore, they do not need a permit, nor are they regulated as to the number of animals that an owner can have on his property, except as otherwise specifically regulated by this title. "Pasture" is defined as land where crops, vegetation or forage growth are sustained in the normal growing season. (Ord. 501, 11-18-2008)

12-482: MINING:

A. A reclamation plan approval by the Idaho department of lands shall be applied for, and a copy of the application shall accompany the application for the conditional use permit. Temporary and permanent landscaping and safety fencing shall be provided around all excavations in urban areas. A site plan for the entire parcel shall be submitted with the application identifying the location of any pits, stockpiles, hauling roads, processing facilities, equipment or material storage, fencing, screening and any other pertinent features. A reclamation plan shall also be submitted showing the condition and topography of the land after material and structures have been removed. A grading/stormwater management plan shall be prepared and submitted concurrently with the application for conditional use permit pursuant to the requirements of subchapter 7.2 of this title.

B. The mined area shall not be located closer to the nearest property line or public right of way than a horizontal distance equal to one and one-half ($1\frac{1}{2}$) times the vertical depth of the mined area at any given point, except that steeper slopes may be permitted where certified by an Idaho licensed engineer. In no instance shall the actual mined area extend to within sixty feet (60') of the nearest property line or public right of way. Drainage from areas disturbed by surface mining shall be filtered, treated and contained on site.

C. The landowner (applicant) shall apply dust abatement (magnesium chloride or other suppressants acceptable to Bonner County) to the private, nonpaved easement and the haulage road on a yearly and/or as needed basis, at no cost to Bonner County.

D. No debris from the mining operation shall be placed or tracked onto the public rights of way by vehicles used for the operation, to the satisfaction of the transportation agency having jurisdiction over the adjacent roadways.

E. Fugitive dust shall be controlled by the applicant at all times to the satisfaction of the Idaho department of environmental quality and consistent with the approved fugitive dust control plan.

F. The applicant shall comply with all requirements of the reclamation plan approved by the Idaho department of lands.

G. All retail sales of materials on the site are prohibited.

H. The signs on the site shall comply with the standards of subchapter 4.4 of this title.

I. The applicant shall install and maintain hazard fencing and signing to warn of the mining danger, to the satisfaction of the Bonner County Planning Department.

J. The applicant shall maintain or restore vegetative buffering of the site, where feasible. (Ord. 501, 11-18-2008)

12-483: ART, PERFORMING ARTS AND RECORDING STUDIOS:

A. The site shall contain sufficient land area to accommodate the proposed use. The use and any appurtenant structures shall be arranged as to minimize any adverse impacts, including noise, dust or other nuisance factors, to adjacent properties.

B. Where access to the site is by road, the road shall meet minimum private road standards set forth in appendix A of this title.

C. Associated lodging facilities are permitted only for those artists and their technical staff members who are actively engaged in recording or production, provided they are available for a period not to exceed two (2) weeks. Such lodging facilities must be in a detached single-family structure containing no more than five (5) rooms and two thousand (2,000) square feet of floor area. Sites within the Commercial, Industrial, and Rural Service Center Districts are exempt from this requirement.

D. Adequate water supplies for fire suppression, as determined by the applicable Fire District Chief or agency providing fire protection, shall be provided.

E. Accessory uses, such as pools and spas, shall conform to regulations set by the State of Idaho.

F. Food service facilities shall conform to regulations set by the State of Idaho.

G. Health and safety requirements shall conform with adopted codes based upon the occupancy and type of construction.

H. Liquor shall not be available for sale by the drink within the establishment.

I. Sufficient off street parking for artists and their technical staff members shall be provided. (Ord. 501, 11-18-2008; amd. Ord. 512, 1-6-2010; Ord. 607, 7-22-2020)

12-484: VACATION RENTALS:

A. Intent: To provide a process for the use of vacation rentals in Bonner County to safeguard the public health, safety and general welfare, to protect the character of residential areas ensuring compatibility with surrounding residential uses that will not materially alter the neighborhoods

in which they are located.

B. Vacation Rental Permit Procedures: A vacation rental permit approval by the Planning Director is subject to the procedures set forth in this section.

1. Vacation Rental Permit Procedures: No structure, dwelling or dwelling unit or portion thereof shall be used as a vacation rental until an application for a vacation rental permit has been reviewed and approved by the Planning Director or designee. The application shall include the following:

- a. The name of the landowner/applicant.
- b. The address and latitude/longitude of the property.
- c. The name and telephone number of the local representative.
- d. The maximum occupancy permitted.
- e. The number of off-street parking spaces provided on the property and the maximum number of vehicles allowed to be parked on the property.
- f. The solid waste disposal collection day.
- g. The name of the fire district in which the vacation rental resides if applicable.
- h. Site plan.
- i. Any additional material needed for a complete review of the application, as determined by the Planning Director.
- j. Fees as determined by the Board of County Commissioners.

The Planning Director shall issue the vacation rental permit based on conformance with the standards below. The applicant may appeal the Planning Director decision to deny a vacation rental permit to the Board of County Commissioners, pursuant to the provisions of section 12-261 of this title.

C. Vacation Rental Standards:

1. Permit: The vacation rental permit shall be issued for two (2) years. The Planning Department shall issue the permit where it finds the application requirements and the requirements of this section have been met, and upon payment of the "permit fee" in an amount as determined by the Board of County Commissioners.

- a. To renew a vacation rental permit, the holder shall submit for renewal on a form provided by the County together with the renewal fee.
- b. The biennial renewal request shall be submitted within thirty (30) days of the expiration of the vacation rental permit. A permit for which a renewal application is not timely submitted shall automatically expire.
- c. If a permit has expired, a new application shall be required.

2. Ownership: A vacation rental permit is issued to a specific owner of a property in the applicable zone. If the property holding a vacation rental permit is sold, the vacation rental permit shall immediately expire and the new owner shall make application for a new vacation rental permit.

3. Occupancy:

- a. The maximum occupancy for a vacation rental shall be three (3) persons per bedroom plus an additional three (3) people up to a total of twenty (20) persons, regardless of age. This shall also be based on Panhandle Health or the sewer district recommendation and the space available for off-street parking. If there is to be more than twenty (20) people allowed in the rental, a conditional use permit is required.
- b. No recreational vehicle, travel trailer or other temporary shelter shall be used as a vacation rental or in conjunction therewith to provide additional sleeping areas or otherwise.

4. Access: Approval shall be obtained from the agency having jurisdiction over the access serving the site.

5. Parking: One off-street parking space shall be provided for each four (4) persons of occupancy in a vacation rental, regardless of age. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Inability to provide the required off-street parking will reduce the permitted occupancy. A site plan shall be submitted with an application for a vacation rental permit which identifies the location of the required off-street parking.

6. Solid Waste Disposal: The property owner/owner's representative or a waste collection provider shall provide weekly solid waste collection during all months that the vacation rental is available for rent.

7. Permit Posting: The vacation rental permit shall be posted within five feet (5') of the front door of each dwelling unit, on the inside of the dwelling unit, and contain the following information.

- a. The name and telephone number of the local representative.
- b. The name and address of the owner.
- c. The contact information for the Planning Department and the Sheriff's Office in Bonner County.
- d. The maximum occupancy permitted.
- e. The number of off-street parking spaces provided on the property.
- f. The solid waste disposal collection day.
- g. Rules of the area, HOA, etc.
- h. Boating and recreational rules.

8. Signs/Advertising: One on premises sign, which may be lighted from the exterior, not in excess of six (6) square feet, shall be permitted. All advertising for the vacation rental shall include the County permit number and the maximum number of vehicles accommodated by off-street parking spaces.

9. Land: Adequate evidence shall be provided that there is sufficient land area to accommodate the proposed use, and that the use and any appurtenant structures are so arranged on the land as to minimize any adverse effects on surrounding properties, and will not create particular hazards to adjacent properties.

10. Zoning: All vacation rentals shall conform to the zoning in which they are located including and up to floodplain permitting, shoreline regulations and other applicable building location permits.

D. Local Representative:

1. Local Representative: The owner of the property shall designate a "local representative". The local representative must be either the owner or other individual person who resides permanently within ninety (90) minutes of the property or; a legally operating resort, bed and breakfast establishment, or property management company.

2. Change Local Representative: The local representative may be changed by the owner from time to time throughout the term of the permit, by the owner filing a written notice that includes the name, address and telephone number of the new local representative.

3. Notification Of Change: Failure to notify the County within thirty (30) days of a change in the local representative constitutes a violation and is grounds for a penalty pursuant to this section.

4. Complaints: The local representative must be authorized by the owner to respond to questions or concerns from the occupants or neighbors. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a vacation rental. The local representative must respond to those complaints within seven (7) business days to ensure that the use of the property complies with the standards for vacation rental occupancy, as well as other pertinent County Code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.

5. Neighbor Notification: The County shall notify property owners and residents within three hundred feet (300') of the property of the issuance of the permit and associated information. The purpose of this notification is so that adjacent property owners and residents can contact the local representative and/or owner to report and request the resolution of problems associated with the operation of the vacation rental.

E. Violations And Penalties:

1. Violations: Failure to comply with the occupancy or other requirements of the vacation rental permit and/or this section, shall constitute a violation. Disturbances or nuisances caused by the occupants (and their invited guests) of a vacation rental that violate the County codes or State law shall also constitute a violation. Penalties for each violation shall be imposed by the County.

2. Infraction: After receiving two (2) violations in a twelve (12) month period, the County may issue an infraction for any additional violation. An infraction shall be considered a civic public offense, not constituting a crime, and is punishable only by a penalty.

3. Penalties: Any person who has violated the provisions of this section shall be subject to a penalty of three hundred dollars (\$300.00) plus court costs, per occurrence, for which no period of incarceration may be imposed.

4. Revocation: The Planning Department is hereby authorized to revoke any vacation rental permit, issued under the terms of this section, if, after due investigation, it determines that the holder thereof has received five (5) or more violations in a twelve (12) month period. The permit shall be revoked for one year from the date of the fifth (5th) violation. The applicant may appeal the Planning Director decision to revoke a vacation rental permit to the Board of County Commissioners, pursuant to the provisions of section 12-261 of this title. (Ord. 574, 10-25-2017, eff. 1-1-2018; amd. Ord. 581, 10-24-2018; Ord. 590, 6-12-2019; Ord. 607, 11-18-2020)

Notes

1. IC 18-6409.

12-485: MOBILE HOME PARKS:

A. Each mobile home shall be located at least twenty five feet (25') from any park property line.

B. A mobile home may not be located closer than twenty feet (20') from any other mobile home or permanent building within the mobile home park. A mobile home accessory building shall not be closer than ten feet (10') from a mobile home or building on an adjacent lot.

C. Each mobile home lot within a mobile home park shall have direct access to a park street. The park street shall consist of an unobstructed area twenty feet (20') wide and shall be well marked to provide for continuous traffic flow. The street system shall have direct connection to a public or private road meeting applicable standards set forth in title 2 of this code or appendix A of this title.

D. Streets and walkways designed for the use of the mobile home park residents shall be lighted during the hours of darkness.

E. Each mobile home lot (site) shall be provided with utility connections.

F. Water supplies for fire department operations shall be as required by the authority having jurisdiction. Water supplies shall be adequate to permit the effective operation of minimum hose stream flows and duration of flows as required by international fire code for mobile home parks on any fire in a mobile home or elsewhere in the mobile home park. Hydrants shall be located within five hundred feet (500') of all mobile home lots (sites), unless otherwise specified by the fire code.

G. Provisions for safe bicycle and pedestrian access shall be integrated into the site.

H. At least two hundred fifty (250) square feet of on site recreational space per dwelling unit shall be provided. Such open space shall be located, designed and maintained per subsection 12-453I of this chapter. (Ord. 501, 11-18-2008)

12-486: STANDARDS FOR RENTAL WAREHOUSES, MINISTORAGE, BOAT STORAGE:

A. Uses are prohibited within one hundred feet (100') of a state highway or designated arterial in the commercial or rural service center district.

B. At least twenty five feet (25') of type A, B, C or D landscaping (as defined in subchapter 4.6 of this chapter) shall be installed and maintained in the front yard between the street and any buildings or vehicular access areas. Exception: The buffer may be reduced to fifteen feet (15') where adjacent to a nonarterial road. Breaks in the required trees, up to no more than twenty five percent (25%) of the site's frontage, may be allowed by the planning director and/or commission to enhance visibility of signage and/or the main entrance to the site. At least ten feet (10') of type A landscaping (as defined in subchapter 4.6 of this chapter) shall be installed and maintained around the side and rear perimeter of the site.

C. Security fencing, six feet (6') in height, shall be installed and maintained around the site. Fencing materials shall complement exterior building materials (similar color, material and/or detailing) of storage buildings, except where obscured from public view with landscaping. Fencing materials within scenic byways shall be earth toned colors.

D. Areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at a rental warehouse, ministorage or boat storage facility is specifically prohibited.

E. Signs shall be limited to no more than thirty two (32) square feet attached flat on a building or freestanding.

F. All lighting shall be shielded and downward directed so as to confine lighting to the premises and produce no glare on adjacent properties or rights of way.

G. The distance between structures shall be designed to allow a twelve foot (12') wide travel lane for emergency vehicles to pass while tenant's vehicles are parallel parked at the entrance to their storage areas. (Ord. 501, 11-18-2008)

H. Sufficient land area is required to accommodate the proposed use, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties.

I. If abutting a residential district or use, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. (Ord. 501, 11-18-2008; amd. Ord. 540, 10-22-2014)

12-487: PROVISIONS FOR UNIQUE LAND USES:

Certain unique land uses pose special problems that may have a detrimental influence on surrounding land uses. The following performance standards for such unique land uses shall be adhered to in addition to all other provisions of this title:

A. Bulk Storage Of Flammable Liquids, Fuel, Gases Or Combustible Materials:

1. Storage of flammable liquids, fuel, gases or combustible materials above ground may be permitted only for quantities over twenty thousand (20,000) gallons, provided all of the most restrictive state, local, and federal fire codes and fire insurance underwriter's requirements are complied with.

2. No flammable liquids, fuel, gases or combustible materials will be stored below the surface of any lake, river, stream or water body in Bonner County.

B. Chemicals, Pesticide, Fertilizer: Chemicals, pesticide and fertilizer storage and manufacturing:

1. Will have adequate fire protection, storage area, handling and disposal as approved by the appropriate fire official.

2. Will be located at least three hundred feet (300') from any residential zone, a residence, motel or hotel, except for the residence of the owner.

3. Will not be stored below the surface of any lake, river, stream or water body in Bonner County.

C. Contractor Yard: Contractors' yard (i.e., road, housing, heavy equipment):

1. Will be located a minimum distance of three hundred feet (300') from any residence, except for an owner's residence.

2. Will have screening fence around the areas utilized for storage of equipment.

3. Will be limited to storage, maintenance and processing incidental to contracting work. There shall be no general industrial or commercial uses.

D. Development Close To Airport: The location, building height and lighting of residential and commercial development shall be restricted within airport approach areas, as required by the state department of transportation, division of aeronautics and public transportation, and the federal aviation administration. (Ord. 501, 11-18-2008; amd. Ord. 607, 7-22-2020)

12-488: COMMUNICATION TOWERS:

A. Communication towers and attendant facilities shall be enclosed by a fence not less than six feet (6') in height.

B. The base of any tower shall not be closer to any property line than a distance equal to the tower height.

C. The commission shall consider the public convenience and necessity of the communication tower and any adverse effect the facility would have upon properties in the vicinity and may require such reasonable restrictions and conditions of development as to uphold the purpose and intent of this title and the comprehensive plan.

D. Communication towers shall be built to telecommunication industry association/electronic industry association (TIA/EIA) 222 revision F standards, or as amended, for steel antenna support structures.

E. Communication towers shall be constructed to accommodate other future communication services where technically feasible ("collocation").

F. Communication towers shall meet all operational, construction and lighting standards of the federal aviation administration.

G. Communication towers shall not penetrate any airspace surface on or adjacent to any public or private airfields as set forth asubchapter 5.2 of this title.

H. Upon termination of use of a communication tower for a period of not less than one year, the landowner and/or tower operator/applicant shall remove the tower along with all supporting equipment, apparatus and foundation.

I. Flammable material storage shall be in accordance with international fire code standards.

J. Communication towers shall not be used for signage, symbols, flags, banners or other devices or objects attached to or painted or inscribed upon any communication facility for the purposes of displaying a message of any kind, except as required by a governmental agency. (Ord. 501, 11-18-2008)

12-489: HOME OCCUPATIONS I, II, AND III:

A. Intent: To provide performance standards for home occupations.

B. Home Occupation I: Permitted by right in applicable zoning districts and subject to all of the following performance standards:

1. No person other than those residing on the premises shall be engaged in such occupation.

2. Use is clearly incidental and secondary to the use of the property for dwelling purposes.

3. There shall be no alteration, structural or otherwise, in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign, not exceeding four (4) square feet in area, nonilluminated and meeting applicable setback requirements.

4. There shall be no commercial on premises sales in connection with such home occupation, nor shall there be any commercial or manufacturing uses specifically provided for in other parts of this title.

5. Vehicular traffic generated by such home occupation shall not significantly exceed the traffic attributable to a normal dwelling unit (no more than 10 vehicle trips per day on average), and any need for parking generated by the conduct of such occupation shall be met off the street and other than in a required front or side yard.

6. No equipment or process shall be used in such home occupation which creates objectionable noise, vibration, glare, fumes, odors or electrical interference.

C. Home Occupation II: Subject to a home occupation II permit approved by the planning director per the procedures set forth in subsection C1 of this section and per the standards set forth in subsection C2 of this section.

1. Home Occupation II Permit Procedures: No home occupation II, home based business shall be conducted until an application for a home occupation II permit has been reviewed and approved by the planning director or designee. The application shall include the following:

- a. The name of the landowner/applicant.
- b. The address of the property.
- c. The type of business and business activities.
- d. The number of employees.
- e. The location and area of the home based business (site plan).
- f. The vehicles used in the home based business.
- g. The number of expected customer visits per day and at any one time.
- h. Narrative statement describing use and associated impacts to area.

The planning director shall issue the home occupation II permit based on conformance with the above standards. The applicant may appeal the planning director decision to deny a home occupation II permit to the board of county commissioners, pursuant to the provisions of section 12-261 of this title.

2. Home Occupation II Standards:

- a. Is carried out by those residing in the dwelling and up to two (2) additional employees.
- b. Use is clearly incidental and secondary to the use of the property for dwelling purposes.
- c. Whereas the business activity may be conducted in other than the dwelling, there shall be no visible evidence of the conduct of such home occupation other than one sign, not exceeding four (4) square feet in area, nonilluminated and meeting applicable setback requirements.
- d. Customers/clients may come to the site, provided the following criteria are met:
 - (1) Where access to the site is by road, the road shall meet minimum private road standards set forth in appendix A of this title.
 - (2) Sales in connection with the activity are limited to merchandise handcrafted on site or items accessory to a service (i.e., hair care products for beauty salon).
 - (3) Customers/clients are prohibited on the premises prior to six o'clock (6:00) A.M. and after eight o'clock (8:00) P.M.
- e. Vehicular traffic generated by such home occupation shall not exceed fourteen (14) vehicle trips per day on average. Any need for parking generated by the conduct of such occupation shall be met off the street and other than in a required front or side yard.
- f. Certain activities are prohibited:
 - (1) Automobile, truck and heavy equipment repair;
 - (2) Auto body work or painting;
 - (3) Parking and storage of heavy equipment;
 - (4) Stables, kennels, animal husbandry or farming activities, except as provided in this title;
 - (5) Any activities involving more than five (5) customer or business visits per day; and
 - (6) Any use of a nature that is similar to those listed in this section or which creates impacts on the surrounding neighborhood similar to those created by the uses listed in this section.
- g. Additional parking requirements:
 - (1) One for a nonresident (if applicable).
 - (2) One for patrons if services are rendered on site.
- h. No equipment or process shall be used in such home occupation which creates objectionable noise, vibration, glare, fumes, odors or electrical interference.
- i. Manufacturing shall be limited to the small scale assembly of already manufactured parts, but does not preclude production of small, individually handcrafted items, furniture or other wood items as long as the activity meets the other standards of this chapter.

D. Home Occupation III: Subject to a conditional use permit and the same performance standards as home occupation II, with the following exceptions and/or additions:

1. Is carried out by those residing in the dwelling and up to four (4) additional employees.
2. Limited activities and outside storage of materials and/or equipment are permitted, provided the site is sufficiently screened from the street and surrounding properties, as determined by the commission.
3. Vehicular traffic generated by such home occupation shall not exceed eighteen (18) vehicle trips per day on average.
4. Automobile, truck, heavy equipment and small engine repair may be considered as a tier III home occupation, and are subject to the following minimum standards:
 - a. Outdoor activity associated with the repair business shall be limited to a maximum of two percent (2%) of the total site acreage or to a specified area established by the commission or hearing examiner. Landscaping and screening to provide buffering for outdoor storage of equipment or materials shall be provided in accord with section 12-465, table 4-5 of this chapter.
 - b. An accessory structure for the repair business not to exceed one thousand five hundred (1,500) square feet may be permitted.
 - c. No more than three (3) vehicles associated with the repair business which are being repaired or awaiting repairs shall be stored on the site at any given time.
 - d. The business shall comply with all building, fire and environmental code regulations established by local, state or federal jurisdictions.
 - e. The business owner shall provide an annual written report to the planning department confirming continued compliance with these standards and any other conditions of permit approval. (Ord. 501, 11-18-2008)

12-490: ACCESSORY DWELLING UNITS:

A. Intent:

1. To provide affordable housing opportunities throughout the county.
2. To limit the visual and physical impact of an accessory dwelling unit on surrounding properties and the local infrastructure.

B. Standards:

1. Accessory dwelling units shall not exceed nine hundred (900) square feet.
2. One additional off street parking space shall be required for an accessory dwelling unit.
3. No more than two (2) bedrooms shall be provided in an accessory dwelling unit.
4. No more than one accessory dwelling unit may be permitted on a property.
5. An accessory dwelling unit may be attached to the primary dwelling unit or detached. Exceptions: For all lots less than twenty thousand (20,000) square feet in size, the accessory dwelling unit must be attached to the primary structure or located above or attached to a garage.
6. Accessory dwelling units shall have a separate outside entrance from the primary structure.
7. Accessory dwelling units are subject to the same setbacks as a regular dwelling unit. (Ord. 501, 11-18-2008; amd. Ord. 512, 1-6-2010; Ord. 520, 12-8-2010; Ord. 607, 7-22-2020)

12-491: ADULT ENTERTAINMENT USES:

A. Intent:

1. To provide appropriate locations for adult entertainment uses that minimize impacts to the character of residential neighborhoods.
2. To minimize exposure of such facilities to minors.
3. To ensure that such uses do not become incompatible land uses and further, will not contribute to the blighting or downgrading of zoning districts in which they are permitted, thereby adversely affecting property values and deterring or interfering with the development and operation of other businesses within the county.
4. To provide measures to minimize the incidents of crime associated with such uses.

B. Standards:

1. Advertisements, displays or other promotional materials depicting or describing "specified anatomical areas" or "specified sexual activities", or displaying instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" shall not be shown or exhibited so as to be visible from other areas open to the general public.
2. All building openings, entries and windows for an adult entertainment business shall be located, covered or screened in such a manner as to prevent a view into the interior of an adult entertainment business from any area open to the general public.
3. All entrances to an adult entertainment business shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.
4. No loudspeakers or sound equipment shall be used by an adult entertainment business for the amplification of sound to a level discernible by the public beyond the walls of the building in which the adult entertainment business is conducted.
5. All off street parking areas, walkways and building entries serving the adult entertainment business shall be illuminated during all business hours with a lighting system designed to provide a minimum maintained horizontal illumination of greater than one foot-candle of light on the parking surface and/or walkway. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the adult entertainment business for personal safety of its patrons.
6. All exterior areas of adult entertainment businesses, including buildings, landscaping and parking areas, shall be kept free of litter.
7. No adult entertainment use shall be permitted within five hundred feet (500') of the center of any of its public entrances to the center of any public entrance to any establishment serving or selling alcoholic beverages, and vice versa, or within two thousand five hundred feet (2,500') of the center of any public entrance to a school, library, church, park, playground, hospital, medical clinic, nursing home or daycare facility. The distance shall be measured along the shortest route along the street or highway between the points where lines perpendicular to the centers of the public entrances intersect with the street or highway. (Ord. 501, 11-18-2008)

12-492: RACETRACKS:

- A. Racetracks shall be located to minimize the impacts to adjacent properties from noise, lights, dust, odors, traffic impacts, fire and other

potential hazards or nuisances. To achieve this, the applicant shall submit a racetrack operations plan with the conditional use permit application, which addresses, at a minimum, the following:

1. Air quality control.
2. Emergency response and access (fire, ambulance, police).
3. Noise abatement.
4. Traffic control.
5. Security, including crowd control and safety of spectators.
6. Hours of operation.
7. Fire control.
8. Spill containment. (Ord. 520, 12-8-2010)

12-493: AGRICULTURAL DIRECT MARKETING ACTIVITIES:

A. Intent:

1. To promote local and regional agriculture by providing opportunities for accessory activities associated with retail sale of agricultural products produced on and off the premises.

B. Standards:

1. The activity shall not create a permanent or semipermanent sales business that would require a commercial zone classification.
2. The subject property shall be actively farmed by the property owner.
3. Retail structures shall not total more than three thousand (3,000) square feet.
4. The parcel, or adjacent parcel, shall include the residence of the owner or operator of the farm.
5. Carnival rides, helicopter rides, inflatable features and other typical amusement park games, facilities and structures are not permitted.
6. The use shall be operated in accordance with all applicable federal, state, and local ordinances.
7. Adequate sanitary facilities shall be provided in accordance with Panhandle health district requirements.
8. The access road shall be located within a recorded easement or public right of way, except where subject to an approved special use permit issued by a state or federal agency.
9. Sufficient land area is required to accommodate the proposed use and related parking, and the use and any appurtenant structures shall be so arranged on the land as to minimize any adverse effects on surrounding properties. The use shall not create particular hazards to adjacent properties. (Ord. 538, 6-26-2014)

12-494: SEASONAL HARVEST FESTIVITIES:

A. Intent:

1. To allow temporary and accessory activities associated with the sale of annual harvest crops.

B. Standards:

1. The site shall conform to the requirements of section 12-493 of this subchapter.
2. Hours of operation shall be eight o'clock (8:00) A.M. to six o'clock (6:00) P.M.
3. Seasonal harvest festivities are prohibited on vacant property, unless the vacant land adjoins property occupied by the owner/operator of the festivities.
4. Seasonal harvest festivities shall be limited to Friday, Saturday, Sunday and Monday, from the second weekend of June through December 31.
5. Inflatable amusement devices, such as moonwalks, slides, or other inflatable games for children, shall be limited to a maximum of five (5) per seasonal harvest festivities event. (Ord. 538, 6-26-2014)

12-495: EXPANDED SEASONAL HARVEST FESTIVITIES:

A. Intent: To allow a farming activity to expand beyond the restrictions for seasonal harvest festivities for the purpose of allowing direct marketing of crops to the public. Expanded seasonal harvest festivities are allowed subject to a conditional use permit. (Ord. 538, 6-26-2014)

12-496: RECREATIONAL VEHICLES:

A. Dwelling Unit, Recreational Vehicle.

1. Limited to one (1) per lot or parcel for lots or parcels less than one (1) acre in size, or limited to two (2) per lot or parcel for lots, or parcels greater than one (1) acre in size without respect to density.
2. Each recreational vehicle dwelling unit requires a building location permit.
3. Shall meet all residential building setbacks.
4. Each recreational vehicle dwelling unit may be inside a garage or under a snow roof.
5. It may be used as a vacation rental subject to the standards and conditions in BCRC12-484.
6. RV 's used in conjunction with an open building location permit shall not require an additional permit.

(Ord. 598, 1-22-2020)

12-497: RV PARKS/CAMPGROUNDS:

A. Density:

1. Each RV space shall be an area to accommodate the size of the RV, not less than 1800 square feet and a width of not less than twenty

four feet (24').

2. Each camping area must be at least three hundred fifty (350) square feet.
3. RV parking is limited to five (5) units per acre.
4. Campsites are limited to five (5) sites per acre.
5. Each RV Park may allow up to 100% of campground to RV spaces provided the requirements of this section are met.
6. Clustering of the RV Park is allowed as long as the original acreage stays intact and the clustering is done in a way to decrease potential impacts to neighbors and the natural resources.
7. RV Parks greater than twenty five (25) units shall follow the standards of the PUD ordinance, BCRC 12-2.5.

B. Yards and Spacing:

1. All structures must be setback a minimum of twenty-five (25) feet from all exterior property lines.
2. An RV may not be located closer than ten (10) feet from any other RV or permanent building within the RV Park.
3. An RV accessory building shall not be closer than five (5) feet from an RV or building on an adjacent RV space.

C. Access:

1. RV parks/Campgrounds shall access on maintained County roads, State highways or forest access roads whenever possible.
2. Access on private roads shall be built to County standards in Appendix A.

D. Parking:

1. Parking design shall follow the standards in Section 12-4.3 Parking Standards.
2. Campground Parking: one space for each 350 square feet of allotted space plus one guest parking space for each ten campground spaces.

E. Park Site Design:

1. Provisions for vehicular, bicycle and pedestrian access shall be integrated into the site.
2. May be associated with other recreational uses such as rafting, canoeing, swimming, cross country skiing, hiking, hunting and fishing, horseback riding and snowmobiling, together with accessory facilities.
3. Each space within an RV park shall have direct access to a travelway.
4. The park travelway shall consist of an unobstructed area twenty feet (20') wide and shall be well marked to provide for continuous traffic flow.
5. Parking spaces may be up to a forty five (45) degree angle from the travelway.
6. The travelway system shall have direct connection to a public or private road meeting applicable standards set forth in title 2 of this code or appendix A of this title.
7. Any RV space that is to be occupied throughout the winter months may have an open-shell snow-roof. Snow roofs shall have a minimum often foot spacing from one another, measured from greatest architectural projection. Complete enclosure of snow roofs is prohibited.
8. The RV park/campground may be built in phases as approved through a conditional use permit.
9. Uses that are clearly incidental to the operation of the park, such as management headquarters, recreational facilities, toilets, dumping stations, laundry facilities, a convenience store, and other facilities established within the park, are permitted as accessory uses.
10. Internal roads and parking service areas shall provide safe and convenient access for service and emergency vehicles and to amenities within the park. Internal roads shall not be designed to encourage use by outside traffic to traverse the park to adjoining developed areas.
11. Setbacks to wetlands, floodplain, vegetative buffers, and shorelines shall be maintained for all uses onsite.

F. Landscaping:

1. Landscaping and screening shall follow the standards in BCRC 12-4.6 Landscaping and Screening Standards.

G. Water and Sewer:

1. Each site may provide utility connections, including water and sub-surface sewage disposal system.
2. An appropriate number, per industry standard, of restroom/port-a-johns for tent camping spaces.

H. Refuse Collection:

1. The park shall provide for regular refuse service whether self-supported or contracted out with a refuse service. Accumulation of trash is prohibited.

I. Signs:

1. Signs advertising the business are allowed per BCRC 12-4.4 Sign Standards.

J. Permits Required.

1. A conditional use permit is required for each RV park/campground for twenty five (25) spaces or less.
2. A PUD Permit is required for all sites allowing more than twenty five (25) RV spaces.
3. A building location permit is required for construction of the entire project or each phase of the approved project.

K. Site Plan: A site plan shall be submitted upon application for a conditional use permit for the development of a recreational vehicle park/campground. The site plan must include a north arrow and must clearly depict the following:

1. Existing structures which will remain on the parcel, and their uses, and any existing structures proposed to be modified or removed;
2. All proposed structures and their uses;
3. Existing and proposed roads, easements, and points of access;
4. Recreational vehicle space dimensions;
5. Campground space dimensions;
6. Size of the site in acres;
7. Dimensions of property lines and property line setbacks;
8. Reserved or dedicated open space;
9. Major landscape features, both natural and manmade;
10. Locations of existing and proposed utility lines;
11. Accessory off street parking and loading facilities, and parking space areas;
12. Wastewater drainfield areas;
13. Traffic circulation patterns;
14. Refuse and service areas;
15. Signs;
16. Outdoor storage; and
17. Proposed screening and buffering, including fences, yards, walls or vegetation.

(Ord. 594, 12-18-2019)

CHAPTER 5

OVERLAY DISTRICTS

SECTION:

12-500: Overlay Districts; Purpose

12-501: Establishment Of Overlay Districts

Subchapter 5.1 – Area Of City Impact Overlay District (Reserved)

Subchapter 5.2 – Airport Overlay District

12-520: Purpose Of District

12-521: Airport Overlay Districts Established

12-522: Airport Zone Height Limitations

12-523: Use Restrictions

12-524: Nonconforming Uses

12-525: Variances

Subchapter 5.3 – Wellhead Protection Overlay Zone

12-530: Purpose Of District

12-531: Establishment Of Overlay District; Applicability

12-532: Eligibility For Overlay District

12-533: Applicants For Overlay District

12-534: Zone Boundaries For Scientifically Established Wellhead Protection Overlay District

12-535: Use Table

12-536: Special Requirements And Restrictions Within District

12-537: Application For Wellhead Protection Overlay District; Contents

12-538: Procedure

12-539: Standards

12-540: Watershed Protection Overlay (Reserved)

12-500: OVERLAY DISTRICTS; PURPOSE:

The purpose of the overlay districts is to carry out comprehensive plan and community, subarea or neighborhood plan policies that seek to minimize hazards, preserve unique natural resources and/or identify special opportunities for achieving public benefits by allowing or requiring alternative uses and development standards that differ from the general provisions of this title. Overlay districts are generally applied to a group of individual properties or an entire community, subarea or neighborhood planning area and are designated primarily through the area zoning process. (Ord. 501, 11-18-2008)

12-501: ESTABLISHMENT OF OVERLAY DISTRICTS:

Overlay districts are established to permit limited special use activities which are subject to additional limitations and restrictions. Land within an overlay district is also subject to the provisions of the underlying zoning district. Where overlap exists between the standards of the overlay district and those of the underlying zone, the more stringent standards shall be applied. The following overlay district designations and zoning map symbols are adopted:

TABLE 5-1

OVERLAY DISTRICT DESIGNATIONS

Overlay District	Map Symbol
Area of city impact	-ACI
Airport	-Air
Wellhead protection	-WP

(Ord. 501, 11-18-2008)

SUBCHAPTER 5.1 – AREA OF CITY IMPACT OVERLAY DISTRICT

(Reserved) (Ord. 501, 11-18-2008)

SUBCHAPTER 5.2 – AIRPORT OVERLAY DISTRICT

12-520: PURPOSE OF DISTRICT:

The airport overlay district is established for the purpose of preventing the creation or establishment of "airport hazards", as defined in section 12-801 of this title, or where such hazards are already created or established, eliminating, removing, altering, mitigating, marking or lighting such airport hazards. The provisions of this subchapter shall be applicable to, but not limited to, conditional use permits, special use permits, variances, preliminary and final plats, lot line adjustments, planned unit developments, zone changes and building location permits or building permits. (Ord. 501, 11-18-2008)

12-521: AIRPORT OVERLAY DISTRICTS ESTABLISHED:

In order to carry out the provisions of this subchapter, there are hereby created and established certain zones for existing and future planned airport conditions as they apply to the Bonner County airport. The zones include all the land lying within the primary zones, approach zones, transitional zones, horizontal zones and conical zones. Such zones are shown on the approved Sandpoint airport master plan 1993-2013, as amended from time to time, which by this reference is incorporated and made a part hereof as if set forth in full. Whenever the zoning map shows zones for future planned airport improvements, the more stringent future planned zones govern. Their limitations and boundaries shall be adapted for present zoning purposes. The various zones are hereby established and defined as follows:

- A. Utility Runways Nonprecision Instrument Approach Zones: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach zone expands outward uniformly to a width of two thousand feet (2,000') at a horizontal distance five thousand feet (5,000') from the primary surface, its centerline being the continuation of the centerline of the runway.
- B. Transitional Zones: These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at ninety degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary and approach surfaces to which they intersect in the horizontal conical surfaces.
- C. Horizontal Zone: The horizontal zone is hereby established by swinging arcs of five thousand feet (5,000') radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the primary, approach and transitional zones.
- D. Conical Zone: The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from the horizontal distance of four thousand feet (4,000'). The conical zone does not include the precision instrument approach zones and the transitional zones. (Ord. 501, 11-18-2008)

12-522: AIRPORT ZONE HEIGHT LIMITATIONS:

Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow or be maintained in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- A. Utility Runway Nonprecision Instrument Approach Zone: Slopes upward twenty feet (20') horizontally for each one foot (1') vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway centerline.
- B. Transitional Zones: Slopes upward and outward seven feet (7') horizontally for each one foot (1') vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of one hundred fifty feet (150') above the airport elevation, the airport elevation which is two thousand one hundred twenty six feet (2,126') above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven feet (7') horizontally for each one foot (1') vertically beginning at the sides of and at the same elevation as the approach zones, and extending to the intersection with the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven feet (7') horizontally for each one foot (1') vertically shall be maintained beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of five thousand feet (5,000') measured at ninety degree (90°) angles to the extended runway centerline.
- C. Horizontal Zone: One hundred fifty feet (150') above the airport elevation or a height of two thousand two hundred seventy six feet (2,276') above mean sea level.
- D. Conical Zone: Slopes upward and outward twenty feet (20') horizontally for each one foot (1') vertically beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation and extending to a height of three hundred fifty feet (350') above the airport elevation.
- E. Restrictive Limitation Prevails: Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail. (Ord. 501, 11-18-2008)

12-523: USE RESTRICTIONS:

A. Notwithstanding any other provisions of this subchapter, no use may be made of land or water within any zone established by this subchapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the Sandpoint airport.

B. No change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless in conformance with this subchapter.

C. No use or structure shall be established that would allow the creation of an "airport hazard", as defined in section 12-801 of this title, or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than the hazard was on the effective date hereof, or any amendments thereto. (Ord. 501, 11-18-2008)

12-524: NONCONFORMING USES:

A. The regulations prescribed by this subchapter shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date hereof, and is diligently prosecuted; provided, further, that nothing contained herein shall restrict or otherwise interfere with the use of North Boyer Avenue by vehicular traffic.

B. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the chairperson of the board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the county.

C. Nonconforming uses are subject to the provisions for nonconforming uses as set forth generally in this title. (Ord. 501, 11-18-2008)

12-525: VARIANCES:

A. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this chapter, may apply for a variance from such regulations, the procedure for variances as set forth generally in this title.

B. However, a tree or structure of less than forty five feet (45') of vertical height above the ground is permitted in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand two hundred feet (4,200') from each end of the runway, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for the respective zone.

C. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to permit the county, at the owner's expense, to install, operate and maintain thereon such markers and lights as may be deemed necessary by the Bonner County airport commission or other appropriate agencies as necessary to indicate to pilots the presence of an "airport hazard", as defined in section 12-801 of this title.

D. Variance applications required by this chapter are to be submitted by applicant to the Bonner County planning department for review by the:

1. Bonner County airport commission for its review and recommendation;
2. Federal aviation administration; and
3. Other appropriate agencies as necessary. (Ord. 501, 11-18-2008)

SUBCHAPTER 5.3 – WELLHEAD PROTECTION OVERLAY DISTRICT

12-530: PURPOSE OF DISTRICT:

The wellhead protection overlay district is established for the purpose of protecting public water supply wells or springs from contamination by land use activities occurring or which may occur within the delineated recharge areas for such wells or springs. (Ord. 501, 11-18-2008)

12-531: ESTABLISHMENT OF OVERLAY DISTRICT; APPLICABILITY:

There is hereby created a wellhead protection overlay district within Bonner County, the boundaries of which shall be established by the procedures and according to the criteria set forth in this subchapter. The provisions of this subchapter shall only be applicable within a properly established wellhead protection overlay district; provided, further, that no existing lawful use shall be affected by this title, but such uses will be governed by subchapter 3.4 of this title, nonconforming uses and structures, as amended. The requirements of this subchapter shall be deemed to be cumulative and supplementary to those of any underlying zone district. Whenever a conflict between the provisions of this subchapter and the underlying zone district exist, the more stringent requirements shall apply. (Ord. 501, 11-18-2008)

12-532: ELIGIBILITY FOR OVERLAY DISTRICT:

For the purposes of this subchapter, a wellhead protection overlay district shall only be established where a direct relationship exists between the overlay district and a well or spring serving a public water system which serves ten (10) or more connections or twenty five (25) or more of the same persons for at least six (6) months of the year, whether such public water system is publicly or privately owned or operated. (Ord. 501, 11-18-2008)

12-533: APPLICANTS FOR OVERLAY DISTRICT:

The following persons or entities may apply for lands to be designated as a wellhead protection overlay district:

A. The owner of any well as set forth at section 12-532 of this subchapter; or

B. Any incorporated municipality, water district, water and sewer district, recreational water district or homeowners' association which is the primary user of any well as set forth at section 12-532 of this subchapter. (Ord. 501, 11-18-2008)

12-534: ZONE BOUNDARIES FOR SCIENTIFICALLY ESTABLISHED WELLHEAD PROTECTION OVERLAY DISTRICT:

Scientific studies conducted by hydrogeologists, licensed geologists or licensed professional engineers shall be provided, and such studies shall include, but are not limited to, calculations and modeling to include zone III mixing water flow, transmissivities, effective porosity, regional and local hydraulic gradients, depth to saturated zones, aquifer saturated zones, aquifer saturated thickness, boundary conditions, degree of confinement and recharge areas as appropriate to develop time of travel boundaries. The United States environmental protection agency methodology, "Wellhead Protection Area (WHPA) Delineation Code, Version 2.1", by Blandford and Huyakorn, April 1992, or equivalent, shall be

used for calculating and modeling time of travel boundaries. The following shall constitute the boundaries for the wellhead protection overlay district:

TABLE 5-2
OVERLAY DISTRICT BOUNDARIES

Zone	Criteria And Thresholds	Methods
Zone IA	Minimum distance of 100 feet for wells and/or springs	Fixed radius
Zone IB	2 year time of travel	Calculated/modeled boundary
Zone II	5 year time of travel	Calculated/modeled boundary
Zone III	10 year time of travel	Calculated/modeled boundary

(Ord. 501, 11-18-2008)

12-535: USE TABLE:

The following table 5-3 identifies uses of special concern in the wellhead protection overlay district. Uses identified with a "C" are conditional, and uses not identified as conditional are prohibited. Uses listed in table 5-3 are subject to either the standards set forth in this subchapter or to the standards set forth in the underlying zone, whichever is more stringent. Uses not listed in table 5-3 are subject to the standards set forth in the underlying zone. Standards associated with particular uses are identified by numbers and are listed below the table.

TABLE 5-3
USES IN THE WELLHEAD PROTECTION OVERLAY DISTRICT

Use	Overlay District			
	IA	IB	II	III
Residential Uses:				
Dwelling, multi-family		C	C	C
Mobile home parks		C	C	C
Residential care or assisted living facility		C	C	C
Commercial Uses:				
Animal establishments		C	C	C
Convalescent center		C	C	C
Farm equipment sales and service		C	C	C
Hotels/motels		C	C	C
Miscellaneous commercial uses (1, 2)				C
Racetracks		C	C	C
Repair services, boat and motor, minor		C	C	C
Resorts, commercial		C	C	C
Resorts, private		C	C	C
Storage of hazardous materials, above or belowground (1)			C	C
Vehicle sales and service, mechanical repair shops		C	C	C
Industrial Uses:				
Industrial and manufacturing			C	C
Junkyards/wrecking yards				
Manufacturing of explosives		C	C	C
Manufacturing of hazardous materials (1)				
Sawmills, shingle or planing mills, woodworking plants		C	C	C
Slaughterhouses, meat processing or rendering plants		C	C	C
Public Uses:				
Airports		C	C	C
Cemeteries				
Golf courses		C	C	C
Heliports		C	C	C

Hospitals and clinics		C	C	C
Injection wells for waste products				
Public utility complex facility		C	C	C
Recreational facilities		C	C	C
Recreational vehicle parks and campgrounds		C	C	C
Sanitary landfills				
Sewage treatment or storage, 2-9 dwelling units or capacity of less than 2,500 gallons per day		C	C	C
Sewage treatment or storage, 10 or more dwelling units or capacity of 2,500 gallons or more per day				C
Solid waste collection facilities		C	C	C
Stormwater drain fields, impoundments, infiltration beds or injection wells			C	C
Resource Based Uses:				
Agribusiness activities (1)		C	C	C
Commercial land application of agricultural wastes (2)			C	C
Commercial land application of effluent, sludge or septage (2)				C
Commercial surface impoundments of agricultural, commercial or industrial wastes (2)		C	C	C
Confined animal feeding operation				
Fur farms, commercial		C	C	C
Mining			C	C
Rock crushing operations			C	C

Standards:

1. Where fuel, chemicals, fertilizer, solvents, pesticides, waste oils and other similar petroleum products or byproducts, leachates or other detrimental materials and/or wastewater discharge pose a proximate threat to groundwater as determined by the Panhandle health district and/or state of Idaho.

2. "Commercial", for purposes of this section, shall be defined as "activities designed for the market; relating to commerce; viewed with regard to profit; or supported by advertisement", excluding "home occupations", as defined in section 12-808 of this title.

(Ord. 501, 11-18-2008)

12-536: SPECIAL REQUIREMENTS AND RESTRICTIONS WITHIN DISTRICT:

A. Within an established wellhead protection overlay district, and subject to the provisions of this subchapter, the performance and conditional use standards listed in subchapter 2.2 and chapter 4 of this title, respectively, and the requirements of the underlying zone district, the following uses are prohibited or require conditional use permit issuance. Uses not listed within this section that are listed as permitted uses within the underlying zone district are subject to the provisions of that district, together with the performance standards listed in chapter 4 of this title. Uses not listed within this section that are listed as conditional uses within the underlying zone district are subject to the provisions of that district, together with the performance and conditional use standards listed in subchapter 2.2 and chapter 4 of this title, respectively.

B. In addition to the performance and conditional use standards listed in subchapter 2.2 and chapter 4 of this title, respectively, and the requirements of the underlying zone district, uses requiring conditional use permit issuance are subject to the following:

1. Prior to conditional use permit issuance, the applicant shall demonstrate to the satisfaction of the Panhandle health district and/or state of Idaho pursuant to applicable standards and appropriate practices that, where applicable, fuel, chemicals, fertilizer, solvents, pesticides, waste oils and other similar petroleum products or byproducts, leachates or other detrimental materials and/or wastewater discharge shall not pose a proximate threat to groundwater. The applicant shall provide to the planning department written verification from the Panhandle health district and/or state of Idaho confirming implementation of Panhandle health district and/or state of Idaho requirements.

C. Where all "urban services", as defined in section 12-821 of this title, are not available, the minimum lot or parcel size for divisions of land within an established wellhead protection overlay district shall be five (5) acres. Exception: cluster lots in a conservation subdivision may be less than five (5) acres, provided the overall subdivision density does not exceed one dwelling unit per five (5) acres. (Ord. 501, 11-18-2008)

12-537: APPLICATION FOR WELLHEAD PROTECTION OVERLAY DISTRICT; CONTENTS:

An application for wellhead protection overlay district shall include all of the items required for zone changes in subchapter 2.1 of this title, and shall be accompanied by the fee for a zone change as set forth at section 12-265 of this title, and shall additionally include:

A. The names of the applicants and documentation that the applicants meet the criteria set forth at section 12-533 of this subchapter;

B. The scientific study completed for the proposed wellhead protection area, meeting the requirements of section 12-534 of this subchapter, and additional copies of said study as determined by the planning director;

C. A map at a scale of one inch to four hundred feet (1" = 400'), showing the proposed boundaries of zones IA, IB, II and III, as appropriate, and depicting individual lots or parcels, property ownership, and existing zoning within the boundaries;

D. A map at a scale of one inch to four hundred feet (1" = 400'), showing the proposed boundaries of zones IA, IB, II and III, as appropriate, and depicting lot or parcel boundaries, and significant features to include, but not limited to, existing wells (identifying any public water supply wells); existing springs; existing roads; existing gravel pits or other mining operations; existing above or belowground fuel storage tanks; and any existing land uses which may constitute a significant, potential contamination source for groundwaters.

E. A public information/public awareness plan specifying how and when the applicant will notify landowners within the wellhead protection overlay district of ways to promote groundwater protection.

F. A management plan identifying high risk activities that may pose a proximate threat to groundwater and ways to mitigate those threats.

G. A contingency plan identifying an alternate water source for the applicant and the method of procuring that source, financially and technically, in the event of closure of the subject well or spring.

H. A program establishing, at a minimum, annual subject well or spring water testing; voluntary water testing of private wells located within the established overlay district; and a method of notifying at minimum landowners within the wellhead protection overlay district of testing results.

I. Written documentation verifying that the applicant has invited public participation from, at a minimum, landowners within the wellhead protection overlay district. (Ord. 501, 11-18-2008)

12-538: PROCEDURE:

The procedure for the addition of a wellhead protection overlay district shall be as set forth for zone changes generally in this title. (Ord. 501, 11-18-2008)

12-539: STANDARDS:

In addition to the standards for zone changes generally, as set forth in this title, the following standards shall be applicable to any application for a wellhead protection overlay district:

A. There is a need to protect and preserve clean drinking water supplies for current and future residents.

B. There is a potential for groundwater contamination of current and potential land uses within the proposed overlay district.

C. There is not a potential for significant loss of use of properties not owned by the applicant through the restrictions imposed by the proposed overlay district.

D. There are reliable data upon which the zone district boundaries have been proposed. (Ord. 501, 11-18-2008)

12-540: WATERSHED PROTECTION OVERLAY:

(Reserved) (Ord. 501, 11-18-2008)

CHAPTER 6

SUBDIVISIONS

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12-600: PURPOSE:

A. To provide standards and procedures for subdivisions and other land divisions, and lot line adjustments.

B. To establish subdivision and land division standards consistent with the goals and policies of the comprehensive plan.

C. It is unlawful for a person or group of persons acting in concert to attempt to avoid this article by acting in concert to divide a parcel of land or sell subdivision lots by using a series of owners or conveyances or by any other method that ultimately results in the division of the lands into a subdivision or the sale of subdivided land.(Ord. 501, 11-18-2008; amd. Ord. 634, 8-4-2021)

SUBCHAPTER 6.1 - GENERAL PROVISIONS

12-610: APPLICABILITY, QUALIFICATIONS:

A. The provisions of this chapter shall apply to "subdivisions", as defined in section12-611 of this subchapter, lot line adjustments as set forth at section 12-660 of this chapter, and all other applications authorized by this chapter.

B. Parcels or lots created in conformance with the provisions of this title which are uniquely described on any recorded plat or other legal instrument of conveyance as of the effective date hereof shall retain individual status and eligibility for sale, lease, financing, gift, building, construction or other transfer of ownership, as so described. (Ord. 501, 11-18-2008; amd. Ord. 634, 8-4-2021)

12-611: DEFINITIONS:

MINOR LAND DIVISION (MLD):	Any division of land into four (4) or fewer lots or parcels. Exception: those lots under common ownership, and limited in use to common open space or agricultural pursuits, need not be counted as a lot for purposes of determining applicable land division procedures only. . A minor land division shall not be used contiguously to avoid the regular subdivision process. (See BCRC 12-600 C.)
SHORT PLAT:	Any division of land into five (5) to ten (10) lots or parcels.
	Any division of land into eleven (11) or more lots or parcels or divisions of those parcels that do not qualify for a Minor Land Division or Short Plat. The term "subdivision" shall not include:

SUBDIVISION:	A. The lease of agricultural lands for agriculture or agricultural purposes.
	B. The lease or conveyance of land to a governmental agency, quasi-public or public entity, political subdivision, or private or public utility. The portion conveyed to the previously mentioned entities need not meet minimum acreage standards, however, any other portion or remainder that remains in private ownership shall meet minimum acreage standards.
	C. Mineral, oil or gas leases.
	D. A lot line adjustment or minor notational change.
	E. Land within a recognized cemetery which has been divided into lots or plats for the purpose of burial only.
	F. The financing or leasing of any commercial or industrial lot or parcel, or portion thereof, in conjunction with the construction of commercial or industrial buildings on a single lot or parcel.
	G. The financing or leasing of existing separate commercial or industrial buildings on a single lot or parcel.
	H. The financing or leasing of apartments, offices, stores or similar space with apartment buildings, industrial buildings, commercial buildings or mobile home parks, so long as each unit or space is not separately owned.
	I. Minor Land Divisions. (Ord. 557, 11-10-2016; amd. Ord. 591, 10-23-2019; Ord. 634, 8-4-2021)

12-612: ADDITIONAL REQUIREMENTS:

A. Replatting Required:

1. Any division of land that has been platted shall not be divided again without replatting.

B. Recorded Survey Required:

1. Any division of land created pursuant to subsection C of this section must be surveyed and the survey recorded with the County Recorder if any one parcel in the division is less than five (5) acres, or a 1/128 aliquot division of a section.

C. Family Division: The following division of land is exempt from platting: A division of unplatted land which is made for the purpose of a single gift or sale to the landowner's spouse, parent, child, sibling, grandparent or grandchild; provided, that the division complies with all of the following:

1. A division of unplatted land made for the purpose of a single gift or sale from the landowner's spouse, parent, child, sibling, grandparent or grandchild;
2. The landowner has not previously been exempt from platting requirements by a gift or sale of another single parcel to the same person;
3. An individual may only receive one parcel by gift or sale created pursuant to this exemption after November 18, 2008. Examples:
 - a. If a husband owns two (2) different parcels in Bonner County and wishes to divide both parcels under the provisions described in this subsection C, he can give his wife only one of the divided parcels. However, he can give or sell the second parcel created by the other land division to his child, sibling, grandparent or grandchild.
 - b. An individual may receive by gift or sale a single parcel from his father through the exemption process, but may not again receive from any other family member another parcel through the exemption process.
4. The parcel created and any remaining parcel meets the minimum zoning district requirements for the district in which the parcel is located;
5. The parcels created conform with the design criteria set forth in section 12-621, subsections 12-623A through B, sections 12-624, 12-625, and subsections 12-626A and C of this chapter;
6. A "notice of land division" is recorded in accordance with the provisions set forth for all parcels and remainder parcel created; and
 - a. The applicant shall file an application for exemption from platting with the Planning Department, along with the supporting documents for those divisions of land set forth at subsection 12-612C of this subchapter. The application shall contain the legal descriptions of the parcels created and any other information deemed necessary for consideration of the application.
 - b. The Planning Director or designee shall examine application and the supporting documents for compliance with the applicable provisions of section 12-612 of this subchapter. Upon a determination that the application is in compliance, the Planning Director is authorized to sign the notice of land division or affix the notice of land division to deeds prepared for recording. A copy of the recorded notice or deed shall be retained by the Planning Department.

7. Limited to the creation of 4 parcels total.

D. Financing of a Lot or Parcel: The following is exempt from platting: The financing of any portion of a single lot or parcel; provided, that:

1. The portion separated for financing purposes and any remaining portion meet the minimum zoning district lot size requirements for the district in which the single lot or parcel is located; and

2. The single lot or parcel remains in one ownership.

E. Reservation of a Life Estate: The following is exempt from platting: The reservation of a life estate; provided, that the single lot or parcel remains in one ownership.

F. Waiver Of Land Division Requirements: The Director may waive minor land division, short plat and regular subdivision requirements on parcels to be created that have legal access and the resulting parcel size is not less than twenty (20) acres or can be described as a one thirty-second (1/32) aliquot description or larger. This waiver may be granted upon review of the proposed legal descriptions prior to recording.

G. Boundary Line Adjustment: A change in location of the property line between two (2) or more existing adjacent parcels, where the land

taken from one parcel is added to an adjacent parcel. Further defined as a combining of one or more parcels to create fewer parcels and where no greater number of parcels than originally existed is thereby created. No boundary adjusted parcel may be reduced below the minimum parcel size for the zoning district in which the parcel is located, except that if a parcel is already below the minimum parcel size, the boundary line adjustment shall not create any parcels that are smaller than the smallest original parcel in the subject configuration.

1. The applicant shall file an application for Boundary Line Adjustment with the Planning Department, along with the supporting documents. The application shall contain the legal descriptions of the parcels created and any other information deemed necessary for consideration of the application.

2. The Planning Director or designee shall examine application and the supporting documents for compliance with the applicable provisions of section 12-621, 12-622, 12-624 A, C & D of this subchapter. Upon a determination that the application is in compliance, the Planning Director is authorized to sign the notice of land division or affix the notice of land division to deeds prepared for recording. A copy of the recorded notice or deed shall be retained by the Planning Department.

3. No application submitted pursuant to this subsection shall be deemed complete nor any deed recorded, until all fees set forth at section 12-265 of this title have been paid, unless waived by the board.

4. Those existing, non-conforming features shall not be made more non-conforming. (Ord. 577, 5-23-2018; amd. Ord. 634, 8-4-2021)

12-613: NOTICE OF LAND DIVISION, PROCEDURE:

A. The applicant shall file an application for exemption from platting with the Planning Department, along with the supporting documents for those divisions of land set forth at subsection 12-612C of this subchapter. The application shall contain the legal descriptions of the parcels created and any other information deemed necessary for consideration of the application.

B. The Planning Director or designee shall examine application and the supporting documents for compliance with the applicable provisions of section 12-612 of this subchapter. Upon a determination that the application is in compliance, the Planning Director is authorized to sign the notice of land division or affix the notice of land division to deeds prepared for recording. A copy of the recorded notice or deed shall be retained by the Planning Department. (Ord. 501, 11-18-2008)

12-614: PROHIBITIONS:

A. Except where exempt from the definition of "subdivision", as provided for in this chapter, or until a final plat or notice of land division in full compliance with the provisions of this chapter and Idaho Code, where applicable, has been recorded with the Bonner County Recorder, no person shall:

1. Sell, lease, finance or gift any lot or parcel of real property or portion thereof;

2. Commence the construction of any building for sale, lease, financing or gift;

3. Allow occupancy of any lot or parcel of real property, or portion thereof, for which a final plat or notice of land division is required pursuant to this chapter.

B. The conveyance of any part of a division of land for which a final plat or notice of land division is required pursuant to this chapter shall not be made by lot or parcel number, letter or other designation until a final plat or notice of land division has been recorded with the Bonner County Recorder.

C. This section shall not apply to any lot or parcel created in conformance with the provisions of this title which is uniquely described on any recorded plat or legal instrument of conveyance as of the effective date hereof. Said lot or parcel shall retain individual status and eligibility for sale, lease, financing, gift, building construction or other transfer of ownership, as so described. (Ord. 501, 11-18-2008)

12-615: REMEDIES:

A. The provisions of this section shall not apply to the conveyance of any lot or parcel of real property:

1. Exempt from the definition of "subdivision", as provided for in this chapter;

2. Described in a certificate of compliance filed pursuant to section 12-616 of this subchapter;

3. Identified in a recorded final plat or notice of land division pursuant to this chapter, from and after the date of recording.

B. This section shall not bar any legal, equitable or summary remedy to which the County or other public agency or any person may otherwise be entitled. The County or other public agency or any person may file suit to restrain or enjoin any attempted or proposed subdivision for sale, lease, financing or gift of any lot or parcel, or portion thereof, contrary to the provisions of this title. The provisions of this section shall not limit or affect in any way the rights of a grantee or successor in interest under any other provision of law.

C. The County shall not issue a permit or grant any approval necessary to develop or use any lot or parcel which has been divided, or which has resulted from a division, contrary to the provisions of this title. The authority to deny a permit or approval shall apply whether the applicant was the owner of the lot or parcel at the time of the division, or whether the applicant is the current owner of the lot or parcel with, or without, actual or constructive knowledge of the division at the time of the acquisition of interest in the lot or parcel. (Ord. 501, 11-18-2008)

12-616: CERTIFICATE OF COMPLIANCE, CONDITIONAL CERTIFICATE OF COMPLIANCE:

A. Any person owning a lot or parcel may apply for a certificate of compliance, on an application form provided by the Planning Department, requesting the Planning Director to determine whether the lot or parcel resulting from a division of land complies with the applicable provisions of this Code in effect at the time the division occurred. The fee for applying for a certificate of compliance shall be as set forth in section 12-265 of this title.

B. If the Planning Director, upon reviewing the application, determines that the lot or parcel resulting from a division of land complies with the applicable provisions of this Code in effect at the time the division occurred, and upon the effective date of the determination pursuant to this section, the Planning Director shall record, on a form provided by the Planning Department, a certificate of compliance with the Bonner County Recorder. The certificate of compliance shall identify the lot or parcel, and shall state that the lot or parcel resulting from a division of land complies with the applicable provisions of this Code in effect at the time the division occurred.

C. If the Planning Director, upon reviewing the application, determines that the lot or parcel resulting from a division of land did not comply with the applicable provisions of this Code in effect at the time the division occurred, and upon the effective date of the determination pursuant to this section, the Planning Director shall record, on a form provided by the Planning Department, a conditional certificate of compliance with the Bonner County Recorder. The conditional certificate of compliance shall identify the lot or parcel, and shall state that the lot or parcel resulting from a division of land will comply with the applicable provisions of this Code in effect at the time the division occurred upon completing only those conditions which would have been applicable to the lot or parcel at the time the division occurred. The conditional certificate of compliance shall list those conditions. Compliance with the conditions listed shall be required prior to the issuance of any permit for the development or use

of the property. The Planning Director shall record a certificate of compliance upon the applicant completing the listed conditions. A recorded final plat or notice of land division pursuant to this chapter constitutes a certificate of compliance with respect to the lot or parcel described therein.

D. If the Planning Director, upon reviewing a permit for the development or use of any lot or parcel, determines that the lot or parcel resulting from a division of land did not comply with the applicable provisions of this Code in effect at the time the division occurred, and upon the effective date of the determination pursuant to this section, the Planning Director shall record, on a form provided by the Planning Department, a conditional certificate of compliance with the Bonner County Recorder. The conditional certificate of compliance shall identify the lot or parcel and shall state that the lot or parcel resulting from a division of land will comply with the applicable provisions of this Code in effect at the time the division occurred upon completing only those conditions which would have been applicable to the lot or parcel at the time the division occurred. The conditional certificate of compliance shall list those conditions. Compliance with the conditions listed shall be required prior to the issuance of any permit for the development or use of the lot or parcel. The Planning Director shall record a certificate of compliance on the application completing the listed conditions. A recorded final plat or notice of land division pursuant to this chapter constitutes a certificate of compliance with respect to the lot or parcel described therein. A conditional certificate of compliance recorded pursuant to this subsection shall include as a condition the fee as set forth at section 12-265 of this title. (Ord. 501, 11-18-2008)

E. For the purposes of the administration of this section, the following shall be considered to be in compliance:

1. Any lot or parcel which is described on a recorded legal instrument of conveyance prior to November 18, 2008;
2. Any lot or parcel for which a valid building permit or building location permit has been issued by Bonner County since November 18, 2008, whereon development has occurred and a use has been established in reliance on that permit;

F. Any determination made by the Planning Director in the administration of this section shall be appealable to the Board of County Commissioners by notifying the Planning Director in writing of the intent to appeal within ten (10) calendar days from the date of the determination. Upon receipt of an appeal, the Planning Director shall schedule a meeting with the Board within ten (10) working days to hear the appeal and shall provide written notice to the appellant of the time and place of the meeting. The Planning Director and appellant shall be provided an opportunity to present the relevant issues to the Board at that meeting. The Board's decision shall be final, and further recourse of the appellant shall be as provided by Idaho Code. If no appeal is filed, the Planning Director's decision will be deemed effective and the certificate of compliance or conditional certificate of compliance shall be recorded. (Ord. 551, 3-9-2016; Ord. 607, 7-22-2020)

SUBCHAPTER 6.2 - DESIGN STANDARDS

12-620: GENERAL:

Any easements, specific constraints on building placement, other than easements, and land areas reserved, be shown and plainly marked on the plats. (Ord. 501, 11-18-2008)

12-621: LOT DESIGN:

All proposed lots which are three hundred feet (300') or less in width shall maintain a depth to width ratio of not greater than three to one (3:1); and lots which are more than three hundred feet (300') in width shall maintain a depth to width ratio of not greater than four to one (4:1). All proposed lots one hundred feet (100') or less in width shall be designed so that the angle of intersection of the side lot lines with the fronting road is between eighty five (85) and ninety five degrees (95°), for a distance of not less than fifty feet (50') from the point of intersection. Submerged lands are exempt from the requirements herein. (Ord. 501, 11-18-2008)

12-622: SUBMERGED LANDS:

Lands below the applicable natural or ordinary water mark, or the applicable artificial high water mark, of any lake, river, stream, channel or other body of public water shall not be counted in the calculations for determining the maximum density for a subdivision. For example, if a forty (40) acre parcel in the R-5 zoning district contains thirty (30) acres submerged under Lake Pend Oreille's artificial high water mark, then the parcel contains ten (10) "usable" acres for the purpose of determining the maximum density in a subdivision. (Ord. 501, 11-18-2008)

12-623: SERVICES AND UTILITIES:

A. Where proposed lots are smaller than one acre in area, exclusive of any ingress or egress easements, all "urban services", as defined in section 12-821 of this title, shall be provided. Lots in conservation subdivisions shall be exempt from this requirement, provided all other requirements of this title are met.

B. A water supply shall be provided per at least one of the following:

1. Lots to be served by an individual well on each lot: Applicants shall demonstrate how the aquifer proposed for water supply has sufficient production capability to provide drinking water to all applicable lots and that a location is available within each lot for installation of a well without conflicting with proposed sewage systems on or adjacent to the proposed lot.

2. Lots to be served by a new water system serving from two (2) to nine (9) lots: Documentation by an Idaho licensed professional engineer or professional geologist that the sources proposed for water supply have sufficient production capability to provide drinking water to the lots in the proposed subdivision.

3. Lots to be served by a new public drinking water system: Division of environmental quality written approval of an engineering report prepared by an Idaho licensed professional engineer demonstrating that an adequate water supply is available to meet the estimated demand for water from the lots in the proposed subdivision.

4. Lots to be served by connection to an existing public or private water system: A letter from the owner of the system indicating it has sufficient reserve production capacity to supply water to the lots in the proposed subdivision.

C. A sewage disposal method for all building sites, as approved by the Panhandle health district and/or the state of Idaho, may be provided.

D. All proposed lots shall be designed by the applicant to provide a fire protection plan for the proposed lots to provide, at a minimum, an assessment of fire risk and plans to reduce the risk, and provisions for defensible space, where material capable of allowing a fire to spread unchecked will be treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur, and for at least one of the following:

1. Prior to final plat, an approved water and fire hydrant system capable of providing one thousand (1,000) gallons per minute for a minimum of two (2) hours where a community water system exists or is proposed as part of the development and is capable of delivering the pressurized water supply necessary for delivering fire flows as prescribed by the international fire code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the office of the clerk of the board of county commissioners, and hereinafter referred to as IFC.

2. A note on the final subdivision plat stating: "At the time of building location permit or building permit, the lot owner shall install a minimum two thousand (2,000) gallon water storage system, meeting IFC standards". Refill on demand is not required to meet IFC standards.

3. A note on the final subdivision plat stating: "The installation of an approved IFC residential fire suppression sprinkler system is required in all newly constructed residences".

4. Prior to final plat, a manmade or natural water source with a dry hydrant capable of delivering adequate water supply as prescribed by IFC.

5. A note on the final subdivision plat stating: "At the time of building permit or building location permit, the lot owner shall install an approved fire suppression method to the satisfaction of Bonner County". (Ord. 501, 11-18-2008; amd. Ord. 607, 7-22-2020)

12-624: ROADS AND ACCESS:

A. All new roads created for subdivisions shall be designated by unique road names, unless such roads are determined to be and are designed to be extensions of existing roads.

B. Road networks shall be designed and constructed to private road standards set forth in appendix A of this title, except as otherwise noted herein. Road networks shall be designed to provide for a continuous transportation system to adjacent properties, where topographical conditions warrant.

C. Legal access shall be provided to each proposed lot, which shall be developed for ingress and egress, providing for ready access meeting the standards in subsection B of this section. (Ord. 501, 11-18-2008)

D. All proposed lots less than five (5) acres gross shall have direct frontage on, and direct access to, a public right of way. Cluster lots less than five (5) acres gross in a conservation subdivision within the rural, agricultural/forestry and forestry districts are exempt from this requirement. Right of way offered for dedication in any zoning district shall be developed with a road constructed to the standards set forth in title 2 of this code. Such road may be maintained privately or by a public highway agency. Exceptions to the direct frontage and access requirements to allow for private frontage or interior roads may be granted in the commercial, industrial, or rural service center districts provided such access meets the applicable private road standards of this title. (Ord. 524, 1-11-2012)

12-625: TRAILS AND PARKS:

A. Trails:

1. Implementing Bonner County Trails Plan: New subdivisions should be integrated with, and expand upon, existing and planned trail network per the Bonner County trails plan adopted by the Bonner County board of county commissioners. Subdivisions on land featuring proposed trails per the Bonner County trails plan are required to construct the trail as part of the subdivision approval. The Bonner County trails plan shall be used as a guide to determine the appropriate alignment and design any public trails or pathways (where applicable).

2. Public Access To Trails: All public trails shall be provided within public rights of way (when approved by the entity having jurisdiction over the right of way), designated common open space or within a trail easement dedicated or conveyed to Bonner County, or to the entity that will provide maintenance as approved by the board. The width of the common open space or easement shall be sufficient to provide for trail maintenance activities. When future access may be needed to adjacent parcels of land, trail easements and/or rights of way shall extend to the property line of the subdivision.

3. Sidewalks/Pathways In Residential Subdivisions: All residential subdivisions featuring average residential lot sizes of less than twelve thousand (12,000) square feet shall provide a sidewalk/pathway system that connects all residential lots in the subdivision. Conservation subdivisions in the rural or A/F districts are exempt, except where there are more than ten (10) contiguous residential lots averaging less than twelve thousand (12,000) square feet in size.

4. Developing Design Standards For Trails: Trail width and design standards and guidelines shall be developed in accord with the adopted trails plan.

B. Public Access, Parks And Facilities: Public access easements or the conveyance of land for public access, parks or facilities may be required for subdivisions that are contiguous to: 1) public lands; 2) public streams, lakes, ponds, wetlands or similar areas; or 3) for areas designated in a county facilities acquisition plan. If so required, the property owner shall be paid fair market value for the easement or land, or may qualify for a density bonus as part of a conservation subdivision set forth in section 12-637 of this chapter. (Ord. 501, 11-18-2008)

12-626: ENVIRONMENTAL FEATURES:

A. The subdivision shall be designed around identified natural hazards (highly erosive soils on steep slopes, landslide areas, rock falls, areas of subsidence, floodplains) to protect building sites and roads from damage from such hazards.

B. The subdivision shall meet the requirements of chapter 7, "Environmental Standards", of this title.

C. All subdivisions containing waterfront property shall conform to the following standards:

1. New lots or parcels on sites in the forestry, agricultural/forestry, rural and other zoning districts where all urban services are not available, shall maintain an average width (as measured parallel to the shoreline) of at least two hundred feet (200') for all portions of the lot or parcel within one hundred feet (100') of the shoreline. The total depth of the lot (as measured from the shoreline to the opposite end of the lot or parcel) must be deep enough to allow development to meet applicable vegetation conservation and building setback requirements per subchapter 7.1 in this title.

2. New lots or parcels not in the forestry, agricultural/forestry or rural zoning districts and containing all urban services, shall maintain an average width (as measured parallel to the shoreline) of at least one hundred feet (100') for all portions of the lot within one hundred feet (100') of the shoreline. The total depth of the lot (as measured from the shoreline to the opposite end of the lot or parcel) must be deep enough to allow development to meet applicable vegetation conservation and building setback requirements per subchapter 7.1 in this title. (Ord. 501, 11-18-2008)

12-627: SUBDIVISIONS IN THE COMMERCIAL AND RURAL SERVICE CENTER DISTRICTS:

Subdivision applicants in both districts shall demonstrate how the proposed lots are appropriate for applicable residential and/or nonresidential uses where permitted in sections 12-332 through 12-336 (tables 3-2 through 3-6) of this title. Individual lots shall be sized appropriately to accommodate permitted uses in the district, or may be designed to accommodate a particular set of permitted uses (for example, townhouses, which feature common walls and zero lot lines). The board may place conditions on the lots that restrict uses and the exact location and nature of development. (Ord. 501, 11-18-2008)

SUBCHAPTER 6.3 - CONSERVATION SUBDIVISIONS

12-630: PURPOSE:

- A. Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;
- B. Protect environmentally sensitive areas of a development site and preserve on a permanent basis open space, natural features and prime agricultural lands;
- C. Minimize water quality impacts by reducing the amount of impervious surfaces in site development;
- D. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended, or by reducing the width or length of streets; and
- E. Provide opportunities walking and hiking in open space areas. (Ord. 501, 11-18-2008)

12-631: DESCRIPTION AND DEFINITIONS:

A "conservation subdivision" is a subdivision where lots are clustered in specific areas to allow the remaining land to be used for recreation, open space, agriculture and/or preservation of features and/or structures with environmental, historical, cultural or other significance. "Conservation subdivisions" may include the following terms:

CLUSTER LOT: A cluster lot is a lot in a conservation subdivision (typically smaller than the minimum lot size for the applicable zoning district) in which residential development can occur.

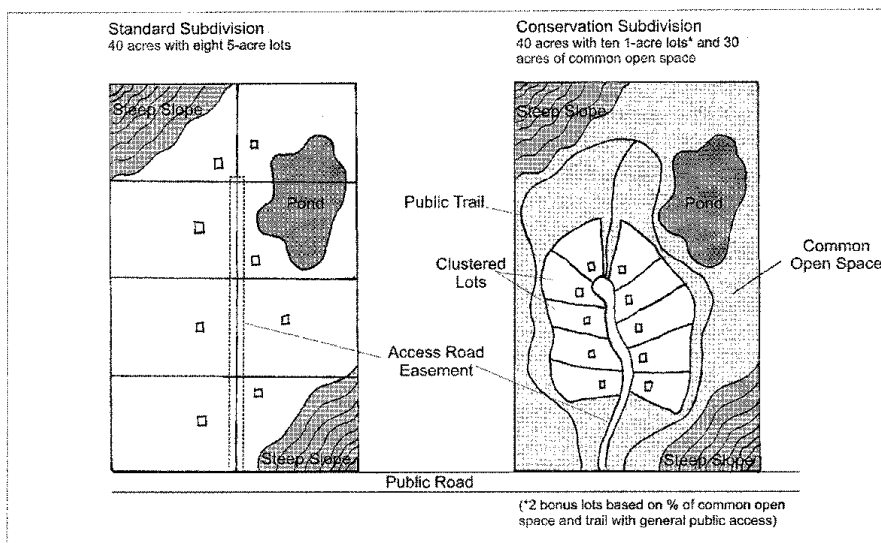
COMMON OPEN SPACE: A part of a conservation subdivision that is set aside in perpetuity as open space. This area may include freshwater wetlands, floodplains or flood hazard areas, stream corridors, recreational areas, prime agricultural lands, wildlife habitat, scenic views, historical or cultural features, archaeological sites, or other land to be protected from development, as well as easements for public utilities.

CONSERVATION LOT: A large (larger than the minimum lot size for the applicable zoning district) privately owned (not common) lot in a conservation subdivision. Such lot may incur a dwelling unit, but it will count against the overall density of a subdivision. A conservation lot may be an alternative to common open space. For example, a property owner can subdivide a portion of property into a number of smaller cluster lots and retain most of the acreage for him or herself.

DEVELOPMENT RESERVE LOT: A. An area in a conservation subdivision that is set aside for future development opportunities. For example, owners of suburban zoned land that do not yet have all urban services may choose to create a conservation subdivision to cluster lots and create a development reserve lot that allows for future development once urban water and sewer services are provided on the land.

B. Property owners can choose to utilize a combination of lot types. For instance, it is possible to have both a conservation lot and common open space in a conservation subdivision.

FIGURE 6-1



(Ord. 501, 11-18-2008)

12-632: APPLICABILITY, PROCEDURES AND PREAPPLICATION REVIEW:

- A. **Applicability:** A conservation subdivision shall be permitted as of right in any zoning district.
- B. **Procedures:** Conservation subdivisions are subject to the standard preliminary plat procedures set forth in subchapter 6.4 of this chapter.
- C. **Preapplication Review Required:** The developer or developer's representative for a conservation subdivision shall meet with the planning director or designee, prior to submitting an application. The purpose of this meeting is to discuss early and informally with the developer, the purpose and qualifying provisions of this chapter along with any known constraints in order to assist the applicant in determining the feasibility of the proposal. The preapplication review shall include a general description of the proposed subdivision, and a sketch map of sufficient scale to convey the scope and layout of the proposed subdivision. Discussions may include the concept, the applicable regulations and standards, comprehensive plan objectives and specific problems with the proposed subdivision such as impacts on roads, schools or potential conflicts with surrounding land uses. (Ord. 501, 11-18-2008)

12-633: STANDARDS AND GUIDELINES FOR ALL CONSERVATION SUBDIVISIONS:

- A. **Uses:** All principal and accessory uses authorized in the applicable zoning districts shall be allowed in the conservation subdivision. Uses not authorized by chapter 3 of this title will not be permitted in conservation subdivisions.
- B. **Development Standards:** Development standards in chapter 4 of this title for the applicable zoning district shall apply to all lots in a conservation subdivision, except where otherwise noted in this chapter.
- C. **Design Standards:** Conservation subdivisions are subject to subchapter 6.2 of this title, design standards, except where otherwise noted.

D. Minimum Lot Size: Cluster lots may be smaller than the minimum lot size for the applicable zoning district, provided the following requirements are met:

1. The minimum lot size for lots containing both individual wells and septic within the boundaries of the lot shall be two and one-half ($\frac{1}{2}$) acres.
2. The minimum lot size for lots containing either individual wells or septic (but not both) within the boundaries of the lot shall be one acre.
3. Lots may be smaller than the minimum sizes in subsections D1 and D2 of this section, provided water and sewage disposal provisions are provided within common areas via utility easements.

E. Suitable Land: Cluster lots are encouraged to be located on land most suitable for residential development. For example, where the site contains floodplains and/or wetlands, such floodplains and/or wetlands are encouraged to be designated as common open space.

F. Further Subdivision Of Cluster Lots: Cluster lots in a conservation subdivision may not be further subdivided except where in compliance with this title. For example, if a forty (40) acre conservation subdivision in the R-10 zoning district contains 4 two (2) acre lots and a thirty two (32) acre common open space is rezoned to R-5, each of the four (4) cluster lots may be split into two (2) lots to achieve maximum density per the R-5 standards, pursuant to the procedures set forth in this chapter. However, notes on the final plat as approved by the board may include other restrictions on future subdivision of the lots.

G. Wells, Sewage Disposal Facilities Within Common Open Space: Individual and/or common wells and sewage disposal facilities may be provided within designated common open space areas to allow for maximum efficiency of cluster lot design and minimize potential negative impacts to the environment. Applicable easements for the facilities shall be shown on the final plat.

H. Preservation Of Common Open Space: Common open space shall be preserved as permanent open space, except where otherwise noted in this title, and subject to the following standards:

1. A management plan is required for the designated common open space. The plan shall be submitted and approved with the preliminary plat application. The plan shall include all of the following items:
 - a. Details concerning ownership, tax liability and responsible parties for maintenance of open space.
 - b. Use of the designated common open space shall be in accordance with this title.
 - c. Details concerning permanent protection of open space.
 - d. Details on maintenance of the open space, including control of noxious weeds.
 - e. Any construction activities (trails, fencing, agricultural buildings) and vegetative clearing that may occur on site.
2. All subsequent activities must be conducted in conformance with the approved open space management plan. Open space management plans may be modified through amendment procedures for a plat alteration, but in no case shall perpetually dedicated open space be revoked.
3. The open space management plan, as described above, shall be referenced on the face of the final plat and shall be filed as a title notice.

I. Unavailable Urban Services: For conservation subdivisions in the suburban, commercial, industrial, recreation, rural service center or alpine village zoning districts where all urban services are not available, land may be set aside for future development as a "development reserve lot" if and when the applicable urban services become available. Such a lot may be privately owned or collectively owned by the owners of all subdivision lots. See subsection 12-637A2 of this subchapter for related density bonus provisions. Specific requirements for development reserve lots:

1. For such conservation subdivisions, the following title notice shall be filed on the property and adjacent properties within the plat and the wording shall additionally be placed on the face of the plat:

Lot ____, Block ____, of ____ is a development reserve lot reserved for future development when urban services become available. Future development of this parcel may include uses permitted in the applicable zoning district. The lot is not intended to be preserved in perpetuity as open space, as indicated by the consent(s) to plat recorded at Instrument #_____.

2. Applicants shall submit a sketch of a prospective future street system and lot layout on development reserve lots to demonstrate that the land can be subdivided in conformance with the design standards of this title.

J. Conservation Lot As Alternative: As an alternative to designated common open space, applicants may choose to include a large "conservation lot" that is privately owned and maintained. A conservation lot may incur a dwelling unit, provided it counts against the overall density of the subdivision.

K. Buffering, Clustering: Clustered lots shall be accessed by interior road systems. To the maximum extent possible, cluster lots shall be located so that common open space provides a buffer between the cluster lots and adjacent properties and/or right of way. When this is not possible, the development shall be designed to provide at a minimum one of the following:

1. Cluster lots that abut surrounding properties or right of way shall be at least seventy five percent (75%) of the minimum lot size standard for the subject parcel.
2. Cluster lots that abut surrounding properties or right of way shall be separated from adjacent properties or right of way by a minimum buffer strip of one hundred feet (100'). At a minimum, proposed or existing landscaping and vegetation within the buffer strip shall be of sufficient size and type to provide a buffer of vegetation six feet (6') in height and fifty percent (50%) opaque year round within three (3) years of planting. New landscaping materials shall consist of a combination of native trees and shrubs, as provided in appendix B of this title. Variations to these standards may be permitted where the applicant can demonstrate that unique topographic conditions provide sufficient buffering, such as intervening waterways, ridges or ravines or other land features. (Ord. 501, 11-18-2008)

12-634: STANDARDS FOR CONSERVATION SUBDIVISIONS IN AGRICULTURAL/FORESTRY-20 DISTRICT:

All conservation subdivisions in the A/F-20 zoning district shall use the conservation subdivision design standards set forth below:

A. Cluster lots shall be located on land least suitable FOR commercial agricultural or forestry purposes based on soil types, slopes, adjacent uses or other unique existing conditions.

B. For all lands within the A/F-20 district, cluster lots shall maintain an adequate area to accommodate applicable setbacks and sufficient separation for water and sewage disposal facilities.

C. Conditions may be placed on cluster lot development to minimize impacts to nearby agricultural uses and maintain the agricultural

character of the area. To accomplish this, building envelopes, no disturbance zones, driveway location, and planting or retaining vegetation may be required. At minimum, building envelopes for cluster lots shall provide for a minimum setback of one hundred feet (100') to any property adjacent to the parent tract.

D. More than one conservation lot may be created, provided they are at least thirty (30) acres in size.

E. The envelope area for residential development on the conservation lot shall be authorized on the plat and shall be limited to no more than one acre in size and located to maximize opportunities for agricultural use on the lot.

F. The maximum number of lots in a cluster shall be four (4), except where lots are clustered at least one hundred feet (100') from an existing road. The minimum separation of clusters of lots shall be three hundred feet (300'). (Ord. 501, 11-18-2008)

12-635: STANDARDS FOR CONSERVATION SUBDIVISIONS IN AGRICULTURAL/FORESTRY-10 AND RURAL DISTRICTS:

Cluster subdivisions in the A/F-10 and rural districts shall have the flexibility to create common open space and/or a conservation lot or lots, depending on unique site characteristics and/or interests of the applicant, provided the following requirements are met:

A. The maximum number of lots in a cluster shall be four (4), except where lots are clustered at least one hundred feet (100') from an existing road. The minimum separation of clusters of lots shall be three hundred feet (300').

B. At minimum, building envelopes for cluster lots shall provide for a minimum setback of one hundred feet (100') to any property adjacent to the parent tract.

C. Multiple dwelling units may be included on individual lots, provided the subdivision meets applicable density requirements and other requirements in this title. (Ord. 501, 11-18-2008)

12-636: STANDARDS FOR CONSERVATION SUBDIVISIONS IN SUBURBAN, RECREATION AND ALPINE VILLAGE DISTRICTS:

Conservation subdivisions in these districts shall have the flexibility to create common open space, a conservation lot or lots, and/or development reserve lots, depending on unique site characteristics and/or interests of the applicant, provided the following requirements are met:

A. Minimum Lot Size: There is no minimum lot size for cluster lots, provided the subdivision meets the density requirements specified in this title. However, cluster lots shall be sized sufficiently to meet applicable setbacks and other requirements in this title, unless otherwise noted herein.

B. Development Reserve Lots: All subdivisions that do not contain urban services are encouraged to use clustering techniques that allow for future development at urban densities. To accomplish this, applicants may designate an area or areas "development reserve lot" that can be further subdivided when urban services become available. See subsection 12-633I of this subchapter for related development reserve lot requirements. See subsection 12-637A2 of this subchapter for related density bonus provisions.

C. Reduction In Setbacks: Front, side and/or rear yard setbacks may be reduced to accomplish design objectives for the development, provided other applicable standards in this title are met.

D. Multiple Dwelling Units: Multiple dwelling units may be included on individual lots, provided the subdivision meets applicable density requirements and other requirements in this title.

E. Common Open Space: Applicants are encouraged to set aside at least twenty percent (20%) of the land as common open space, or recreational facilities for the residents of the subdivision. (Ord. 501, 11-18-2008)

12-637: DENSITY BONUSES FOR CONSERVATION SUBDIVISIONS:

A. Exceptions To Qualifying Subdivisions: All conservation subdivisions shall qualify for bonuses, except:

1. Sites within the F and I districts.

2. Sites within the S, REC and AV districts where all urban services are not available may qualify for density bonuses only under the following conditions:

a. Lots are clustered in a way that allows for the future resubdivision at urban densities and/or permanent common open space. See subsection 12-633I of this subchapter for requirements for development reserve lots, and subsections B through D of this section.

b. Dry line sewer and water lines servicing all lots less than one acre in size shall be installed prior to occupancy of the applicable lot's first dwelling unit.

c. A sewer management agreement must be incorporated into the final plat requiring that applicable lots be connected to sewer and water systems should those systems be extended to the boundaries of the subdivision. Applicable septic systems and wells must be abandoned once the urban sewer and/or water services are operational.

3. Sites where more than fifty percent (50%) of the land includes floodways and wetlands (as determined from a professional wetlands delineation or from the U.S. fish and wildlife service national wetland inventory maps).

B. Common Open Space:

TABLE 6-1

DENSITY BONUS FOR COMMON OPEN SPACE

Numbers in parentheses refer to additional standards located below the table.

Amount Of Common Open Space (Percent Of Site) (2)	Maximum Percentage Increase In Approved Building Lots (1)	
	A/F-10, R-5 (3)	A/F-20 And R-10 Districts S, AV, C, REC And RSC Districts (4)
10 percent - 19 percent	0 percent	0 percent

20 percent - 29 percent	10 percent	Bonus percentage increase equal to percentage of common open space.
30 percent - 39 percent	20 percent	
40 percent - 49 percent	30 percent	
50 percent - 79 percent	40 percent	
80 percent or more	50 percent	

Standards:

1. To qualify for the full bonus percentages here, the common open space must comply with applicable requirements of subsection 12-256A of this title.
2. Common open space percentages may be rounded off to the nearest whole percentage.
3. Planned unit development subdivisions shall not exceed 150 percent of the density allowed by the underlying zoning district through provision of common open space percentages and other density bonus actions listed in table 6-2 below. For example, an applicant with 40 acres in the R-5 district [normally allowed a maximum of 8 lots] may qualify for up to 12 lots via common open space and other bonus actions.
4. Planned unit development subdivisions shall not exceed 200 percent of the density allowed by the underlying zoning district through provision of common open space percentages and other density bonus actions listed in table 6-2 below. For example, an applicant with 40 acres in the R-5 district [normally allowed a maximum of 8 lots] may qualify for up to 16 lots via common open space and other bonus actions.

C. Density Bonus For Other Actions:

TABLE 6-2

DENSITY BONUS FOR OTHER ACTIONS

Density Bonus Action	Maximum Percentage Increase in Approved Building Lots
1. Provide subdivision residents with usable access to adjacent lakes, streams or public lands. The access must meet the minimum trail/pathway design standards specified in section 12-625 of this chapter.	5 percent
2. Provide general public with usable access to common open space, adjacent lakes, streams or public lands. (Note: This option is in lieu of, not in addition to, action 1.) The access must meet the minimum trail/pathway design standards specified in section 12-625 of this chapter.	15 percent
3. Provide a sidewalk or pathway system that connects each lot in the subdivision per the design standards in section 12-625 of this chapter.	5 percent if open only to subdivision residents. 15 percent if open to the general public.
4. Provide other public amenities. The board may approve bonus lots for other improvements and amenities, both on and off site, where the applicant can successfully demonstrate that the proposed improvements/amenities benefit the public. See subsections D and E of this section for examples and requirements. Improvements required to mitigate impacts shall not be used to earn bonus lots.	Up to 25 percent
5. Bonus for urban sewer (where not required to achieve given density) (i.e., suburban using "urban sewer" to get to smaller acres)	25 percent

D. Public Amenities: Below are public amenities that can be provided to obtain a density bonus. All are subject to approval by the board:

1. Construct recreational improvements that are available for the use by the general public. Improvements may include, but are not limited to, play fields, picnic shelters, children play areas and indoor recreational facilities. Applicants must successfully demonstrate that the improvements are safe, accessible and desirable to the general public.
2. Construct public facilities such as schools, fire stations or libraries. To qualify, the land and/or facilities must be accepted by the applicable public agency. The land itself set aside for such public use shall be considered as common open space for the purposes of obtaining a density bonus.
3. Pave roadways (where they are not required to be paved).
4. Provide environmental improvements as certified by wetlands, plant or other biologists having expert knowledge of the specific environmental feature. An example could be replacement of nonnative vegetation with native vegetation in common open space areas. Such improvements are particularly desirable in and around wetland areas and designated critical wildlife habitat.
5. Provide off site road improvements (above and beyond what is required by board for subdivision approval).

The applicant shall include a cost estimate for the proposed public amenity improvements prepared by a professional construction estimator, registered general contractor, engineer, architect or landscape architect, which shall be submitted with the application. The cost estimate shall be limited to physical improvements, labor and utility costs associated with the proposed public amenity feature.

E. Requirements For Density Bonus: To qualify for a density bonus, the proposed public amenity must meet the following requirements:

1. Applicants must successfully demonstrate how the improvements benefit the public.

2. The percentage of density bonus shall be commensurate with the cost of the applicable improvements per the following scale:

Cost of proposed improvements = \$Y

Density bonus = Extra lot or lots* valued at the equivalent of two (2) times the cost of proposed improvements (2 x Y) up to a maximum density bonus of twenty five percent (25%).

*The average value of lots in the proposed subdivision as determined by a state licensed appraiser at the time the application is submitted. The appraised value shall take into account the average size of proposed lots, proposed physical improvements (including proposed amenities), and locational attributes.

For example, if the applicant proposes off site road improvements costing an estimated fifty thousand dollars (\$50,000), the applicant is then eligible for a bonus lot or lots equaling up to one hundred thousand dollars (\$100,000.00) in assessed value. If a state licensed appraiser concludes that the average market value for one of the proposed cluster lots is fifty thousand dollars (\$50,000.00), then the applicant qualifies for up to two (2) additional lots (provided the extra lots do not exceed 25 percent of the total density of the subdivision). (Ord. 501, 11-18-2008)

SUBCHAPTER 6.4 - PRELIMINARY PLAT PROCEDURES

12-640: PROCESSING OF SUBDIVISION APPLICATIONS, GENERAL:

The requirements and procedures set forth at sections 12-641 through 12-648 of this subchapter shall apply to the processing of all applications for subdivisions to which this chapter is applicable, except for applications which are eligible for processing as short plats (as set forth in section 12-660 of this chapter), or for processing as lot line adjustments (as set forth in subchapter 6.7 of this chapter), or for processing condominium projects (as set forth in subchapter 6.8 of this chapter). (Ord. 501, 11-18-2008)

12-641: SUBDIVISIONS, PREAPPLICATION REVIEW:

A. Any person contemplating a subdivision is encouraged to contact the planning department prior to the submission of the application for discussion of the procedures, standards and criteria which are applicable to the proposed subdivision.

B. The preapplication review shall include a general description of the proposed subdivision, and a sketch map of sufficient scale to convey the scope and layout of the proposed subdivision.

C. Discussions may include the concept, the applicable regulations and standards, comprehensive plan objectives and specific problems with the proposed subdivision, such as impacts on roads, schools or potential conflicts with surrounding land uses. (Ord. 501, 11-18-2008)

12-642: PRELIMINARY PLAT, CONTENTS OF APPLICATION:

A complete application shall include the following:

A. Application form, available in the planning department to be completely filled out, including legal owner's signature (or a letter from the holder of legal title authorizing the application to file for the subdivision), and a copy of purchasing agreement.

B. One print of a preliminary plat prepared by an Idaho licensed surveyor showing the parcel or parcels to be divided clearly and legibly drawn at a scale suitable to ensure the clarity of all lines, bearings and dimensions. This plat shall include the following:

1. Subdivision name, geographic grid (township, range and tier section number and location within the section), north arrow, and vicinity map showing location and boundary of the proposed tract and existing road pattern in the vicinity.

2. Boundary lines of the tract to be subdivided drawn to scale, together with intersecting property lines, abutting public and private roads, and names and addresses of adjoining owners shown in their respective places of ownership on the plat.

3. The location, dimensions and area (in acres) of proposed lots. All proposed lots shall be numbered or in a systematic order.

4. The location, dimensions and tentative names of proposed streets and roads.

5. Sufficient contours to show the shape of the land and extending at least one hundred feet (100') beyond the subdivision limits (use of USGS map acceptable).

6. Location of all watercourses, floodplains as delineated on flood insurance rate maps or base flood elevations, the elevations derived from flood insurance rate maps, and approximate areas subject to inundation of stormwater overflow.

7. Existing wells, springs, wetland boundaries as depicted on national wetlands inventory maps or as delineated by a professional authorized by the U.S. army corps of engineers to perform wetland delineations, drainage channels, overhead and underground utility lines, structures, sanitary sewers and culverts within the tract and immediately adjacent thereto.

8. Proposed method of water supply, sewage disposal and solid waste disposal.

9. All easements of record, including sufficient recording data to identify the conveyance.

10. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.

11. A statement setting forth the intended land use of the parcels, i.e., residential, agricultural, commercial, industrial or other appropriate land use classifications.

C. The application shall be accompanied by the following:

1. Application fee as set forth at section 12-265 of this title.

2. Preliminary subdivision road design plan and profile, prepared, stamped and signed by an Idaho licensed engineer demonstrating ability to comply with the minimum applicable road standards for all new or reconstructed roads proposed to serve the subdivision.

3. Any other information required by this title or necessary for consideration of the application.

D. The applicant is not required to have a land survey performed on the proposed subdivision until after approval of the preliminary map by the governing body. (Ord. 501, 11-18-2008)

12-643: SUBDIVISIONS, PROCEDURE FOR PROCESSING PRELIMINARY PLAT:

A. The applicant shall file an application for a preliminary plat with the planning department, pursuant to the procedures of section 12-268 of this title.

B. The commission shall hold the public hearing on the application for preliminary plat, in accord with the procedures set forth in subchapter

2.6 of this title. The commission shall consider the application for the preliminary plat, any comments received, the facts on the record and may:

1. Recommend approval of the application for preliminary plat, as presented;
2. Recommend approval of the application for preliminary plat, as modified in any particular;
3. Continue the public hearing on the preliminary plat pending changes to be made in the application, the subdivision design or the receipt of additional information; or
4. Recommend denial of the application for preliminary plat.

C. The commission shall make its recommendation to the board, at the close of the public hearing, explaining the reasons for its recommendation and citing the ordinance standards and comprehensive plan provisions used in making its recommendation and findings and conclusions in support of its recommendation.

D. Upon receipt of the commission recommendation, the planning director shall proceed to schedule the application for preliminary plat for the next available public hearing date before the board, allowing sufficient time for published public notice at least fifteen (15) days prior to the date of the public hearing in one issue of the official county newspaper, and mailed notification to landowners as required at section 12-217 of this title. Such notices shall contain the applicant's name, a description of the proposed subdivision, its general location and the date, time and place of the public hearing.

E. The board shall hold the public hearing on the application for preliminary plat, in accord with the procedures set forth in subchapter 2.6 of this title. The board shall consider the facts of the application, any comments received, the facts on the record, the relevant ordinance standards and comprehensive plan provisions, testimony and evidence received at the public hearing conducted by the commission, the recommendation of the commission, and any action taken by an affected city council.

F. The board may:

1. Approve the application for preliminary plat, as presented;
2. Approve the application as modified in any particular;
3. Continue the public hearing on the preliminary plat pending changes to be made in the application, the subdivision design or the receipt of additional information; or
4. Deny the application for preliminary plat.

G. The board shall set forth its decision in writing explaining the reasons for its decision, and citing the ordinance standards and comprehensive plan provisions used in making its decision and findings of fact and conclusions in support of its decision. If the board denies the application for preliminary plat, the board shall also set forth in writing the actions (if any) the applicant could take to obtain approval.

H. As a part of its decision approving an application for a preliminary plat, the board may require the completion of improvements (such as roads, utilities or stormwater management controls) prior to final plat approval. Improvements not completed prior to final plat approval are subject to surety agreements pursuant to section 12-644 of this subchapter. In addition to the standards set forth in this chapter, the board may stipulate conditions to be placed on the final plat, provided evidence of record is sufficient to so warrant, which may include:

1. Minimizing adverse impacts on adjacent properties;
2. Designating the exact location and nature of development;
3. Requiring the provision of on or off site public facilities or services;
4. Assuring the development is maintained properly;
5. Provisions for setbacks that are greater than the minimum standards set forth in this title to mitigate effects of the development on wildlife, fisheries, wetlands, adjoining properties, or to reduce hazards due to floodplain, floodways, steep slopes or other physical constraints of the land, provided evidence is deemed sufficient to warrant greater setbacks;
6. Safeguards to protect adjoining properties.

I. The preliminary plat shall be valid for a period not to exceed two (2) years from the date of approval. At any time prior to the expiration date of the preliminary plat, an applicant may make a written request to the planning director for a single extension of the preliminary plat for a period up to two (2) years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied prior to the expiration date of the preliminary plat. (Ord. 501, 11-18-2008)

12-644: IMPROVEMENT PLAN REQUIRED, CONTENTS:

A. After the preliminary plat is approved, the subdivider shall have an improvement plan for the subdivision prepared by a registered civil engineer. Two (2) copies of the improvement plan shall be filed with the county engineer. This plan shall include the following:

1. The subdivision name and number, geographic grid (township, range and tier, section number and location within the section), north arrow, date and scale no smaller than one hundred feet to the inch (1" = 100').
2. The plan and profile of all proposed roads showing final grades and cross sections of roads in accord with the requirements contained in title 2 of this code.
3. The plan and profile of proposed sanitary and stormwater systems with grades and sizes indicated. Drain calculations may be required.
4. A grading plan, showing stormwater drainage for each lot.
5. Any other improvements such as curbs, gutters, sidewalks, bridges, lift stations, fire hydrants, streetlighting, etc., as required, and in accord with the requirements contained in title 2 of this code.

B. The county engineer, or his representative, shall check inspection reports of the applicant's engineer and shall perform a final inspection and additional inspections (if called for). Construction and inspection of road improvements shall be completed in accord with the requirements contained in title 2 of this code or appendix A of this title.

C. In lieu of completing all improvements as required before final plat recording, the subdivider shall enter into a surety agreement with the board agreeing to complete the improvements in accordance with surety agreement conditions and preliminary and final plat approvals. A cash deposit, certificate of deposit, corporate surety bond written by an insurance company licensed in Idaho having a rating from AM Best & Company of "A" or better, letter of credit issued and backed by a federal or state chartered bank, is required equivalent to one hundred fifty

percent (150%) of the project engineer's estimated cost of construction of the improvements for the purpose of guaranteeing completion of the work and repair of any defects in improvements which occur within one year of the first acceptance of the completed work by the board. Sureties guaranteeing the work and repair of any defects in improvements which occur within one year after first acceptance of the completed work by the board may be reduced by the board by one-half ($\frac{1}{2}$) for that one year. The surety agreement shall be valid for a period not to exceed two (2) calendar years from the date of approval. At any time prior to the expiration date of the surety agreement, the subdivider may make a written request to the planning director for a single extension of the surety agreement for a period up to two (2) years. The board may consider such request for extension at any regular business meeting. The extension request must be approved or denied by the board prior to the expiration date of the surety agreement. (Ord. 501, 11-18-2008)

12-645: STANDARDS FOR REVIEW OF APPLICATIONS FOR PRELIMINARY PLATS OF ALL SUBDIVISIONS:

The commission shall apply the following standards in making its recommendation, and the board shall apply the following standards in rendering its decision on all applications for preliminary plat:

- A. The proposed subdivision is in accord with the purposes of this title and of the zone district in which it is located.
- B. The site is physically suitable for the proposed development.
- C. The design of the proposed subdivision will not adversely impact Bonner County's natural resources, as identified in the comprehensive plan. Any adverse impacts or potential for impacts shall be mitigated as a condition of approval.
- D. The public and private services, including, but not limited to, water, sewer services, solid waste, fire protection, emergency services, and school facilities and transportation, which will serve the proposed subdivision are adequate for the needs of future residents or users.
- E. The proposed subdivision will not cause circumstances to exist that will cause future residents or the public at large to be exposed to hazards to health or safety.
- F. The design of the proposed subdivision or related improvements will provide for coordinated access with the county system of roads and with adjacent properties, and will not impede the use of public easements for access to, or through the proposed subdivision. The proposed transportation system is designed to adequately and safely serve the future residents or users without adversely impacting the existing transportation system by reducing the quality or level of service or creating hazards or congestion.
- G. The proposed subdivision is designed to comply with the design criteria for subdivisions set forth in subchapter 6.2 of this chapter. (Ord. 501, 11-18-2008)

12-646: FINAL PLAT, CONTENTS:

The final plat shall conform with the following items:

- A. A distinct subdivision name, consistent with the provisions of Idaho Code section 50-1307. For the purposes of this section, the subdivision name shall be considered distinct if the exact name, either pronounced the same or similarly spelled, has not been used previously.
- B. Names of the subdivider and the engineer or surveyor.
- C. The "initial point" and description thereof, shall be indicated on the drawing and the location and description in conformance with Idaho Code.
- D. Street lines of all existing or recorded streets, principal property lines, patent lines, Township lines or section lines, intersecting, crossing or contiguous to the subdivision (which should be mathematically tied to the lines of the subdivision by distances and bearings) and the status of adjoining property shall be indicated (name of subdivision or unplatted area).
- E. The accurate location and description and filing of all monuments shall be in accordance with the Corner Perpetuation and Filing Act, Idaho Code title 55, chapter 16.
- F. The length and bearings of the lines of all lots, streets, alleys and easements as laid out, length of arc, points of curvature, radii and tangent bearings in the case of curved lines (the system of lengths and bearings of the boundary lines).
- G. All lots shall be numbered consecutively in each block, and each block lettered or numbered as set forth at Idaho Code section 50-1304. Unique block numbers shall be assigned for lots separated by streets, public land, railroad rights-of-way, waterways or any other barriers to the continuity of the development. All streets shall bear the street or road name as it appears on the official road name list.
- H. The accurate outline of all property that is offered for dedication for public use, with the purpose indicated thereon and all property owners in the subdivision and conform with Idaho Code.
- I. Private restrictions, if any.
- J. North point, graphic scale and date.
- K. A certificate of a licensed engineer or surveyor of the State to the effect that the plat represents a survey made by him that all of the monuments, shown thereon, actually exist and that their positions are as shown.
- L. Location of all watercourses, base flood elevations, the elevations derived from flood insurance rate maps, and approximate areas subject to inundation of stormwater overflow.
- M. Wetland boundaries and any proposed easements or easements of record for drainage, channels, overhead and underground utility lines, sanitary sewers and water systems within the tract. (Ord. 501, 11-18-2008; amd. Ord. 590, 6-12-2019)

12-647: ENDORSEMENTS TO BE SHOWN ON FINAL PLAT:

The final plat shall also contain the following information:

- A. Owner's certificate. A notarized description of the property encompassed by the plat, dedications and restrictions.
- B. A place for the Planning Director's approval.
- C. A place for the County Surveyor's approval.
- D. A place for Panhandle Health District approval or the Sanitary Restriction as allowed by I.C. 50-1326.
- E. A place for Board approval.
- F. A place for the County Treasurer's approval.

G. A place for the Recorder's signature.

H. A place for city approval if within an Area of City Impact.

I. A place for the lienholder's approval. The lienholder's approval may be excluded from any plat that does not contain dedications of land to the public, provided the landowner proves the lienholder has received notice by certified mail of the pending subdivision. (Ord. 501, 11-18-2008; amd. Ord. 524, 1-11-2012; Ord. 607, 7-22-2020)

12-648: PROCEDURE FOR FINAL PLAT REVIEW AND APPROVAL:

A. Upon the payment of final plat check fees, as set forth at section 12-265 of this title, and receipt of a copy of a current preliminary title report, and one blueprint copy of the proposed final plat, the Planning Director shall cause a review of the proposed final plat to verify conformance with the provisions of this title and the conditions of preliminary plat approval.

B. The applicant shall prepare a final plat which conforms to the requirements for final plats set forth at Idaho Code section 50-1304, bearing the endorsement certificates as required at section 12-647 of this subchapter and Idaho Code title 50, chapter 13.

C. Upon receipt of such plat, and the payment of the plat checking fee as set forth at section 12-265 of this title, the Planning Director shall cause an examination of such plat by endorsing agencies and a licensed surveyor, registered in the State of Idaho for checking in accordance with the requirements of Idaho Code section 50-1305. When such agencies have signed the plat and all plat certificates, except those of the Board, Recorder and Planning Director have been endorsed, the Planning Director shall place the request for final plat approval on the agenda for the next available meeting of the Board of County Commissioners.

D. The Board shall approve the final plat when:

1. The final plat conforms to the requirements of Idaho Code and this Code; and
2. The final plat conforms with the approved preliminary plat; and
3. The conditions of preliminary and final plat approval have been completed or financially guaranteed pursuant to the provisions of this chapter.

E. The Board may continue consideration of the final plat approval to a date and time certain to allow receipt of additional information regarding any aspect of the final plat or its conditions of approval. (Ord. 501, 11-18-2008)

12-649: DIGITAL SUBMISSION OF FINAL PLAT:

A. In addition to the hard copy final plat submitted for recordation, applicants are required to submit a digital copy of the subdivision plat. The digital copy submission shall not substitute for any contents of the final plat listed above. The digital copy submission will expedite the subdivision process as well as provide economies in maintaining an accurate Countywide parcel base map in geographic information systems. The following are required:

1. Digital files should be submitted in AutoCAD or other approved computer aided drafting (CAD) software format with a submission form or directly to the Geographic Information Systems Department via e-mail.
2. The digital files should be named according to naming conventions.
3. The digital file should include all appropriate layers.
4. There shall be an indication of whether the submission is tied to control and to which control.
5. If projected, the projection parameters should be provided with the file. (Ord. 572, 10-25-2017)

SUBCHAPTER 6.5 - SHORT PLATS, PROCEDURES

12-650: APPLICATION/CONTENTS OF PRELIMINARY PLATS FOR SHORT PLAT PROCEDURE:

A. Purpose: To define the procedures for which an administrative approval may be granted for the development of five (5) to ten (10) lots; to encourage small scale development which conforms to the intent and scope of the Bonner County comprehensive plan by providing a means for land development other than the regular subdivision process; and to expedite the subdivision approval of developments that conform with the comprehensive plan and this chapter. The procedures of a regular subdivision apply to the short plat with the exceptions as outlined in this section.

B. Application: Applications for short plats which contain five (5) to ten (10) contiguous lots under common ownership may be processed as "short plats" as set forth in sections 12-651 through 12-652 of this subchapter.

C. Permit Required: Lots created by a short plat, shall only be eligible for one short plat for a period of not less than two (2) years. Land divisions done prior to the end of the two (2) year period shall be processed as a subdivision.

D. Contents: The contents of the preliminary short plat shall include all of the items set forth in subchapter 6.2 of this chapter. (Ord. 557, 11-10-2016; amd. Ord. 607, 7-22-2020)

12-651: SHORT PLAT, PROCEDURE FOR APPROVAL OF PRELIMINARY SHORT PLAT:

A. The applicant shall file an application for a preliminary short plat with the planning department, pursuant to the procedures of section 12-268 of this title.

B. Upon the determination of the planning director that an application is complete, the planning department shall:

1. Send copies of the application, by first class mail, to public agencies and entities pursuant to section 12-268 of this title.
2. Provide notice of the proposed short plat by first class mail to all property owners of record within three hundred feet (300') of the external boundaries of the land being considered. The notice shall, at a minimum, include the applicant's name, a description of the proposed short plat and the general location of the property. The notice shall advise of a thirty (30) day written comment period beginning the day after notice is mailed.
3. Provide notice to the official county newspaper of record. The notice shall provide a summary of the proposal and advise of the thirty (30) day comment period.
4. When a short plat is in an area of city impact (ACI) the notice requirement shall be forty (40) days.

C. At the close of the comment and review period and upon a determination by the planning director that the agency review comments have been addressed by the applicant, the planning department shall issue a staff report containing, at a minimum, proposed findings, conclusions

and conditions of approval and a recommendation for action. Any response to the staff report by the applicant or interested parties shall be received by the planning department not later than ten (10) days after the issuance of the report.

D. Following the ten (10) day response period, the planning director shall consider the application for the preliminary short plat, any comments received, the facts on the record and the standards for considering the short plat application and may:

1. Approve the preliminary short plat, as presented;
2. Approve the preliminary short plat, as modified in any particular;
3. Continue action on the short plat to a date certain, pending changes to be made in the application, the short plat design or the receipt of additional information;
4. Deny the application for preliminary short plat;
5. Recommend the board conduct a public hearing pursuant to the public hearing noticing requirements and procedures set forth in subchapter 2.6 of this title, based upon the extent of public comment or other contested factors in the case which warrant a full hearing before the board. This option may be selected at any time following the initiation of the review and comment period when evidence of the record supports it, to ensure prompt processing of the application for hearing.

E. The planning director shall render a decision in writing, setting forth the ordinance provisions and standards used, all comments received from the neighbors and agencies, the facts of the application and such conclusions as support the decision. If the planning director denies the preliminary short plat, the planning director shall specify in the decision the actions, if any, which the applicant could take to obtain approval.

F. As a part of its decision approving an application for a preliminary plat, the planning director may require the completion of improvements (such as roads, utilities or stormwater management controls) prior to final plat approval. Improvements not completed prior to final plat approval are subject to surety agreements pursuant to section 12-644 of this chapter. In addition to the standards set forth in this chapter, the planning director may stipulate conditions to be placed on the final plat provided evidence of record is sufficient, which may include:

1. Minimizing adverse impacts on adjacent properties.
2. Designating the exact location and nature of development.
3. Requiring the provision of on or off site public facilities or services.
4. Assuring the development is maintained properly.
5. Provisions for setbacks that are greater than the minimum standards set forth in this title to mitigate effects of the development on wildlife, fisheries, wetlands, adjoining properties, or to reduce hazards due to floodplain, floodways, steep slopes or other physical constraints of the land, provided evidence is deemed sufficient to warrant greater setbacks.
6. Safeguards to protect adjoining properties.

G. The preliminary short plat shall be valid for a period not to exceed two (2) calendar years from the date of approval. At any time prior to the expiration date of the preliminary short plat, an applicant may make a written request to the planning director for an extension of the preliminary short plat for a period up to two (2) years, finding that conditions or applicable regulations have not changed so substantially as to warrant reconsideration of the proposed subdivision with respect to the public health, safety, and general welfare. The planning director may recommend such request for extension at any regular business meeting of the board of commissioners. The extension request must be approved or denied prior to the expiration date of the preliminary short plat.

H. Any determination made by the planning director in the administration of this section may be appealed to the board by notifying the planning director in writing of the intent to appeal within ten (10) calendar days from the date of the determination. Upon receipt of the appeal, the planning director shall schedule the application for a public hearing before the board, allowing sufficient time for notice. The board shall conduct a public hearing and consider the application, in accord with the procedures set forth in subchapter 2.6 of this title.

(Ord. 557, 11-10-2016)

12-652: SHORT PLAT, CONTENTS OF FINAL PLAT, PROCEDURE FOR APPROVAL OF FINAL PLAT:

- A. The contents of the final plat for short plats processed under the short plat procedure shall be as set forth in section 12-646 of this chapter.
- B. The procedure for processing final plats of short plats utilizing the short plat procedure shall be as set forth in section 12-648 of this chapter. (Ord. 557, 11-10-2016)

SUBCHAPTER 6.6 - MINOR LAND DIVISIONS

12-660: MINOR LAND DIVISION PROCEDURE:

- A. Purpose: To ensure that land divisions comply with the applicable zoning regulations; to establish a ministerial review of all land divisions; and to expedite the process for those small divisions of land that conform to the existing zone regulations in which the division lies.
- B. Procedure: Applications for a minor land division which contain four (4) or fewer contiguous lots under common ownership may be processed as "minor land divisions" as set forth in this section and section 12-661 of this subchapter; provided, that no planned unit development is requested to accommodate the proposed lot sizes. (Ord. 581, 10-24-2018)
- C. Permit Required: Lots created by a minor land division, shall only be eligible for one minor land division for a period of not less than two (2) years. Land divisions done prior to the end of the two (2) year period shall be processed as a subdivision or short plat.
- D. Application: The application for a minor land division shall include:
 1. Application: Prior to recordation of a deed or MLD plat, each application for a minor land division shall be submitted on a form provided by the Planning Department with appropriate fees approved by the Board of County Commissioners.
 2. Design Criteria: The MLD shall conform to the following design criteria:
 - a. Any new and existing easements or roads showing access to each property, considering alignment with existing or planned roads.
 - b. All proposed lots which are three hundred feet (300') or less in width shall maintain a depth to width ratio of not greater than three to one (3:1); and lots which are more than three hundred feet (300') in width shall maintain a depth to width ration of not greater than four to one (4:1). All proposed lots one hundred feet (100') or less in width shall be designed so that the angle of intersection for the side lot lines with the fronting road is between eighty five (85) and ninety five degrees (95), for a distance of not less than fifty feet (50') from the point of intersection.

Submerged lands are exempt from the requirements herein.

c. Lands below the applicable natural or ordinary water mark, or the applicable artificial high water mark, of any lake, river, stream, channel or other body of public water shall not be counted in the calculations for determining the maximum density for a subdivision. For example, if a forty (40) acre parcel in the R-5 zoning district contains thirty (30) acres submerged under Lake Pend Oreille's artificial high water mark, then the parcel contains ten (10) "usable" acres for the purpose of determining the maximum density in a subdivision.

d. The division shall be designed around identified natural hazards (highly erosive soils on steep slopes, landslide areas, rock falls, areas of subsidence, floodplains) to protect building sites and roads from damage from such hazards.

e. All plats shall include the sanitary restriction or the sanitary restriction lift per Idaho Code 50-13266.

f. The lot size minimum shall be appropriate for the zone in which the division is located.

g. Resulting lots shall not be divided by boundary of any city, county, zoning designation, railroad right-of-way, or public right-of-way.

3. MLD Plat: The legal description and MLD plat shall be prepared by an Idaho State registered land surveyor and shall include the plat certifications, descriptions, approvals and comments as set forth in sections 12-646, 12-647 and 12-649 of this chapter.

(Ord. 501, 11-18-2008; amd. Ord. 557, 11-10-2016; Ord. 581, 10-24-2018; Ord. 591, 10-23-2019)

12-661: ADMINISTRATIVE REVIEW OF MINOR LAND DIVISION:

Upon receipt and review of completeness, the planning and zoning department shall:

A. Review the MLD plat and supplemental information to determine compliance with these ordinances and prepare its report, which shall include comments received from other departments.

B. Distribute the application to the county surveyor, the Assessor, the road and bridge department, GIS and floodplain administrator for review and compliance.

C. Based on the above findings, the planning director shall approve, conditionally approve, or deny the application within thirty (30) days, from the date a completed application was stamped received.

D. Once the director has made a recommendation, the MLD plat map and the legal descriptions shall be signed as approved and transmitted to the board of county commissioners at the next business meeting for review and possible approval.

(Ord. 557, 11-10-2016; amd. Ord. 591, 10-23-2019)

SUBCHAPTER 6.7 - LOT LINE ADJUSTMENTS

12-670: READJUSTMENT OF LOT LINES WITHIN PLATTED SUBDIVISION:

A. The procedures set forth in sections 12-671 through 12-673 of this subchapter shall be used to process applications for "minor notational changes", as defined in section 12-813 of this title, and any adjustment of platted lot lines between two (2) or more existing adjacent lots or parcels where land taken from one lot or parcel is added to an adjacent lot or parcel, but not to include readjustments where public right of way is proposed for dedication. Where dedication is proposed, the procedures for short plats, as set forth in this chapter, shall be followed. Applications for readjustment may include:

1. The combining of two (2) or more lots.

2. Any adjustment of lot lines where no additional lots or parcels than originally existed are created; and where no lot or parcel is reduced below the minimum lot or parcel size for the zoning district in which the lots or parcels are located, except that if a lot or parcel is already below the minimum lot or parcel size, the lot or parcel shall not be further reduced in size and none of the reconfigured lots shall be smaller than the smallest original lot or parcel.

B. The board shall retain the authority to make a final determination when any question should arise as to whether the provisions of this section are applicable under any particular circumstance.

(Ord. 501, 11-18-2008; amd. Ord. 591, 10-23-2019)

12-671: APPLICATIONS FOR ADJUSTMENT OF LOT LINES, MINOR NOTATIONAL CHANGES:

A. All applications made pursuant to this section shall be submitted to the Bonner County planning department. Any person contemplating a lot line adjustment/minor notational change is encouraged to contact the planning director prior to submission of the application for discussion of procedures, standards and criteria which are applicable to the proposed application.

B. All applications for readjustments of lot lines and minor notational changes shall include:

1. Paper copies of the final plat prepared by an Idaho licensed professional land surveyor containing the minimum information required at subsection 12-642B3 and sections 12-646 and 12-647 of this chapter, the requirements for plats set forth in Idaho Code title 50, chapter 13, and depicting the location of existing structures and wells.

2. Additional information reasonably required for a thorough review of the application as may be requested by the planning director.

3. A copy of the current preliminary title report.

C. Applications shall additionally include one copy of the plat currently recorded marked to clearly indicate the proposed changes to the plat.

D. No application submitted pursuant to this subsection shall be deemed complete nor any plat recorded, until all fees set forth at section 12-265 of this title have been paid, unless waived by the board.

E. Applications for lot line adjustments shall conform to the design criteria for subdivisions as set forth in sections 12-620 and 12-621, and subsections 12-624B, C and D of this chapter.

(Ord. 501, 11-18-2008; amd. Ord. 591, 10-23-2019; Ord. 607, 7-22-2020)

12-672: PROCEDURE FOR ADMINISTRATIVE REVIEW AND APPROVAL OF ADJUSTMENTS OF LOT LINES, MINOR NOTATIONAL CHANGES:

A. The applicant shall file an application for a readjustment of lot lines or minor notational change with the planning director, who shall have reasonable time to examine the application to determine its completeness, with regard to the requirements for said application as set forth at section 12-671 of this subchapter. If the application is determined to be incomplete, the planning director shall inform the applicant in writing of

additional items or information necessary to complete the application.

B. Upon the determination of the planning director that an application is complete, the planning director shall cause a report to be made specifying whether the application is in conformance with the provisions of this chapter, and if not, the changes that could be made in the application to bring it into conformance.

C. The planning director shall consider the facts of the application and the relevant ordinance standards and shall approve the application as presented or subject to specific modifications upon finding adequate evidence that:

1. No additional lots are being created and no lot is being reduced below the minimum lot size required by zoning; and
2. The proposed lot line adjustment is in accord with the purposes of this title and of the zone district in which it is located.

D. The planning director shall set forth the decision in writing explaining the reasons for the decision, and citing the ordinance standards used in making the decision and findings of fact and conclusions in support of the decision. If the planning director denies the application, the planning director shall also set forth in writing the actions, if any, the applicant could take to obtain approval.

E. Changes in an approved application, resulting in the modification of the terms and conditions of approval, may be approved by the planning director upon a written request by the applicant provided:

1. No additional lots are created;
2. The changes are consistent, and substantially conform, with the original preliminary plat approval; and
3. The changes do not result in any violation of the provisions of this title.

F. Any decision or determination made by the planning director in the administration of the provisions of this section may be appealed to the board as set forth at section 12-261 of this title.

G. The lot line adjustment application approval shall be valid for a period not to exceed two (2) calendar years from the date of approval. Within two (2) years of the approval, the applicant shall submit the final plat to the planning director. At any time prior to the expiration date of the application approval, an applicant may make a written request to the planning director for a single extension of the application approval for a period up to two (2) years. The planning director may consider such request for extension. The extension request must be approved or denied prior to the expiration date of the approval.

H. Upon approval of the lot line adjustment/notational change application, the planning director shall cause a review of the paper copy of the final plat by endorsing agencies to verify conformance with the provisions of this title, conditions of application approval and provisions of Idaho Code title 50, chapter 13.

(Ord. 501, 11-18-2008; amd. Ord. 591, 10-23-2019)

12-673: FINAL PLAT FOR LOT LINE ADJUSTMENTS/NOTATIONAL CHANGES TO BE DRAWN, TIME FOR FILING, SIGNING:

Upon approval of the paper copy of the final plat, the applicant shall cause a final plat to be drawn, suitable for recording and in compliance with the requirements for plats set forth at Idaho Code title 50, chapter 13, and the requirements for final plats set forth in this chapter. The chairperson of the board shall be authorized to sign the final plat upon the receipt of a statement from the planning director confirming that:

- A. The final plat conforms to the requirements of Idaho Code and this code; and
- B. The final plat conforms with the approved application; and
- C. The conditions of approval have been completed or financially guaranteed pursuant to the provisions of this chapter.

(Ord. 501, 11-18-2008; amd. Ord. 591, 10-23-2019)

SUBCHAPTER 6.8 - CONDOMINIUM PROJECTS

12-680: APPLICATIONS FOR CONDOMINIUM PROJECTS:

A. All applications made pursuant to this section shall be submitted to the planning director, and shall be accompanied by the application fee as set forth in section 12-265 of this title.

B. All applications for condominium projects shall include:

1. Diagrammatic floor plans of the building or buildings built, or to be built thereon, in sufficient detail to identify each unit, its relative location and approximate dimensions, showing elevations where multi-level or multi-story structures are diagrammed. Common and limited common areas shall be designated on the floor plans.
2. Copies of the certificates consenting to the condominium project by the record owner and holder of any recorded security interest in the property, pursuant to Idaho Code title 55, chapter 15.
3. A declaration of condominium, articles of incorporation and proposed bylaws, pursuant to Idaho Code title 55, chapter 15.
4. A preliminary title report disclosing the record owners of the property and any holders of recorded security interest in the property.
5. A preliminary site plan or survey map showing the subject parcel or parcels with the location of the building or buildings built, or to be built, in sufficient detail to identify each unit and its relative location within the parcel. The plat or survey map shall be legibly drawn at a scale suitable to ensure the clarity of all lines, bearings and dimensions. The preliminary plat or survey map shall also include the following:
 - a. Condominium project name, north arrow, scale and vicinity map showing location and boundary of the subject tract, existing road pattern and adjoining properties in the vicinity.
 - b. Location, dimensions and area of all proposed lots to be developed with condominiums.
 - c. Existing wells, springs, drainage, channels, overhead and underground utility lines, structures, sanitary sewers and culverts within the tract and immediately adjacent thereto.
 - d. All easements of record, including sufficient recording date to identify the conveyance.
 - e. All portions of the subject parcel intended to be dedicated as common area, with the uses indicated.
 - f. Any other information necessary for consideration of the application.

(Ord. 501, 11-18-2008; amd. Ord. 591, 10-23-2019)

12-681: PROCEDURE FOR ADMINISTRATIVE REVIEW AND APPROVAL OF CONDOMINIUM PROJECTS:

A. The applicant shall file an application for a condominium project with the planning director, who shall have thirty (30) days to examine the application to determine its completeness, with regard to the requirements for said application as set forth at section 12-680 of this subchapter. If the application is determined to be incomplete, the planning director shall inform the applicant in writing of additional items or information necessary to complete the application.

B. Upon the determination of the planning director that an application is complete, the planning director shall cause a report to be made specifying whether the application is in conformance with the provisions of this subchapter, and if not, the changes that could be made in the application to bring it into conformance.

C. The planning director shall consider the facts of the application and the relevant ordinance standards and shall approve the application as presented or subject to specific modifications upon finding adequate evidence that the proposed condominium project is in accord with the purposes of this chapter and Idaho Code title 55, chapter 15.

D. The planning director shall set forth the decision in writing explaining the reasons for the decision, and citing the ordinance standards used in making the decision and findings of fact and conclusions in support of the decision. If the planning director denies the application, the planning director shall also set forth in writing the actions, if any, the applicant could take to obtain approval.

E. Changes in an approved application, resulting in the modification of the terms and conditions of approval, may be approved by the planning director upon a written request by the applicant, provided:

1. The changes are consistent and substantially conform with the original preliminary plat approval; and
2. The changes do not result in any violation of the provisions of this chapter and Idaho Code title 55, chapter 15.

F. Any decision or determination made by the planning director in the administration of the provisions of this section may be appealed to the board as set forth at section 12-261 of this title.

G. The preliminary condominium project shall be valid for a period not to exceed two (2) years from the date of approval. Within two (2) years of the approval of the preliminary project, the applicant shall record the final condominium project. At any time prior to the expiration date of the preliminary project, an applicant may make a written request to the planning director for a single extension of the project for a period of up to two (2) years. The planning director may consider such request for extension. The extension request must be approved or denied prior to the expiration date of the preliminary project.

(Ord. 501, 11-18-2008; amd. Ord. 591, 10-23-2019)

12-682: FINAL CONDOMINIUM PROJECT TO BE DRAWN:

A. Upon approval of the preliminary condominium project, the applicant shall cause a final plan of the condominium project to be drawn in compliance with the requirements for condominium projects set forth at Idaho Code title 55, chapter 15, and the conditions of preliminary project approval.

B. Upon payment of the final project check fees, as set forth in this title, and receipt of a copy of the final condominium project, the planning director shall cause a review of the proposed final condominium project to verify conformance with this title and the conditions of preliminary project approval.

C. The planning director shall:

1. Notify the applicant the final project is in conformance with the terms of preliminary project approval and is ready for recording.
2. Notify the applicant the final project is not in conformance with the terms of the preliminary project and identify the items necessary to bring the project into conformance.

D. The applicant shall cause the final, approved condominium project to be recorded, pursuant to the provisions of Idaho Code title 55, chapter 15.

(Ord. 501, 11-18-2008; amd. Ord. 591, 10-23-2019)

CHAPTER 7

ENVIRONMENTAL STANDARDS

SECTION:

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Notes

¹ 1. See title 14 of this Code.

12-700: PURPOSE:

The purpose of this chapter is to:

A. Preserve and manage the county's natural resources, including pure water, clean air and diverse wildlife, to attain the greatest long term public benefit.

B. To protect its community from the loss of lives and property and to reduce public and private financial losses due to flood, fire, mass wasting, avalanches and excessive slopes by setting standards for development within hazard areas and discouraging development in high hazard areas. (Ord. 501, 11-18-2008)

SUBCHAPTER 7.1 - SHORELINES

12-710: PURPOSE:

The purpose of this subchapter is:

A. To preserve both the quality and quantity of Bonner County water resources.

B. To reduce erosion and sedimentation into waterways. (Ord. 501, 11-18-2008)

12-711: SHORELINE SETBACKS:

A. The following shoreline setbacks shall apply in all zoning districts:

1. For lakes, sloughs, ponds or other similar basins, or the Clark Fork or Pend Oreille rivers, or intermittent streams as shown on the national hydrography dataset (NHD), no structure shall be located closer than forty feet (40'), measured horizontally from the "shoreline", as defined in Section 12-819 of this title.
2. For rivers, streams, creeks or other similar flowing bodies of water, excluding the water bodies identified in subsection A1 of this section, no structure shall be located closer than seventy five feet (75'), measured horizontally from the applicable natural or ordinary water mark of any stream as shown on the NHD published by the United States geological survey, or by actual land survey or field inspection.

B. Shoreline Setback Exceptions:

1. Placement of constructed trams, rails, uncovered steps, stairs or walkways, any of which shall be four feet (4') or less in width and installed to provide access to the shoreline, are permitted within the shoreline setback. Such structures shall not be constructed in a manner that is parallel to the shoreline that would create a boardwalk along the waterfront (except where steep slopes require switchback designs).
2. For all parcels or lots where implementation of a seventy five foot (75') shoreline setback would result in a remaining building envelope of less than one hundred feet (100'), the shoreline setback may be reduced to a minimum of forty feet (40') as needed to allow for a maximum building envelope depth of one hundred feet (100'). The shoreline setback shall only be reduced to the minimum necessary to achieve the one hundred foot (100') building envelope. This exception shall apply only to dimensional constraints, but shall not apply to topographical, environmental or other constraints. This exception shall not apply to the following streams or rivers: Pack and Priest rivers; Hellroaring, Twin, Lightning, Grouse, Rapid Lightning, Trestle and Cocolalla creeks. (Ord. 501, 11-18-2008)

12-712: FENCE RESTRICTIONS NEAR WATER:

- A. Fences or walls, excluding seawalls, taller than thirty six inches (36"), shall not be located closer than forty feet (40') from the shoreline.
- B. Fences that are generally perpendicular to the shoreline may be permitted per subsection A of this section, but may only be placed along property lines. Fences in other locations within forty feet (40') of shorelines, including those placed parallel to shorelines, shall be prohibited.
- C. The fencing restrictions shall not apply to fences erected for the pasturing of livestock. (Ord. 501, 11-18-2008)

12-713: IMPERVIOUS SURFACE STANDARDS NEAR WATER:

The maximum "impervious surface", as defined in section 12-809 of this title, within "shore land" areas, as defined in section 12-819 of this title, which are defined as those lands extending landward for two hundred feet (200') in all directions as measured on a horizontal plane from any shoreline, shall be thirty five percent (35%).

A. Exceptions:

1. Submerged lands shall be excluded from the lot size calculations above. Building location permits or building permit applications shall clearly show all existing and proposed impervious surfaces within the shoreline area and calculate the applicable percentage.
2. Developments may exceed these requirements by up to fifty percent (50%), provided all structures are not located closer than seventy five feet (75') from the shoreline. For example, the maximum percentage of impervious area may be increased from thirty five percent (35%) of the shore land area to fifty two and one-half percent (52¹/₂%) of the shore land area, provided all structures are not closer than seventy five feet (75') from the shoreline. (Ord. 527, 5-16-2012)

12-714: SHORELINE VEGETATIVE BUFFER:

- A. Areas: Vegetation buffer management areas include all lands within forty feet (40') from shorelines.
- B. Delineated On Final Plat: Shoreline vegetation buffer management areas shall be delineated on the final plat of any subdivision. Applicants for shore land subdivisions may be required to plant vegetation as provided in appendix B of this title in shoreline vegetation buffer management areas prior to final plat approval. Exceptions may be made for areas that contain no cultivatable soil, such as pebble beach areas or rock outcroppings.
- C. Water Quality Standards: To maintain water quality, reduce the potential for nutrients entering the waterways and to protect fish and wildlife habitat and drinking water standards, within shoreline vegetation buffer management areas, one of the following standards shall be met:
 1. Preferred option: Noninvasive vegetation shall be left intact in existing natural condition within the shoreline vegetative buffer. The vegetative buffer may be enhanced with the planting of additional native and nonnative beneficial forbs, reeds, sedges, grasses, vines, shrubs, trees, ferns, perennials or ground cover listed in appendix B of this title.
 2. Alternative option: Noninvasive vegetation shall be established and maintained within the shoreline vegetative buffer. The vegetative buffer strip shall consist of any combination of native and nonnative beneficial forbs, reeds, sedges, grasses, vines, shrubs, trees, ferns, perennials or ground cover listed in appendix B of this title. The planting shall be sufficiently dense to provide close growing vegetation designed to receive overland flow and hold and stabilize soils.
- D. Trees: In addition, in vegetative buffers adjacent to perennial streams, trees shall be retained in accord with the following:
 1. Standing trees, including conifers, hardwoods and snags, shall be left within forty feet (40') of the ordinary high water mark on each side of all perennial streams, in the following minimum numbers of standing trees per one thousand feet (1,000') of stream on each side:

TABLE 7-1

TREE RETENTION STANDARDS FOR STREAM CORRIDORS

Tree Diameter Breast Height (dbh) (Measured At 4.5' Above Mean Ground Level On Standing Trees)	Perennial Stream Width		
	Over 20'	10' - 20'	Under 10'
3" - 7.9"	200	200	200
8" - 11.9"	42	42	42
12" - 19.9"	21	21	-
20"+	4	-	-

a. Snags will be counted as standing trees in each diameter class if snag height exceeds one and one-half ($1\frac{1}{2}$) times the distance between the snag and the stream's ordinary high water mark. Not more than fifty percent (50%) of any class may consist of snags.

b. Trees should only be pruned up to one-third ($\frac{1}{3}$) of their height in order to maintain optimum tree health. If defensible space is a high priority, up to one-half ($\frac{1}{2}$) of the tree height may be pruned. (Ord. 501, 11-18-2008)

E. Exceptions: The shoreline vegetation standards shall not apply to the following:

1. Placement of trams, rails, uncovered steps, stairs, walkways four feet (4') or less in width to provide access to the shoreline. These structures shall not be constructed in a manner that is parallel to the shoreline that would create a boardwalk along the waterfront, except where steep slopes require switchback designs.

2. Replacement of lawn areas with native vegetation.

3. Removal of trees infected by a pathogen or attacked by insects that threaten the surrounding trees.

4. Removal of trees that are potentially hazardous to public health or safety due to the risk of falling, and structural instability cannot be remedied due to nonmanmade, natural caused injury, such as weather or animal related damage.

5. Shoreline property owners are encouraged to plant native vegetation where none exists, in areas that contain cultivatable soils.

6. Exceptions may be made for areas that contain no cultivatable soil, such as pebble beach areas or rock outcroppings. (Ord. 512, 1-6-2010)

SUBCHAPTER 7.2 - GRADING, STORMWATER MANAGEMENT AND EROSION CONTROL

12-720.1: PURPOSE:

The purpose of this subchapter is to protect property, surface water and groundwater against significant adverse effects from excavation, filling, clearing, unstable earthworks, soil erosion, sedimentation and stormwater runoff, and to provide maximum safety in the development and design of building sites, roads and other service amenities. (Ord. 501, 11-18-2008)

12-720.2: APPLICABILITY:

The provisions of this subchapter shall be applicable to:

A. All new subdivisions subject to the provisions of chapter 6 of this title, as amended, and all new planned unit developments subject to the provisions of chapter 2, subchapter 2.5 of this title, as amended, except as provided for in subsection 12-720.3J of this subchapter;

B. Commercial and industrial site development and commercial or industrial planned unit developments subject to the provisions of this title, as amended, and building permits for commercial and industrial uses subject to the provisions of title 11 of this code, except as provided for in subsection 12-720.3K of this subchapter;

C. All public projects, including road construction, undertaken by Bonner County, or undertaken by any other political subdivision of the state of Idaho or public agency over which Bonner County asserts jurisdiction through this title and title 11 of this code, as amended; (Ord. 501, 11-18-2008)

D. New building construction which occurs within three hundred feet (300') of any lake, slough, pond, river, stream or intermittent stream shown on the national hydrography dataset (NHD), as published by the United States geological survey, or by actual survey, and which is subject to the provisions of title 11 of this code, as amended;

E. New building construction or development which occurs on or within three hundred feet (300') of a slope with fifteen percent (15%) or greater incline as determined from the applicable seven and one-half (7.5) minute quadrangle map published by the United States geological survey or by actual survey, and which is subject to the provisions of title 11 of this code, as amended; (Ord. 524, 1-11-2012)

F. Land disturbing activities which are a part of, accessory to, or preparatory to any of the activities listed in subsections A through E of this section;

G. Conversion of roads from one use to another (such as a logging road to a private road, private road to a public road, etc.), regardless of level of improvement required on the road; and

H. All other "excavation", defined as the mechanical removal of more than fifty (50) cubic yards of rock, natural soil or fill in any configuration, and grading (except those specifically exempted in section 12-720.3 of this subchapter). (Ord. 501, 11-18-2008)

12-720.3: ACTIVITIES TO WHICH THIS SUBCHAPTER IS NOT APPLICABLE:

The provisions of this subchapter shall not be applicable to any activity not specifically enumerated in section 12-720.2 of this subchapter, and shall not be applicable to:

A. Road construction which proceeds in compliance with and is restricted by the Idaho forest practices act, Idaho Code title 38, chapter 13;

B. Agricultural activities and practices specifically exempted from the local planning act at Idaho Code section 67-6529, to include the construction or use of ranch or farm roads used for access to fields, pastures or woodland;

C. Road or highway construction within the jurisdiction of any public highway agency other than Bonner County, and over which Bonner County may not assert use or control pursuant to provisions at Idaho Code title 40;

D. Installation, repair, replacement or maintenance of septic tanks which proceeds under the terms of a permit issued by the Panhandle health district;

E. Stream channel alterations which proceed under the terms of a permit issued by the Idaho department of water resources pursuant to Idaho Code title 42, chapter 38; (Ord. 501, 11-18-2008)

F. Traditional uses and activities carried out in conjunction with a residential use, including, but not limited to, such activities as gardening, yard maintenance, tree planting and reforestation, snow removal, maintenance of existing road or driveway, etc.; (Ord. 524, 1-11-2012)

G. Drilling of wells which proceed under the terms of permits issued by the Idaho department of water resources;

H. Land clearing and similar activities which occur as a part of fire suppression, or for the purpose of constructing fire breaks in forest lands;

- I. Land clearing of rights of way by utility companies for the purpose of utility transmission and servicing of utility owned equipment;
- J. Subdivisions in which all lots contain five (5) acres or greater, and no additional "impervious surface", as defined in section 12-809 of this title, are created. For subdivisions in which all lots contain five (5) acres or greater and new impervious surface is limited to driveways and roads only, the driveways and roadways only shall be subject to this subchapter; and
- K. Applications for conditional use permits, industrial and commercial site plan reviews, planned unit developments and variances that do not result in the creation of additional "impervious surface", as defined in section 12-809 of this title. (Ord. 501, 11-18-2008)

12-720.4: GENERAL PROVISIONS, VIOLATIONS:

- A. For all activities to which this subchapter is applicable as set forth at section 12-720.2 of this subchapter, it shall be unlawful for any person, group, association, entity or body corporate to proceed to conduct any activity or initiate construction on any structure, including excavation, site preparation or leveling, without first complying with the provisions of this subchapter.
- B. No person shall damage, harm, fail to install or complete, or otherwise impair the grass infiltration areas, or any portion of a grading/stormwater management system, without prior approval from the county.
- C. The failure to maintain any component of a grading/stormwater management system in accord with an approved grading/stormwater management plan shall be deemed a violation of the provisions of this subchapter. (Ord. 501, 11-18-2008)

12-721.1: ADMINISTRATION:

A. The planning director shall administer the provisions of this subchapter and shall perform all duties imposed upon the planning director within this subchapter.

B. In addition to the specific duties as may be set forth in other sections, the planning director shall:

- 1. Examine all permit applications submitted to the Bonner County planning department to determine whether the provisions of this subchapter apply. The planning director will receive all applications relating to the administration of this subchapter.
- 2. Direct applications into the relevant and proper procedural manner for review.
- 3. Maintain on file all applications, records of proceedings, final decisions, final grading/stormwater management plans, administrative exceptions issued, variances and records of appeals as are required by this subchapter.
- 4. Use as guidelines for examining all erosion control plans, preliminary grading/stormwater management plans and final grading/stormwater management plans, the handbook of best management practices for stormwater management and erosion and sedimentation control, and the stormwater management plan criteria and engineering standards prepared for the Panhandle health district, and the interagency stormwater committee by Kennedy Engineers, Spokane, WA, April 1992. The handbooks shall be used for guidance purposes only, not as a regulatory standard, and shall be made available to the public at the offices of the Bonner County planning department, the Bonner County clerk and at all public libraries within Bonner County.
- 5. Assist applicants to comply with the provisions of this subchapter.
- 6. Designate such assistants as the planning director may find necessary to fulfill these duties in a timely manner. (Ord. 501, 11-18-2008)

12-721.2: ADMINISTRATIVE EXCEPTIONS:

It shall be the duty of the planning director to exercise sound professional judgment in the issuance of administrative exceptions and to determine that such exceptions are within the purposes set forth in this subchapter:

- A. The planning director may issue an administrative exception from the provisions of this subchapter, in whole or in part, for applications for building location permits or building permits for additions, remodeling or restoration of existing structures which would otherwise be subject to the provisions of this subchapter as set forth at section 12-720.2 of this subchapter.
- B. The planning director may issue an administrative exception from the provisions of this subchapter to accommodate unique topographical, existing impervious surfaces, vegetative, geological or hydrological conditions.
- C. The planning director may issue an administrative exception from the provisions of this subchapter when an applicant can demonstrate that the site located within three hundred feet (300') of a body of water is so situated topographically that the natural drainage from the site flows away from the body of water.
- D. The planning director may issue an administrative exception in whole or in part from the provisions of this subchapter for commercial and industrial site development, and commercial or industrial planned unit developments listed at subsection 12-720.2B of this subchapter, for development which is part of an approved conditional use permit that includes an approved grading/stormwater management plan pursuant to section 12-724.1 of this subchapter.
- E. The planning director may issue an administrative exception in whole or in part from the provisions of this subchapter for new residential building construction listed at subsections 12-720.2D and E of this subchapter, for lots which are part of an approved subdivision that includes an approved lot specific grading/stormwater management plan pursuant to section 12-724.1 of this subchapter. (Ord. 501, 11-18-2008; amd. Ord. 607, 7-22-2020)

12-722.1: PROCEDURES FOR NEW SUBDIVISIONS:

- A. At the time of application for a new subdivision as set forth at chapter 6 of this title, the applicant shall cause a grading/stormwater management plan to be developed for the subdivision application. The grading/stormwater management plan and the preliminary plat of the subdivision shall be reviewed concurrently by the planning commission.
- B. No final plat for a subdivision shall be approved until the grading/stormwater management plan for the subdivision is also approved by the board.
- C. No final plat shall be signed by the board until the requirements at section 12-727.1 of this subchapter have been met.
- D. A set of final drawings illustrating the actual placement of the components of the grading/stormwater management system shall be filed with the planning director prior to final plat approval and prior to the release of any bond or financial surety for the grading/stormwater management system. (Ord. 501, 11-18-2008)

12-722.2: PROCEDURES FOR CONCURRENT REVIEW OF APPLICATIONS OTHER THAN FOR NEW SUBDIVISIONS OR BUILDING LOCATION PERMITS OR BUILDING PERMITS:

Any application which is not an application for a subdivision or a building location permit or building permit, but which is subject to the procedural requirements set forth in this title, as amended, shall be reviewed following the procedures set forth in this section. This section is applicable to

applications for conditional use permits, industrial and commercial site plan reviews, planned unit developments and variances which are included at section 12-720.2 of this subchapter.

A. A grading/stormwater management plan shall be submitted concurrently with the application to be processed through this title. The planning director shall review the grading/stormwater management plan to determine compliance of the plan with this subchapter.

B. At the time of review of the application, the grading/stormwater management plan shall also be reviewed.

C. No final approval of an application shall occur unless a grading/stormwater management plan for the application is approved. (Ord. 501, 11-18-2008)

12-722.3: PROCEDURES FOR PROCESSING OF INDIVIDUAL BUILDING LOCATION PERMIT OR BUILDING PERMIT APPLICATIONS:

Unless an administrative exception has been issued, all grading, stormwater management, or erosion control plans for building location permits or building permits to which this subchapter is applicable, as set forth at section 12-720.2 of this subchapter, shall be processed as set forth in this section:

A. For a building permit or building location permit which would result in land disturbing activity at the site equal to or greater than four thousand (4,000) square feet of area, the applicant shall submit a grading/stormwater management plan as required at section 12-724.1 of this subchapter, prior to land disturbing activities.

B. For building location permits or building permits which would result in less than four thousand (4,000) square feet of land disturbing activity at the site, the applicant shall submit a grading/erosion control plan as required at section 12-724.2 of this subchapter, prior to land disturbing activities. (Ord. 524, 1-11-2012)

C. The planning director shall review the grading/stormwater management plan or the grading/erosion control plan for compliance with the provisions of this subchapter.

1. If the planning director finds the erosion control plan or the grading/stormwater management plan in compliance with the provisions of this subchapter, the building location permit or building permit shall also be deemed to be in compliance.

2. If the planning director finds that the erosion control plan or the preliminary grading/stormwater management plan is not in compliance with the provisions of this subchapter, the planning director shall notify the applicant in writing of the changes that need to be made to the drawings or the plan to bring it into compliance. Changes to a plan or drawings shall not require reapplication.

D. Grading/erosion control plans and grading/stormwater management plans shall be retained on file with the building location permit or building permit application. (Ord. 501, 11-18-2008)

12-722.4: PROCEDURES FOR REVIEW OF PUBLIC PROJECTS:

A. Public projects which require zoning review and approval shall be processed as at section 12-722.2 of this subchapter.

B. Public projects which require only a building location permit or building permit shall be processed as at section 12-722.3 of this subchapter. (Ord. 501, 11-18-2008)

C. Public projects which do not require zoning review and which do not require building location permits or building permits shall conform to the following procedures:

1. A grading/stormwater management plan shall be prepared by the applicant for the public project and submitted to the planning director for review, prior to the commencement of any land disturbing activity associated with the project.

2. The planning director shall review the grading, stormwater management, or erosion plan for compliance with the provisions of this subchapter.

3. If the planning director finds the plan in compliance with the provisions of this subchapter, the director shall provide written approval to the applicant. The approval shall expire if development has not commenced within two (2) years of the date of approval.

4. If the planning director finds that the plan is not in compliance with the provisions of this subchapter, the planning director shall notify the applicant in writing of changes required to bring the plan into compliance. The filing of these changes shall not require reapplication. (Ord. 524, 1-11-2012)

12-722.5: PROCEDURES FOR REVIEW OF OTHER PROJECTS:

A. Projects that are subject to section 12-720.2, "Applicability", of this subchapter but are not accompanied by other land use or building applications listed at sections 12-722.1 through 12-722.4 of this subchapter, are subject to the following:

1. For commercial or industrial site development or conversion of roads from one use to another, a grading/stormwater management plan shall be submitted to the planning department.

2. For preparatory activities listed at subsection 12-720.2F of this subchapter, the corresponding type of stormwater or grading plan required for the eventual land use shall be submitted to the planning department.

3. For fill, excavation and grading to which this subchapter is applicable, the following plan is required:

a. For sites not on or within three hundred feet (300') of a fifteen percent (15%) or greater slope or sites which are not within three hundred feet (300') of any lakes, sloughs, ponds, rivers, streams or intermittent streams as shown on the NHD, the following applies:

(1) No grading or stormwater plan is required for fill, grading or excavation which is greater than fifty (50) cubic yards but less than one hundred (100) cubic yards.

(2) A grading/erosion plan is required for fill, grading or excavation which involves between one hundred (100) cubic yards and five hundred (500) cubic yards of material.

(3) A grading/stormwater plan is required for fill, grading or excavation which exceeds five hundred (500) cubic yards of material.

b. For sites on or within three hundred feet (300') of a fifteen percent (15%) or greater slope or within three hundred feet (300') of any lakes, sloughs, ponds, rivers, streams or intermittent streams as shown on the NHD, the following applies:

(1) A grading/erosion plan shall be submitted for fill, grading or excavation which is greater than fifty (50) cubic yards but less than one hundred (100) cubic yards.

(2) A grading/stormwater plan shall be filed for fill, grading or excavation which is one hundred (100) cubic yards or greater.

B. The grading, stormwater management, or erosion control plan and requisite fee shall be submitted to the planning department.

C. The planning director shall review the grading, stormwater management, or erosion plan for compliance with the provisions of this subchapter.

1. If the planning director finds the plan in compliance with the provisions of this subchapter, the director shall provide written approval to the applicant. The approval shall expire if the use has not commenced within two (2) years from the date of approval.

2. If the planning director finds that the plan is not in compliance with the provisions of this subchapter, the planning director shall notify the applicant in writing of the changes that need to be made to the drawings or the plan to bring it into compliance. The filing of these changes shall not require reapplication. (Ord. 524, 1-11-2012)

12-723.1: GRADING STANDARDS:

A. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than two horizontal to one vertical (2:1), unless a design professional can demonstrate to the planning director substantial evidence that steeper slopes are feasible, taking into account safety, stability, erosion control, revegetation and overall water quality impacts. Subsurface drainage shall be provided as necessary for stability. All engineering reports are subject to review by the planning director or designee.

B. Fill slopes shall be no steeper than is safe for the intended use and shall be no steeper than two horizontal to one vertical (2:1), unless a design professional can demonstrate to the planning director substantial evidence that steeper slopes are feasible, taking into account safety, stability, erosion control, revegetation and overall water quality impacts. Fill slopes shall not be constructed on natural slopes of forty percent (40%) ($2\frac{1}{2}$ horizontal to 1 vertical) or steeper, without special treatment or design. In addition, the toe of fill slopes shall not be closer to the top of existing or planned downhill cut slopes than the height of that cut (e.g., if an 8 foot cut is planned, the toe of the uphill fill slope shall not be closer than 8 feet to the top of that cut), unless the design professional has demonstrated that comparable stability can be achieved with lesser setbacks.

C. Prior to placement of fill, the ground surface shall be prepared to receive fill by removing vegetation, topsoil, forest duff and any other unsuitable material. The area to receive fill shall be scarified to provide a bond with the new fill. Fill shall not be placed until the area is prepared by constructing a level or slightly insloped toe bench into competent material at the base of the new fill. The planning director may waive the benching requirement for minor fills which are not intended to support a road, driveway or structure where the project design professional provides adequate evidence the fill is not at risk for slippage or movement. In high risk areas where slopes exceed fifteen percent (15%), or where highly erosive soils, seepage areas or known areas of subsidence exist, the position, width and configuration of the bench shall be determined by a design professional. Fill slopes and the transition zone into natural terrain shall be configured to a generally smooth, planar configuration so that runoff traverses the area as sheet flow and is not concentrated. Fill material shall be composed of mineral soil that is free of organic material. Roadway fills shall be placed in lifts and compacted to a minimum of ninety five percent (95%) of the maximum density as determined by the AASHTO T-99 or ASTM D-698 compaction procedure, or as specified in the design professional's report.

D. Except where roads or driveways cross property lines, the tops and toes of cut and fill slopes shall be set back from property boundaries one-half ($\frac{1}{2}$) of the height of the slope with a minimum of five feet (5') and a maximum of twenty feet (20'), unless a design professional has demonstrated to the planning director that smaller setbacks provide a sufficient measure of safety and stability for activities which may occur on adjacent property.

E. Terracing shall be required on all cut or fill slopes which exceed fifty feet (50') in height. Spacing, width and drainage requirements of the terrace shall be determined by a design professional. (Ord. 501, 11-18-2008)

12-723.2: GENERAL REQUIREMENTS FOR STORMWATER MANAGEMENT CONTROL:

Unless otherwise lawfully excused from compliance with the standards set forth in this subchapter, all development to which this subchapter is applicable shall comply with the following requirements and methods for stormwater management control:

A. Stormwater, in accordance with the performance standards set forth herein, shall be directed by nonerosive means to a stormwater management system identified in the handbook of best management practices for stormwater management and erosion and sedimentation control, and the stormwater management plan criteria and engineering standards prepared for the Panhandle health district and the interagency stormwater committee by Kennedy Engineers, Spokane, WA, April 1992, or by implementation of measures shown by a design professional to have an effective design capability which equals or exceeds the standards of this subchapter.

B. All development subject to this subchapter shall be carried out such that the runoff of stormwaters shall not be accelerated or concentrated beyond predevelopment levels beyond the exterior property lines or project boundaries. Exceptions for joint management of stormwater with adjoining property owners will be allowed by the planning director if an acceptable joint agreement is presented as a part of the grading/stormwater management plan.

C. Stormwater runoff shall be managed through compliance with the design standards and best management practices, or by implementation of measures shown by a design professional to have an effective design capability which equals or exceeds the standards of this subchapter.

D. Each applicant who proposes and implements a grass covered retention area for the collection or treatment of stormwater in accordance with this subchapter shall also establish the necessary maintenance system, including an acceptable plan for sustained functioning of the collection and treatment system. (Ord. 501, 11-18-2008)

12-724.1: CONTENTS OF GRADING/STORMWATER MANAGEMENT PLAN:

A grading/stormwater management plan shall bear the stamp or signature of a design professional and shall include:

A. A project summary or site plan showing the entire area covered by the application, any construction sites, existing drainage patterns, constraining environmental conditions and areas proposed or likely to be covered by impervious surfaces at completion of the project.

B. Construction quality drawings of all physical features of a proposed stormwater management system, to include a grading plan and the dimensions clearly shown for all conveyances, retention basins and swales designed for collection, treatment and infiltration of stormwater runoff.

C. Calculations which include, at a minimum: the extent of impervious surfaces, the capacity of conveyances and retention basins; and the design storm yield expected at the site.

D. A proposed construction schedule for the stormwater management system.

E. A proposed system of maintenance of the various elements of the stormwater management system, designating specifically any portions which are to be conveyed to a group, association or political subdivision for maintenance.

F. An erosion control plan.

G. For any injection wells or dry wells subject to the provisions of Idaho Code title 42, chapter 39, that registration for such wells has been obtained from Panhandle health district or other jurisdiction which may supersede, as provided by the state of Idaho.

H. For any stream channel alterations subject to the provision of Idaho Code title 42, chapter 38, that a permit for such alterations has been obtained from the Idaho department of water resources.

I. The operation and maintenance plan. (Ord. 501, 11-18-2008)

12-724.1.2: CONTENTS OF GRADING PLAN:

A grading plan shall include the following:

- A. All areas to be disturbed.
- B. Cut and fill limits for roadways, parking lots, buildings and all other proposed improvements.
- C. Grade break, drainage channels and other stormwater conveyance channels, showing construction quality grading and layout.
- D. All existing and proposed structures with finished floor elevation stated.
- E. Point elevation details for all grade breaks, angle points, curve points and tie-in points at existing surfaces.
- F. Location, elevation, width and configuration of any benches, terraces, retaining walls or other slope treatments. (Ord. 501, 11-18-2008)

12-724.2: CONTENTS OF GRADING/EROSION CONTROL PLANS:

A. Drawings of an appropriate scale, not to exceed one hundred feet to the inch (1" = 100') showing the areas of land disturbing activities, surface water bodies and watercourses, utilities, easements, areas subject to clearing, grading and for stockpiling of topsoil.

- B. Location of temporary erosion and sedimentation control measures.
- C. Location of permanent erosion and sedimentation control measures.
- D. A proposed construction and revegetation schedule.
- E. Maintenance and repair responsibility.

F. Calculations which include at a minimum the extent of impervious surfaces and the capacity of retention basins or other erosion and sedimentation control measures. (Ord. 501, 11-18-2008)

12-724.3: CONTENTS OF OPERATION AND MAINTENANCE PLANS:

A. An inspection schedule for the grading/stormwater management system to assure its continued operation as designed.

B. The person, organization, political subdivision or corporation responsible for the continued operation and maintenance of the grading/stormwater management system.

C. The contact person.

D. Financial arrangements for the support of continued maintenance of the grading/stormwater management system. (Ord. 501, 11-18-2008)

12-724.4: OPTIONAL PRELIMINARY GRADING/STORMWATER MANAGEMENT AND EROSION CONTROL PLAN:

For preliminary plats, conditional use permits, variances or planned unit developments subject to the requirements of this subchapter, an optional preliminary grading/stormwater management and erosion control plan may be submitted at the time of application in lieu of the plans required at sections 12-724.1 through 12-724.3 of this subchapter, subject to the following:

A. The optional preliminary grading/stormwater management and erosion control plan shall bear the stamp or signature of a design professional and shall contain the following:

1. A project summary describing the proposed improvements to the site and identifying the existing site characteristics, including slope, soil type and ground cover.

2. A site plan at a scale not to exceed one inch equals two hundred feet (1" = 200'), indicating the location of proposed roadways, any proposed grassed infiltration areas, surface water, seasonal drainages, wetlands or other environmentally sensitive areas. The site plan shall include flow arrows to indicate slope and sufficient topographic information to show the contours of the land. (Use of USGS map is acceptable, provided the scale corresponds to the site plan scale.)

3. Calculations for each drainage area showing the total proposed impervious surface, capacity of conveyances, grassed infiltration areas and retention basins and the design storm yield expected at the site.

4. Photographs of the site, including the proposed road approach.

5. A statement from the design professional confirming the site is capable of being developed consistent with the performance standards of this subchapter.

B. Bonner County planning department shall review the optional preliminary grading/stormwater management and erosion control plan using the procedures set forth at section 12-268 of this title. Upon completion of the review, the preliminary plan shall be considered by the governing body concurrently with the corresponding land use application.

C. Once Bonner County has approved the preliminary plan and corresponding application and prior to any development, the applicant shall submit to the planning department the required fees and final grading/stormwater management and erosion control plan that meets the applicable requirements of sections 12-723.1 through 12-726 of this subchapter.

D. The planning director or designee shall review the final plan and inform the applicant in writing whether the plan is complete and approved or incomplete. If the plan is incomplete, the director shall advise the applicant in writing of the required information or revisions needed to complete the plan.

E. The planning director shall issue a written "notice to proceed" once the final plan has been approved. No construction or development of the site shall occur until the notice to proceed has been issued.

F. Any determination made by the planning director in the administration of this section may be appealed to the board, pursuant to section 12-261 of this title.

G. Failure to submit the final plan or obtain the notice to proceed prior to initiation of construction is a violation of this subchapter and is

subject to the enforcement actions, fees and fines of this title. (Ord. 524, 1-11-2012)

12-725: MODIFICATIONS OF GRADING/STORMWATER MANAGEMENT PLANS AND EROSION CONTROL PLANS DURING CONSTRUCTION:

During any aspect of site preparation, development or construction, if field conditions prove to be substantially different from conditions assumed by the design professional in the creation of a grading/stormwater management plan or grading/erosion control plan, such that stormwater or erosion controls may not function as planned, the design professional or owner may apply to the planning director for permission to make a minor modification in the plan. If the planning director finds that the modification is necessary and in substantial accord with the approved plan, the planning director shall notify the design professional or owner in writing, and construction can proceed. Any such minor modifications approved by the planning director shall be shown on the final drawings of the grading/stormwater management plan on file with the planning director. Any major modifications, as determined by the county engineer or planning director, shall be considered pursuant to the provisions for modifications of permits at section 12-266 of this title. (Ord. 501, 11-18-2008)

12-726: PERFORMANCE STANDARDS:

The following performance standards shall be applicable to all design, construction, implementation and maintenance of stormwater management systems as required by this subchapter:

A. Treatment System: All stormwater from impervious areas shall be directed to a stormwater management system identified in the handbook of best management practices for stormwater management and erosion and sedimentation control, and the stormwater management plan criteria and engineering standards, prepared for the Panhandle health district and the interagency stormwater committee by Kennedy Engineers, Spokane, WA, April 1992, or by implementation of measures shown by a design professional to have an effective design capability which equals or exceeds the standards of this subchapter. Stormwater treatment systems shall be sized to hold and treat the first one-half inch ($1/2$ ") of stormwater from impervious surfaces.

B. Collection And Conveyance System: No stormwater shall be collected or concentrated, except within a channel or artificial watercourse protected against erosion and containing energy dissipation measures to prevent erosion on adjoining lands. Existing watercourses and streams shall be protected from disturbance and erosion during site development. Any site development shall preserve installed components of a stormwater management system if they exist. All disturbed soils shall be protected from erosion during the course of construction.

C. Disposal System: The disposal component of a stormwater management system shall have the capacity to collect, convey and provide detention for a twenty five (25) year design storm, without damage to the stormwater management system or adjacent land and improvements.

D. For new subdivisions, planned unit developments, commercial and industrial development and public projects, as set forth at section 12-720.2 of this subchapter, there shall be no increase in the peak rate of runoff from the site when compared with the dissipation of stormwater from the site prior to the start of any construction, for the first one-half inch ($1/2$ ") of runoff. Within project boundaries, sufficient retention capacity shall be constructed to retain stormwater flow from the first one-half inch ($1/2$ ").

E. Certification: Certification in the Panhandle stormwater and erosion education program is encouraged for all contractors, developers, and excavators involved in site disturbance activities within two hundred feet (200') of the shoreline.

F. Weed, Pesticide Free Materials: Use of weed free and pesticide free materials is encouraged when natural materials are called for in stormwater/erosion control plans. (Ord. 501, 11-18-2008)

12-727.1: INSPECTIONS:

A. Grading/Stormwater Management Plans: At a minimum, two (2) inspections shall be required: 1) after erosion and sedimentation controls have been installed, prior to ground disturbance; and 2) after the project has been completed, including revegetation. For sites which are active during the winter, two (2) additional inspections shall be required; 3) after the site has been prepared for the winter (typically in September or October); and 4) sometime in January or February to ensure that the erosion and sedimentation control measures are adequate and maintained. The permittee's design professional shall perform the inspections and submit inspection reports to the planning director or designee.

B. Grading/Erosion Control Plans: A minimum of one inspection shall be conducted by the planning department or the permittee's design professional. The planning director shall determine whether additional inspections are necessary based on the nature of the project. The permittee's design professional (when applicable) or the planning director, or their designee, shall conduct the inspections. (Ord. 501, 11-18-2008)

12-727.2: GUARANTEE OF INSTALLATION:

A. For subdivisions, applicants must meet the requirements of section 12-644 of this title.

B. For all other developments requiring grading/stormwater management plans, the applicant shall enter into a surety agreement with the county agreeing to complete the improvements in accordance with surety agreement conditions and the grading/stormwater management plans. A cash deposit, certificate of deposit, corporate surety bond written by an insurance company licensed in Idaho having a rating from AM Best & Company of "A" or better, letter of credit issued and backed by a federal or state chartered bank, is required equivalent to one hundred percent (100%) of the design professional's estimated cost of construction of the improvements for the purpose of guaranteeing completion of the work. Prior to release of the financial guarantee, the developer's design professional shall submit a letter to the county, approving the construction and certifying its completion.

C. If the required improvements have not been completed by the specified date, the county may contract to have the work completed with the money from the financial guarantee. The county may also take additional enforcement measures as provided by law. (Ord. 501, 11-18-2008)

12-728: VARIANCES, APPLICATION FOR, NOTIFICATION, PROCEDURE:

A. It shall be the duty of the planning director to determine when an applicant's request for variation from the standards of this subchapter is beyond the scope of an administrative exception as set forth at section 12-721.2 of this subchapter. The planning director shall inform the applicant that the request must be processed as a variance, pursuant to subchapter 2.3 of this title, and subject to the filing fee as set forth in section 12-265 of this title.

B. An applicant for a variance shall show that the site character is topographically, physiographically, vegetatively or geologically so unique that the strict imposition of the standards of this subchapter would:

1. Defeat the purposes of this subchapter; or
2. Be less efficient in the collection, conveyance, detention, retention or treatment of stormwaters than the proposed alternative; or
3. Create an undue hardship.

C. No variance shall be issued where such variance would impose a burden upon adjacent landowners or divert untreated stormwaters onto

adjacent lands. (Ord. 501, 11-18-2008)

12-729: INVESTIGATION, VIOLATION, ENFORCEMENT, REMEDIES AND PENALTIES:

A. Investigation: The planning director shall cause investigations to be made upon the request of the board or any public agency when any violation of the provisions of this subchapter is alleged to have occurred. The planning director shall make every effort to contact the property owner, and in no case shall be authorized to conduct warrantless searches of private property in the absence of consent from the property owner or occupier. The prosecuting attorney may seek to obtain a search warrant upon a showing of probable cause to suspect a violation or the existence of a reasonable program of inspection of the terms of a stormwater management system.

B. Violation: Whenever the planning director determines that any person is in violation of any provision of this subchapter, the planning director may commence an administrative enforcement action by issuing a written notice of violation. The notice of violation shall identify the alleged violation with specificity and shall inform the person to whom it is directed of an opportunity to confer with the planning director in a compliance conference. A written response may be required within fifteen (15) days of receipt of the notice of violation by the person to whom it is directed.

1. The planning director shall schedule a compliance conference which shall provide an opportunity for the recipient of a notice of violation to explain the circumstances of the alleged violation and, where appropriate, to present a proposal for remedying damage caused by the alleged violation and assuring future compliance.

2. If the parties cannot reach agreement for remedying damages and/or assuring future compliance, the board of county commissioners may seek civil enforcement through court action.

C. Any person determined in a civil enforcement action to have violated any provision of this subchapter shall be liable for a civil penalty of three hundred dollars (\$300.00) per day, and each violation of each provision of this subchapter may be deemed a separate violation.

D. The planning director, with the consent of the board, may pursue civil action to compel future compliance or to enjoin any continuing violation. (Ord. 501, 11-18-2008)

SUBCHAPTER 7.3 - WETLANDS

12-730: PURPOSE:

The purpose of this subchapter is to provide measures to protect and maintain wetlands. (Ord. 501, 11-18-2008)

12-731: WETLANDS RECONNAISSANCE REQUIRED:

A reconnaissance by a design professional accepted or authorized by the army corps of engineers to determine wetland boundaries shall be required for the following activities:

A. All subdivisions containing mapped wetland as determined from the U.S. fish and wildlife service national wetland inventory maps.

B. All building location permits, building permits or conditional use permits proposed for sites containing mapped wetland as determined from the U.S. fish and wildlife service national wetland inventory maps. The following developments are exempt from this requirement:

1. Building location permits or building permits where the applicant can demonstrate on a site plan that the proposed building site is not within a wetland as determined from the U.S. fish and wildlife service national wetland inventory maps.

2. Conditional use permit applications where the applicant can demonstrate on a site plan that the proposed building site is not within a wetland as determined from the U.S. fish and wildlife service national wetland inventory maps or where the development will not create additional impervious surface.

C. Land disturbing activities which are a part of, accessory to, or preparatory to new subdivisions, commercial or industrial site development, new residential construction, or all public projects over which Bonner County asserts jurisdiction through title 11 of this Code or this title, within a mapped wetland as determined from the U.S. Fish and Wildlife Service national wetland inventory maps. (Ord. 501, 11-18-2008)

12-732: WETLANDS DELINEATION REQUIRED:

A professional wetlands delineation shall be submitted at the time of application for:

A. All subdivisions featuring lots containing a wetland based on a wetlands reconnaissance as required in section 12-731 of this subchapter. Exception: Subdivisions where all building sites are delineated on the plat are outside of a wetland based on the wetlands reconnaissance.

B. All development sites and land disturbing activities that are within a wetland based on the wetlands reconnaissance. (Ord. 501, 11-18-2008)

12-733: WETLAND BUFFERS AND SETBACKS:

A. The Governing Body may require buffer areas adjacent to wetlands in new subdivisions, conditional use permit or zone change sites, based on the type of wetland as determined by Idaho Department of Fish and Game, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers or the applicant's design professional.

B. Building setbacks to wetlands of a minimum of forty feet (40'), unless it can be demonstrated by the wetlands professional that the wetlands are of a low quality, have low levels of function as wetlands and are heavily disturbed, as determined by the U.S. Army Corps of Engineers or the applicant's certified wetland delineator. Setbacks to low quality wetlands may be reduced to not less than twenty feet (20').

C. Vegetation conservation requirements no greater than specified in section 12-714 of this chapter.

D. Setbacks standards shall not apply to mapped wetlands which have been lawfully filled in accord with Federal regulations for wetland fill under section 404 of the Clean Water Act. (Ord. 501, 11-18-2008)

SUBCHAPTER 7.4 - WILDLIFE

12-740: PURPOSE:

The purpose of this subchapter is to provide measures to protect and maintain wildlife and fisheries habitat. (Ord. 501, 11-18-2008)

12-741: WILDLIFE PROTECTION STANDARDS FOR NEW SUBDIVISIONS:

Wildlife mitigation measures may be required in new subdivisions based on input from the Idaho Department of Fish and Game or U.S. Fish and Wildlife Service, including, but not limited to:

A. Requiring applicants to cluster residential lots per the conservation subdivision standards set forth in chapter 6 subchapter 6.3 of this title to maximize the common open space area in a way that minimizes impacts to wildlife corridors/areas.

B. Requiring increased or additional vegetation conservation areas and/or building setbacks, wildlife corridors, open space or other features, where applicable, to protect critical wildlife habitat. (Ord. 501, 11-18-2008)

SUBCHAPTER 7.5 - FLOOD DAMAGE PREVENTION ¹

(Rep. by Ord. 565, 5-3-2017)

Notes

¹ 1. See title 14 of this Code.

SUBCHAPTER 7.6 - HILLSIDES

12-760: PURPOSE:

The purpose of this subchapter is to protect the community from the loss of lives and property and to reduce public and private financial losses due to slope slippage. (Ord. 501, 11-18-2008)

12-761: CONCEPTUAL ENGINEERING PLAN REQUIRED:

When land disturbing activity is proposed in areas where the natural slope equals or exceeds thirty percent (30%), the Planning Director, Hearing Examiner, board or commission may require a conceptual engineering plan as part of a subdivision, conditional use permit or variance application. The plan shall be developed by an Idaho licensed civil engineer, and shall depict proposed building sites, road and driveway grades, profiles and cross sections, and the slope and location of cuts and fills. The purpose of this plan is to demonstrate the feasibility of the proposed subdivision design and to illustrate the nature and extent of earthwork required for site preparation and construction. (Ord. 501, 11-18-2008)

12-762: GEOTECHNICAL ANALYSIS REQUIRED:

A. A geotechnical analysis shall be required for proposed building sites, roads, driveways or other development, where any of the following conditions apply:

1. Where the natural slope equals or exceeds thirty percent (30%);
2. Where soils are highly erodible, or where there are scarps, slumps, seeps or other geologic features exist that may be unstable, as determined by the Planning Director, Hearing Examiner, Commission or Board;
3. Where there is historic knowledge of sloughing, landslides, slumps or other hazardous geological features. (Ord. 590, 6-12-2019)

B. The geotechnical analysis shall be stamped and signed by an Idaho licensed civil or geological engineer having sufficient education and experience to prove competency in the field of geotechnical engineering. The geotechnical analysis shall be submitted prior to construction and shall explain the geologic and hydrologic features of the area, shall evaluate the suitability of the site for intended uses, shall identify potential problems relating to the geology and hydrology, shall summarize the data upon which conclusions are based, and shall propose mitigation measures. (Ord. 501, 11-18-2008)

12-763: HYDROLOGICAL ANALYSIS REQUIRED:

(Reserved) (Ord. 501, 11-18-2008)

CHAPTER 8

DEFINITIONS

SECTION:

12-800: General Rules For Use Of Language

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12-800: GENERAL RULES FOR USE OF LANGUAGE:

General rules for use of language:

A. All provisions, terms, phrases and expressions contained in this title shall be constructed in accordance with the following general rules:

1. In any case of any difference of meaning or implication between the text of this chapter and any heading, drawing, table, figure or illustration, the more restrictive text shall control.
2. Unless otherwise specifically indicated, lists of items or examples that use terms such as "including", "such as", or similar language are intended to provide examples and not to be exhaustive lists of all possibilities.
3. References to days are calendar days unless otherwise stated. Excluding the first day and including the last day shall determine the time in which an act is to be done. If the last day is a Saturday, Sunday or holiday observed by Bonner County, that day shall be excluded.
4. Whenever reference is made to a resolution, ordinance, statute, regulation or document, it shall be construed as a reference to the most recent edition or amendment of such resolution, ordinance, statute, regulation or document, unless otherwise specifically stated.
5. Words in the masculine gender include the feminine.
6. Terms not defined within title 11 of this code or this title shall have the meaning customarily assigned to them as defined in Webster's dictionary ("The Merriam-Webster Collegiate Dictionary", eleventh edition).
7. All public officials, bodies, and agencies to which references are made are those of Bonner County, unless otherwise indicated.
8. The words "shall", "will", and "must" are always mandatory. The words "may" and "should" are advisory and discretionary terms.
9. The words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary.
10. The singular includes the plural and the plural includes the singular (including numeric values), i.e., truck vs. trucks.
11. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions or events apply.
 - b. "Or" indicates that one or more of the connected items, conditions, provisions or events may apply or be optional.
12. The word "building" includes the word "structure".
13. The word "lot" includes the words "plot", "parcel", or "tract".
14. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
15. All aviation terms, definitions, and references to airports are as defined in federal aviation regulations part 77. (Ord. 558, 12-14-2016)

12-801: DEFINITIONS - A:

ACCESS: See subsection A, "Legal Access", of the definition of Street.

ACCESSORY BUILDING OR USE: A use or structure on the same lot and of a nature that is incidental and subordinate to the principal use or structure.

ACCESSORY DWELLING UNIT: See definition DWELLING UNIT, ACCESSORY.

ADMINISTRATOR: An official having knowledge in the principles and practices of planning and zoning, who is appointed by the board to administer this title. Also, the planning director.

ADULT ENTERTAINMENT: Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities, the regulation of which is preempted by state law.

AGRI-EDUCATION: The teaching of agriculture, harvesting, culinary skills, dairy product production, farm animal slaughter and other skills and processes in a farm or ranch setting.

AGRICULTURAL DIRECT MARKETING ACTIVITIES: Those accessory activities associated with the retail sale of agricultural products produced on and off the premises. This includes the sale of nonagricultural products (e.g., crafts, antiques, kitchen goods, etc.), educational classes and tours, commercial farm rides on premises, and temporary food services.

AGRICULTURE OR AGRICULTURAL PURPOSES: Agricultural uses include forestry, cultivation of the land, storage of related agricultural products and equipment, floriculture, horticulture, nurseries with wholesale and/or retail sales of agricultural products and incidental sales of related products, greenhouses with wholesale and/or retail sales of agricultural products and incidental sales of related products, vineyards, truck gardening, beekeeping, animal and poultry husbandry, grazing or pasturing of livestock, general farming and agribusiness activities.

ALIQUOT PART: A precise description of a tract or other parcel of land definitely located by reference to the division of a United States government survey township into exact portions of the section (640 acres), half sections (320 acres), quarter sections (160 acres), half quarter sections (80 acres), quarter quarter or $1/16$ sections (40 acres), $1/32$ sections (20 acres), $1/64$ sections (10 acres), $1/128$ sections (5 acres) or

¹/₂₅₆ sections (2.5 acres).

ALL WEATHER SURFACE: A hard, dust free surface capable, during ordinary use, of withstanding without substantial deterioration, normal weather conditions. Gravel, rock or screenings alone, without the use of petroleum or cement binder, does not meet this definition of an all weather, dust free surface.

AMENDMENT: A change in the wording, context or substance of this title, or change of the zone boundaries upon the zoning map, which is part of this title when adopted by resolution passed by the board in the manner prescribed by Idaho Code.

ANIMAL ESTABLISHMENT: Any structure, land or combination thereof used, designed or arranged for the boarding, breeding, grooming, selling, showing, training, care or treatment of domestic animals, except when accessory to an agricultural use.

ANIMAL HUSBANDRY: The raising of domesticated farm animals.

ANIMAL SHELTER: A facility which is used to house or contain stray, homeless, abandoned or unwanted animals and which is owned, operated or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization or person devoted to the welfare, protection and treatment of animals.

ANIMAL UNIT: A unit of measurement calculated by adding the number of each type of animal multiplied by the multiplier specified in the table below:

Type Of Animal	Multiplier
Cattle	1.50
Chickens	0.01
Domestic fowl (turkeys, ducks and geese)	0.20
Goat	0.15
Horses, mules	2.00
Llama, alpaca, burro, donkey, miniature horses (less than 4 feet in height measured at withers)	0.23
Sheep	0.17
Swine, weaned, weighing under 55 pounds	0.10
Swine, weighing over 55 pounds	0.40

Note: Adult and juvenile animals are considered equally for the purpose of calculating animal units.

APARTMENT: A single living unit or suite in a multi-family structure, occupied on a permanent basis as distinguished from a transient occupancy basis.

APPLICANT: Any person who files an application for land use who is either the person(s) identified in the assessor's records as the owner of property on which that proposed activity would be located; or the authorized agent of such a person.

APPOINTEE MEMBERS: All members of the commission.

ARTIFICIAL HIGH WATER MARK: The high water elevation above the natural or ordinary water mark resulting from construction of manmade dams or control works and impressing a new and higher vegetation line.

ARTIFICIAL WATERCOURSE: A channel created by human activity for the purposes of conveyance of waters. The term shall include conveyance channels, grassed swales, roadside ditches or gutters, but shall not include agricultural irrigation ditches.

ASSISTED LIVING FACILITY: An establishment which provides living quarters and a variety of limited personal care and supportive healthcare to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a nursing home. Such a facility includes individual dwelling units with private bathroom facilities. Such a facility must be licensed by the state of Idaho. (Ord. 558, 12-14-2016; amd. Ord. 606, 7-14-2020)

12-802: DEFINITIONS - B:

BED AND BREAKFAST: A detached single-family residential structure, occupied and operated by the owner or a resident manager, where five (5) or fewer rooms are available for rent for a period not to exceed two (2) weeks per guest, and where meals are served from a central kitchen only to overnight guests.

BLANK WALL: Any wall or portion of a wall that has a surface area of four hundred (400) square feet of vertical surface without a window or door, or any ground level wall surface or section of a wall over four feet (4') in height at ground level that is longer than fifteen feet (15') as measured horizontally without having a ground level window or door lying wholly or in part within that fifteen foot (15') section.

BOARD OF COUNTY COMMISSIONERS (BOARD): The elected local legislative body.

BOAT: Anything that can be used as transportation on the water, with the exception of inner tubes and inflatables.

BOAT STORAGE: An area used for the commercial storage of boats and related equipment. Also includes services incidental and subordinate to the storage of boats.

BOUNDARY LINE ADJUSTMENT: A change in location of the property line between two (2) or more existing adjacent parcels, where the land taken from one parcel is added to an adjacent parcel. Further defined as a combining of one or more parcels to create fewer parcels and where no greater number of parcels than originally existed is thereby created. No boundary adjusted parcel may be reduced below the minimum parcel size for the zoning district in which the parcel is located, except that if a parcel is already below the minimum parcel size, the boundary line adjustment shall not create any parcels that are smaller than the smallest original parcel in the subject configuration.

BUILDING HEIGHT: The vertical distance from the average elevation of the finished grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof, excepting chimneys and steeples.

BUILDING SITE: Any lot, tract, parcel or subdivision of land, whether public or private, upon which a building is placed or is to be placed.

BULK, BULK REGULATIONS: The size of buildings or structures and their relationship to other structures and features, including, lot area, open space, yards, lot coverage, height, impervious surface ratios and floor area ratios. (Ord. 558, 12-14-2016; amd. Ord. 606, 7-14-2020)

12-803: DEFINITIONS - C:

CARETAKER'S RESIDENCE: A dwelling unit accessory to a professional, commercial or industrial use for occupancy by the owner caretaker.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for said purposes.

CLEARING: The destruction and/or removal of vegetation by manual, mechanical or chemical means, except that for the purposes of this title, the term shall not include agricultural and silvicultural practices, gardening, landscaping, snow removal and other incidental practices not associated with vegetative removal as a precursor to actual construction to which this title is applicable.

CLINIC: A building or portion of a building containing offices for providing medical, dental or psychiatric services for outpatients only.

CLUSTER LOT: A lot in a conservation subdivision (typically smaller than the minimum lot size for the applicable zoning district) in which residential development can occur.

CLUSTER OR CLUSTERING: Refers to a site planning technique that concentrates buildings and structures in specific areas on a lot, site or parcel to allow the remaining land to be used for recreation, open space and/or preservation of features and/or structures with environmental, historical, cultural or other significance. The techniques used to concentrate buildings may include, but shall not be limited to, reduction in lot areas, setback requirements and/or bulk requirements, with the resultant open space being devoted by deed restrictions for one or more uses.

COMMERCIAL ACTIVITY: A business use involving retail or wholesale marketing of goods and services. Examples of commercial activity include offices, retail shops, services offered for money, manufacturing and value added processing, and wholesale sales.

COMMON OPEN SPACE: A part of a conservation subdivision or planned unit development that is set aside in perpetuity as open space. This area may include freshwater wetlands, floodplains or flood hazard areas, stream corridors, recreational areas, prime agricultural lands, wildlife habitat, scenic views, historical or cultural features, archaeological sites, or other land to be protected from development, as well as easements for public utilities.

COMMUNICATION TOWER: A structure specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height or elevation which is located above the base of the structure. Antenna support may include guyed wire support towers, lattice towers or monopole towers. A "lattice tower" consists of a vertical support structure consisting of a network of crossed metal braces, forming a tower that may be three (3) or more sided. A "monopole tower" consists of a vertical support structure consisting of a single vertical metal, concrete or wooden pole, typically round or square, and driven into the ground or attached to a foundation. "Communication towers" do not include dish antennas used for residential purposes; amateur and public safety communication radio towers, CB radio and radio transmitters with a tower height less than seventy five feet (75'); and VHF and UHF receive only residential television antennas.

COMMUNITY DOCK AND MARINA: A structure or structures that provide moorage facilities, together with accessory facilities, operated as a business and open to the public or operated as a private club for members.

COMPREHENSIVE PLAN: An official statement of growth policies, adopted by the board, including such things as the general location and extent of present and proposed land uses, including residential densities, commercial and industrial uses, major transportation, parks, schools and other community facilities.

CONDITIONAL USE: A use or occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified in this title.

CONDITIONAL USE PERMIT: A permit issued by Bonner County planning commission stating that the conditional use complies with the conditions and standards set forth in this title and authorized by the planning commission.

CONDOMINIUM PROJECT: A residential development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property, together with a separate interest in space, the boundaries of which are described on a recorded final plat or recorded survey in sufficient detail to locate all boundaries thereof.

CONFINED ANIMAL FEEDING OPERATION (CAFO):

A. The use of a lot, parcel or facility where the following conditions are met:

1. Animals have been, are or will be stabled or confined and fed or maintained for a total of forty five (45) days or more in any twelve (12) month period;

2. Crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing season over any portion of the lot, parcel or facility; and

3. The lot, parcel or facility is designed to confine or actually does confine an equivalent of one thousand (1,000) animal units or more; or

4. The operation results in direct or indirect discharge of manure or wastewater to surface water or the animals come into contact with surface water that passes through the area where they are confined.

B. Two (2) or more confined animal feeding operations under common ownership are considered, for the purposes of this title, to be a single confined animal feeding operation if they adjoin each other, even if separated by a public or private road or easement, or if they use a common area or system for the disposal of wastes.

CONSERVATION LOT: That part of a conservation subdivision that remains dedicated to agriculture, open space and/or natural resource protection and is devoid of any structures other than those for the benefit of agricultural uses (including, but not limited to, barns, well houses, irrigation structures, hay sheds) or conservation purposes, but may include a primary residential dwelling unit (and any accessory employee housing as allowed).

CONSERVATION SUBDIVISION: A subdivision where lots are clustered in specific areas to allow the remaining land to be used for recreation, open space, agriculture and/or preservation of features and/or structures with environmental, historical, cultural or other significance.

CONVALESCENT CENTER: A facility, other than a hospital, that provides nursing services and custodial care on a twenty four (24) hour basis for compensation for individuals who, for reasons of illness, physical infirmity or advanced age, require such services.

CONVEYANCE: A mechanism for transporting stormwater from one point to another, including pipes, ditches and channels, but not including agricultural ditches for irrigation.

CORNER LOT: See definition of Lot Types.

COTTAGE HOUSING: A housing type designed and built in a manner consistent with section 12-480 of this title, or as hereafter amended. (Ord. 558, 12-14-2016)

12-804: DEFINITIONS - D:

DAYCARE CENTER: Refer to Idaho Code sections 39-1202 and 39-3306.

DESIGN PROFESSIONAL: A qualified person with the requisite education and experience to design a stormwater management system. "Design professionals" may include, but are not limited to, engineers, landscape architects and soil scientists for various components of a grading/stormwater management plan.

DESIGN STORM: A rainfall event of specific return frequency and duration which is used to calculate stormwater runoff volume and peak discharge rates. For the purposes of this title, the "design storms" are:

- A. 25-year design storm shall mean a rainfall event of one-tenth inch (0.1") per hour for a twenty four (24) hour duration;
- B. 100-year design storm shall mean a rainfall event of one hundred twenty five thousandths inch (0.125") per hour for a twenty four (24) hour duration.

DETENTION: The temporary storage of stormwaters to provide for settling of suspended solids, infiltration, velocity reduction or a combination of these.

DEVELOPABLE LAND: Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas and not located within a floodway.

DEVELOPMENT: The physical extension and/or construction of land uses. Development activities include subdivision of land; construction or alteration of structures, roads, utilities and other facilities; installation of septic systems; grading; deposit of refuse, debris or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities). Routine repair and maintenance activities are exempted.

DISTRICTS: See definition of Zones Or Districts.

DORMITORY: See definition of Group Housing and Guestroom.

DOUBLE FRONTAGE LOT: See definition of Lot Types.

DRIVEWAY: A private path giving access from a street.

DUPLEX: A detached residential building containing two (2) dwelling units only.

DWELLING: A building or portion thereof designed exclusively for residential purposes, including one-family, two-family and multi-family dwellings, but shall not include hotels, boarding and lodging houses.

DWELLING, MOBILE HOME: A detached residential dwelling structure greater than thirty feet (30') in length, designed for transportation after fabrication; and meeting those mobile home standards set forth by the latest published edition of the "Federal Mobile Home Construction And Safety Standards". A "travel trailer" is not to be considered as a mobile home.

DWELLING, MODULAR: A detached residential dwelling unit, manufactured and assembled to latest published uniform building code standards off site, designed to be transported to the site and placed on a permanent foundation.

DWELLING, MULTI-FAMILY: A detached residential building containing three (3) or more dwelling units.

DWELLING, PARK MODEL: See definition of Park Model.

DWELLING, SINGLE-FAMILY: A detached residential building, designed exclusively for and occupied exclusively by one family.

DWELLING UNIT: Space within a building providing complete, independent living facilities for one family only, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT, ACCESSORY: A dwelling unit located on the same lot as a single-family dwelling, either within the same building as the single-family dwelling or in a detached building, consistent with section 12-490.

DWELLING UNIT, RECREATIONAL VEHICLE: A recreational vehicle used in the same manner as a single family dwelling or an accessory dwelling unit.

(Ord. 558, 12-14-2016; amd. Ord. 598, 1-22-2020; Ord. 607, 7-22-2020)

12-805: DEFINITIONS - E:

EASEMENT: The right-of-use over the property of another as defined in I.C. 50-1301.

EROSION CONTROL: Any temporary or permanent measure taken to reduce erosion; control siltation and sedimentation; or ensure that sediment bearing waters do not leave a construction site.

EROSION CONTROL PLAN: A document consisting of drawings of a site with diagrams, explanatory text, maps, etc., which are developed for the purpose of erosion control.

EXCAVATION: The mechanical removal of more than fifty (50) cubic yards of rock, natural soil or fill in any configuration. "Excavation" shall not be deemed to include mining, exploratory excavations as a precursor to mining, excavations incidental to the issuance of a building location permit or building permit, excavations for the purpose of agricultural impoundments of water, refuse disposal sites controlled by other regulations, or excavations for wells, tunnels or utilities, or other excavations incidental or accessory to any permitted use, provided lateral support is maintained for adjoining properties.

EXPANDED SEASONAL HARVEST FESTIVITIES: Expanded seasonal harvest festivities allow a farming activity to expand beyond the restrictions for seasonal harvest festivities. The purpose and intent of the conditional use for expanded seasonal harvest festivities is to allow direct marketing of crops to the public. It is not to provide alternative ways to create permanent or semipermanent sales businesses that would otherwise require a zone reclassification to a commercial zone. (Ord. 558, 12-14-2016; amd. Ord. 606, 7-14-2020)

12-806: DEFINITIONS - F:

FACADE: The front of a building facing a street. It may also be referred to as the apparent width of the structure facing the street.

FAMILY: An individual or two (2) or more persons living together as a single housekeeping unit in a single dwelling unit.

FARMERS' MARKET: A temporary or periodic market held in the open or within a structure, where groups or individuals sell fresh produce,

flowers, arts and crafts, dairy products or other agricultural produce raised, produced or crafted by them.

FEEDLOT: See definition for Confined Animal Feeding Operation (CAFO).

FLOODPLAIN: The relatively flat area of lowland adjoining the channel of a river, stream, lake or other body of water which has been or may be covered by water of a flood of one hundred (100) year frequency. The floodplain includes the channel, floodway and floodway fringe, as established per the engineering practices as specified by the army corps of engineers, as follows:

- A. Flood: The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water.
- B. Flood Of One Hundred Year Frequency: A flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year.
- C. Channel: A natural or artificial watercourse or perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
- D. Floodway: The channel or watercourse and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater of any watercourse.
- E. Floodway Fringe: That part of the floodplain which is beyond the floodway. Such area will include those portions of the floodplain which will be inundated by a flood of one hundred (100) year frequency.

FLOOR AREA: The sum of horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or the centerline of walls separating two (2) buildings.

FRONT YARD: See definition of Yard, Front. (Ord. 558, 12-14-2016)

12-807: DEFINITIONS - G:

GARAGE: A building or portion thereof in which a motor vehicle is stored, repaired or kept.

GRADING/STORMWATER MANAGEMENT PLAN: A document composed of drawings, maps, calculations, etc., which is used to design a grading and stormwater management system and to ensure the functioning of the system.

GREENHOUSE: An establishment where flowers, shrubbery, vegetables, trees and other horticultural products are grown in an enclosed building on the premises for sale on a wholesale or retail basis, including the wholesale and/or retail sales of agricultural products and incidental sales of related products.

GROUNDWATER: Waters in a subterranean saturated zone or stratum.

GUEST: Any person hiring or occupying a room for living or sleeping purposes.

GUESTROOM: Any room or rooms used, or intended to be used, for sleeping purposes. Every one hundred (100) square feet of superficial floor area in a dormitory shall be considered to be a guestroom.

GUN CLUBS AND RIFLE RANGES: Any organization whether operated for profit or not, and whether public or private, which caters to or allows the use of firearms, including, but not limited to, archery, target, and skeet shooting and may also include organized tournaments. (Ord. 558, 12-14-2016; amd. Ord. 607, 7-22-2020)

12-808: DEFINITIONS - H:

HEIGHT: For the purpose of determining the height limits in all zones set forth in this title and shown on the official zoning map or official supplementary zoning map of the county, the datum shall be mean sea level elevation unless otherwise specified.

HOME OCCUPATION: An occupation, profession or craft which is clearly incidental and subordinate to the residential use of the premises, and meets the provisions set forth in this code.

HOSPITAL: An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and injured persons, licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice.

HOSTEL: Owner/manager supervised group lodging available for transient rent to guests. The lodging facility typically consists of small, separate or family grouped sleeping areas or dormitory style sleeping and common rooms for cooking, meeting, recreation or educational use. Food services may vary from prepackaged offerings to cafeterias to full service dining for lodging guests only.

HOTEL: A building in which there are guestrooms where lodging, with or without meals, is provided for compensation but shall not include motels, jails, hospitals, asylums, sanatoriums, orphanages, prisons, detention homes and similar buildings where human beings are housed and detained under restraint. (Ord. 558, 12-14-2016)

12-809: DEFINITIONS - I:

IMPERVIOUS SURFACE: A hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to construction, or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow compared to conditions prior to construction. Common "impervious surfaces" include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, concrete or asphalt paving, gravel roads, packed earthen materials and oiled, macadam or other surfaces which impede the natural infiltration of stormwater. Open, uncovered retention or detention facilities are not considered to be impervious surfaces for the purposes of this title.

INTERIOR LOT: See definition of Lot Types. (Ord. 558, 12-14-2016)

12-810: DEFINITIONS - J:

JUNK: Any manufactured good, appliance, fixture, furniture, machinery, personal property or any other thing or part thereof, whether of value or valueless, that is demolished, discarded, dismantled, partially dismantled, dilapidated, or so worn and deteriorated that there is no longer remaining any capability for use in the manner for which it was originally manufactured.

JUNK AND/OR SALVAGE YARD: An open area where scrap materials are bought, sold, exchanged, recycled, stored, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles and such other worn out or discarded material as can be turned to some use, but which cannot be used again for the purpose for which it was originally intended. A sanitary landfill, refuse, transfer station, drop box facility for waste disposal, or recycling center shall not be considered a "junkyard and/or salvage yard" when operated by a governmental agency or other institution.

JUNK VEHICLE: Any vehicle meeting the following requirements:

- A. Is apparently inoperable and without valid, current registration tabs or license plates; and
- B. Is extensively damaged, including, but not limited to, any of the following: a damaged window or windshield, or missing wheels, tires, motor, or transmission.
- C. Unless said vehicle is stored within a completely enclosed building or sight obscuring fence.

JUNKYARD/WRECKING YARD: An open area where waste and scrap material are bought, sold, exchanged, stored, baled, packed, disassembled or handled. "Junkyard/wrecking yard" is further defined as any place where four (4) or more vehicles, unlicensed or not in operating condition, are stored in the open. "Junkyard/wrecking yard" includes the commercial salvaging or recycling of any goods or machinery. (Ord. 558, 12-14-2016)

12-811: DEFINITIONS - K:

KENNEL: A commercial establishment in which six (6) or more dogs or other domesticated animals are housed, groomed, bred, boarded, trained or sold.

KINDERGARTEN: A school, public or private, whether operated for profit or not for profit, giving preschool instruction to children under the age of seven (7) years.

KITCHEN: Any room principally used, intended or designed to be used for cooking or the preparation of food. (Ord. 558, 12-14-2016)

12-812: DEFINITIONS - L:

LABORATORY: A place devoted to experimental study, such as testing and analyzing. Manufacturing of a product or products is not to be permitted.

LAND DISTURBING ACTIVITY: Any activity which results in a change in the existing soil cover, and includes clearing, grading, filling and excavation.

LANDSCAPE DESIGN PROFESSIONAL: A qualified person with the requisite education and experience to design and supervise a landscaping plan. The individual must have an in depth knowledge of native and drought tolerant plant materials and installation of irrigation systems. Design professionals may include, but are not limited to, landscape architects and certified nursery persons.

LARGE SOIL ABSORPTION SYSTEM: A subsurface sewage disposal system designed to receive two thousand five hundred (2,500) gallons of wastewater or more per day, including where the total wastewater flow from the entire proposed project exceeds two thousand five hundred (2,500) gallons per day, but the flow is separated into absorption modules (a subsurface sewage disposal system designed to serve 3 or more connections) which receive less than two thousand five hundred (2,500) gallons per day.

LEGAL ACCESS: See definition of Street.

LIGHT INDUSTRIAL: Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly and/or treatment of finished or semifinished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Finished or semifinished products may be temporarily stored outdoors pending shipment.

LITTORAL: Of or on a shore.

LIVESTOCK: Cattle, horses, sheep, hogs or goats raised for home use or profit.

LOADING SPACE, OFF STREET: Space logically and conveniently located for bulk pick ups and deliveries, scaled to delivery vehicles, accessible to and expected to be used by such vehicles. All off street loading spaces shall be located totally outside of any street or alley right of way.

LOCAL ROADS: See definition of Street.

LOT: A platted piece of land which is part of a subdivision recorded in the book of plats in the office of the county recorder.

LOT COVERAGE: The percentage of the area of a lot which is occupied by all buildings or other covered structures.

LOT LINE ADJUSTMENT: A reconfiguration of property as set forth in subchapter 6.6 of this title.

LOT MEASUREMENTS: A. The depth of a lot shall be considered the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or the most distant point of another lot line if there is no rear lot line.

- B. The width of a lot shall be calculated by dividing the lot area measured in square feet by the length of the lot.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT SIZE: The area contained within the boundaries lines of a Lot including Easements.

LOT TYPES: A. Corner Lot: A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a "corner lot" if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five degrees (135⁰).

B. Flag Lot: A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

- C. Interior Lot: A lot other than a corner lot with only one frontage on a street.

D. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.

E. Reversed Frontage Lot: A lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A "reversed frontage lot" may also be a corner lot, an interior lot or a through lot. (Ord. 558, 12-14-2016; amd. Ord. 606, 7-14-2020)

12-813: DEFINITIONS - M:

MAJOR COLLECTOR: See definition of Street.

MANUFACTURED BUILDING: Any building which is of closed construction and which is made or assembled in manufacturing facilities, on or off the building site, for installation or assembly and installation on the building site.

MINE, SURFACE: An area where surface mining is conducted of two (2) acres in size or larger, or a volume in excess of one thousand (1,000) cubic yards of minerals or overburden are extracted.

MINERAL: Coal, clay, stone, sand, gravel, metalliferous and nonmetalliferous types of ores, and any other similar, solid material or substance of commercial value to be excavated from natural deposits on or in the earth.

MINING: The removal for commercial purposes of minerals, ores, sand, gravel, oil or gas from a naturally occurring deposit. "Mining" shall include surface mining, underground mining, oil and gas wells and dredge mining, but shall not be deemed to include the incidental removal of minerals, ores, sand or gravels which occurs as a part of, or accessory to, any permitted use or unrelated excavation on the same parcel.

MINING, SURFACE: The activities performed at the surface of the ground related to the extraction of minerals from the ground, including the excavation of pits, removal and/or storage of minerals, disposal of overburden, and the construction of haulage roads, for the purpose of sale, or use of such extracted minerals in a different parcel. Operations within the right of way of a public highway conducted by a public agency for maintenance, repair or construction of a public highway which disturb less than two (2) acres shall not be deemed "surface mining". The extraction of minerals from within the right of way of a public highway by a public or governmental agency for maintenance, repair or construction of a public highway shall not be deemed surface mining operations under this title; provided, that the affected land is an integral part of the public highway.

MINOR ARTERIAL: See definition of Street.

MINOR COLLECTOR: See definition of Street.

MINOR NOTATIONAL CHANGE: A type of note change for the purpose of entering corrections, endorsements, dedications, easements and similar minor changes to an existing recorded plat.

MITIGATION: Compensatory actions to restore natural functions and values lost through development and human alterations.

MIXED USE: A development involving a combination of residential and nonresidential uses. For example, a mixed use structure may have nonresidential uses at street level with residential uses on the second floor.

MOBILE HOME PARK: A site specifically designed to accommodate, with or without compensation, two (2) or more mobile home units on the same property (contiguous ownership), providing stalls or spaces for each mobile home unit. This term shall not include mobile home subdivisions or recreational vehicle parking.

MOBILE HOMES: See definition of Dwelling, Mobile Home.

MODULAR DWELLING: See definition of Dwelling, Modular.

MOTEL: A group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the use by automobile tourists or transients.

MULTI-FAMILY DWELLING: See definition of Dwelling, Multi- Family. (Ord. 558, 12-14-2016)

12-814: DEFINITIONS - N:

NATURAL OR ORDINARY WATER MARK: The high water elevation over a period of years, uninfluenced by manmade dams or works, at which elevation the water impresses a line on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes.

NATURAL RESOURCES: Existing natural elements relating to land, water, air, plant and animal life, including, but not limited to, soils, geology, topography, surface and subsurface waters, wetlands, vegetation, biota, fisheries, and animals and their habitats.

NONCONFORMING STRUCTURE: A structure or building, or portion thereof, which was lawfully erected or altered and maintained at the time this title was adopted, but which because of the applications of this title to it, no longer conforms to the use, height or area regulations of the zone in which it is located.

NONCONFORMING USE: A use which was lawfully established and maintained at the time this title was adopted, but which, because of the application of this title to it no longer conforms to the use regulations of the zone in which it is located.

NOXIOUS MATTER: Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well being of individuals.

NURSERY, PLANT: An establishment where flowers, shrubbery, vegetables, trees or other horticultural products are grown in the open or in an enclosed building on the premises for sale on a wholesale or retail basis, including the wholesale and/or retail sales of agricultural products and incidental sales of related products.

NURSERY SCHOOL: A school or organized program for the care and/or instruction of preschool children under the age of six (6) years, whether public or private, and whether or not operated for profit. (Ord. 558, 12-14-2016)

12-815: DEFINITIONS - O:

OFF STREET LOADING SPACE: See definition of Loading Space, Off Street.

OPEN SPACE: Any open area, including, but not limited to, parks, yards, playgrounds, beaches, parkways, waterways and streets.

OUTDOOR ADVERTISING DISPLAY: A. Any card, paper, cloth, metal, wooden or other display or device of any kind or character, including, but not limiting the same to, any poster, bill, printing, painting or other advertisements of any kind whatsoever, including statuary, places for outdoor advertising purposes or onto the ground or any tree, wall, rock, fence, building, structure or thing.

B. "Outdoor advertising display" does not include: 1) official notices issued by any court or public body or officer; 2) notices posted by any public officer in performance of a public duty or by any person in giving legal notice; 3) directional warning or information structures required by or authorized by law or by federal, state, county or city authority.

OUTDOOR ADVERTISING STRUCTURE: A structure for the permanent display of off premises advertising. Off premises advertising is any commercial message referring or relating to an enterprise or business that is not conducted on the premises where the sign is located. (Ord. 558, 12-14-2016)

12-816: DEFINITIONS - P:

PARCEL: An unplatted piece of land which is uniquely described within a legal instrument of conveyance.

PARENT TRACT: A lot, lots of record, parcel or parcels proposed to be developed either as a standard lot subdivision and/or as a conservation subdivision and used for calculating the density allowance for said subdivisions.

PARK: A noncommercial facility designed to serve the recreational needs of the residents of the community.

PARKING SPACE: A. An off street parking area, located totally outside of any road right of way, for motor vehicles and having access to a public street or alley or private road or driveway.

B. In determining the gross area required for an off street parking lot requiring a specified number of parking spaces, including driveways and aisles, two hundred fifty (250) square feet per parking space shall be used.

PERFORMANCE STANDARD: Criteria outlined in this title for specific conditions for various uses or classifications of uses.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity. A "person" shall include a trustee, receiver, assignee or similar representative of any of the above.

PLANNING AND ZONING COMMISSION: The Bonner County planning and zoning commission, herein further referred to as the planning commission or commission.

PLANNING DIRECTOR: An official appointed by the board who has knowledge in the practice of planning and zoning or his or her designee or appointee.

PRINCIPAL ARTERIAL: See definition of Street.

PRIVATE ROAD: That road which is to be constructed, reconstructed or renovated within a private easement or private right of way, and which is not a driveway as defined herein.

PRIVATE SCHOOL: See definition of Schools, Public Or Private.

PROHIBITED USES: See definitions of Use and Use, Prohibited.

PROPERTY LINE: Shall mean any line bounding a lot or parcel.

PUBLIC BUILDING: A building or structure used as offices for conducting official business of government entities or political subdivisions.

PUBLIC RIGHT OF WAY: Any land dedicated and open to the public and under the jurisdiction of a public highway agency, where the public highway agency has no obligation to construct or maintain said right of way for vehicular traffic. A public right of way includes land accepted by Bonner County on behalf of the public by deed or fee simple title; authorized easement in favor of Bonner County or the state of Idaho; eminent domain; recorded final plat; or prescriptive use by Bonner County. "Public right of way" shall not include federal lands, as provided in Idaho Code section 40-204A, that resulted from the creation of a facility for the transmission of water.

PUBLIC SCHOOL: See definition of Schools, Public Or Private.

PUBLIC UTILITY FACILITY: A public, private or community utility facility, including, but not limited to, station houses or station grounds; pumping stations; power substations; dam structures; solid waste transfer stations; fire stations; telephone transmission stations; telegraph stations; sewage disposal, treatment or storage stations and subsurface sewage disposal systems serving ten (10) or more residential dwelling units or designed with a capacity of two thousand five hundred (2,500) gallons or more per day; public community water systems designed for fifteen (15) or more connections or regularly serves at least twenty five (25) year round residents; public libraries; railroad transportation lines or spurs; railroad classification lines; or structures used in interstate transmission of electricity, natural gas or fuel. (Ord. 558, 12-14-2016; amd. Ord. 606, 7-14-2020)

12-817: DEFINITIONS - Q:

None at this time. (Ord. 558, 12-14-2016)

12-818: DEFINITIONS - R:

RACETRACK: A commercial facility, whether private or public, indoor or outdoor, configured and used to conduct events involving animals or machines competing against one another or against time. A racetrack may include seating, concession areas to serve patrons of the facility only, restrooms, parking facilities and storage facilities. The definition of racetrack shall include motocross, mud bog tracks, horse and dog racetracks, demolition derby courses, upland accommodations for water based racecourses, auto racetracks and other similar courses. Commercial, for the purposes of this definition, includes the charging of any fee or other compensation.

REAR YARD: See definition of Yard, Rear.

RECONNAISSANCE: An inspection or exploration of an area.

RECREATION VEHICLE: A vehicular or portable unit designed to be mounted on a chassis and wheels, designed and constructed to be installed with or without a permanent foundation for human occupancy as a residence not more than nine hundred (900) square feet in total floor area. The term "recreation vehicle" shall include, but is not limited to, travel trailers, park models, camping trailers, truck campers, and motor homes and tiny houses.

RECREATIONAL FACILITY: A place designed and equipped for the conduct of small scale and low intensity sports, leisure time activities and other customary and usual recreational activities. Activities may include, but are not limited to, recreational uses such as rafting, canoeing, tent camping, swimming, cross country skiing, hiking, hunting and fishing, horseback riding and snowmobiling, together with accessory facilities, operated as a business and open to the public or operated as a private club for members.

RECREATIONAL VEHICLE (RV) PARK: Any premises designed for the rental of two (2) or more recreational vehicle parking stalls or spaces.

RESIDENTIAL: Describes the use of a structure by a family (or families) as a dwelling unit (or units) and may also include home occupation, accessory uses, or structures. Residential is also used to describe a geographic area where permitted uses are typically residential in character.

RESIDENTIAL CARE OR ASSISTED LIVING FACILITY: Refer to Idaho Code 39-3302.

RESORT, COMMERCIAL: An area privately owned, devoted primarily to outdoor recreational uses conducted for profit, which may include, but are not limited to, swimming, boating, fishing, hunting, camping, picnicking, winter sports and similar uses. A "commercial resort" may also include facilities for seasonal or overnight living quarters for guests. Such seasonal or overnight living quarters shall be clearly subordinate to the on site outdoor recreational uses.

RETAIL SERVICES: Establishments engaged in the sale of goods or services directly to the consumer.

RETENTION: The holding of stormwater runoff within a contained area in such manner that the stormwaters so contained can leave by means of

evaporation, infiltration or emergency overflow or bypass structures.

RETREAT: A facility used for professional, educational, health or religious meetings, training, conferences or seminars which by its design is low intensity and small scale. A "retreat" provides an opportunity for groups to congregate temporarily on a site for such purposes as education, enlightenment, contemplation, renewal or solitude. "Retreats" may include, but are not limited to, corporate retreats, ashrams, meditation centers, weight reduction camps, or other similar facilities. Retreat facilities are permitted only for those who are engaged in retreat activities, and shall not be used by the general public for meals or overnight accommodations.

REVERSED FRONTAGE LOT: See definition of Lot Types.

RIGHT OF WAY: A strip of land used for access, or dedicated for use as a public right of way.

ROAD: See subsection B, "Local Roads", of the definition of Street.

ROAD CONSTRUCTION: The building up of the natural land surface within a right of way or easement for the purpose of creating a travelway open for vehicular passage. "Road construction" shall include such activities as initial clearing, alteration of topography, and installation of culverts, filling of low areas, deposition of subbase or base materials, topping, grading and surfacing.

ROAD RECONSTRUCTION: Any modification of the cross section, subgrade or alignment of a road or travelway within a right of way or easement. Routine grading, resurfacing or repaving shall not be considered reconstruction.

ROOMING HOUSE: See definition of Group Housing. (Ord. 558, 12-14-2016; amd. Ord. 606, 7-14-2020)

12-819: DEFINITIONS - S:

SANITARY LANDFILL: A method of disposing of solid wastes on land without creating a nuisance or hazard to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.

SCHOOLS, PUBLIC OR PRIVATE: An institution of learning, public or private, which offers instruction in the several branches of learning and study.

SEASONAL HARVEST FESTIVITIES: Those temporary and accessory activities associated with the sale of annual harvest crops. These accessory activities may include live music, temporary food service establishments, vendors other than the owners or operators of the farm, commercial farm rides on the premises and recreational activities (e.g., corn mazes, craft booths, etc.).

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

SETBACK: The minimum distance by which a building or structure must be separated from a street right of way, easement or property line.

SHORE LAND: Those lands extending landward for two hundred feet (200') in all directions as measured on a horizontal plane of any applicable natural or ordinary water mark, or the applicable "artificial high water mark", as defined in this chapter, of any lake, river, stream, channel or other body of public water.

SHORELINE: The applicable natural or ordinary water mark, or the applicable "artificial high water mark", as defined in this chapter, of any lake, river, stream, channel or other body of public water.

SIDE YARD: See definition of Yard, Side.

SIGN: A device, descriptive display or illustration generally relating in its subject matter to products, persons, accommodations, services or activities on the premises. However, a "sign" shall not include legal notices or informational or directional media erected or required by governmental bodies, nor shall it include residential location indicators.

SIGN AREA: Shall consist of the smallest rectangle that can contain the sign script, logos, symbols and other graphic elements. Only one side of a double sided sign shall be used to calculate sign area. The area shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

SINGLE-FAMILY DWELLING: See definition of Dwelling, Single- Family.

SITE: The land area subject to a land disturbing activity associated with any construction to which this title is applicable. The site shall be deemed to include actual areas of land disturbance and areas designated for stockpiling or storage of excavated earthen materials.

STATE HIGHWAY: See definition of Street.

STOCK COOPERATIVE: A land development where title is held in common, when individuals or bodies corporate receive a right of exclusive occupancy for building construction in a portion of the real property.

STORAGE STRUCTURE: Any structure that is used for storage and does not have a door or other entranceway into a dwelling unit and that does not have water fixtures within its confines, the use of which is limited solely to storage of inanimate objects.

STORMWATER: That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow into channels or pipes into a defined watercourse, stream or constructed conveyance, detention or retention facility.

STORMWATER MANAGEMENT SYSTEM: A system of collection, detention, retention and/or infiltration areas and/or treatment devices designed to prevent stormwater from entering a natural body of surface water.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is one floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story for the purpose of this title, when more than one-half ($1/2$) of such basement height is above the established curb level or above the finished lot grade where curb level has not been established.

STREAM: A natural watercourse of perceptible extent, with definite bed and banks, which confines and conducts intermittent or continuously flowing water, and as shown on national hydrography dataset published by the United States geological survey.

STREET: A travelway - excepting driveways and trails (as defined in BCRC12-820) - which provides vehicular access to adjacent properties, including the following:

A. Legal Access: A public or recorded thoroughfare which affords a primary means of access to adjoining properties. A recorded thoroughfare may be a recorded easement for ingress or egress or a platted street right of way used as a thoroughfare for access to abutting property, but for

which the county assume no responsibility for maintenance. A thoroughfare not recorded with the county recorder shall not be considered legal access.

B. Local Roads: A public or recorded thoroughfare which affords primary access to adjoining property. A local road may be a recorded easement for ingress and egress or a platted street which provides access to abutting property.

C. Major Collector: A public thoroughfare that links minor collectors and local access routes with routes of higher classification. Frontage and access is limited.

D. Minor Arterial: A public thoroughfare that serves less dense population concentrations. Minor arterials may connect to principal arterials or provide intermediate routes. Frontage and access is limited.

E. Minor Collector: A public or recorded private thoroughfare which affords access to adjoining property and connects local access roads to roads of higher classification.

F. Principal Arterial: A public thoroughfare that connects a network of continuous routes. Serves large intercounty population concentrations and is designed to carry heavy traffic loads. Frontage and access is limited.

G. State Highway: A public thoroughfare that serves interstate and intrastate populations. These highways are designed to carry maximum traffic loads. Frontage and access is restricted to Idaho department of transportation standards.

The term "street" shall not mean a private easement or travelway that provides access to two (2) or fewer single-family residential lots or parcels beyond the subject lot or parcel.

STRUCTURAL ALTERATION: Any change in the supporting members of a building such as foundations, bearing walls, columns, beams or girders, or a structural change in the roof.

STRUCTURE: Any object constructed or erected which requires location on ground or is attached to something having a location on the ground, including towers, smokestacks, overhead transmission lines, but not including fences or walls used as fences, less than eight feet (8') in height.

SUBDIVISION: Any division of land as set forth in the definition of "subdivision" in section 12-611 of this title.

SUBMERGED LANDS: All lands below the applicable natural or ordinary water mark, or the applicable artificial high water mark of any lake, river, stream, channel or other body of public water.

SUNDRIES: Articles too small or numerous to be specified; miscellaneous items. This can include items sold in antique, pawn and gift shops.

SURFACE WATER: All waters which collect, flow or accumulate on or above the ground surface.

SWALE: A shallow depression in the ground surface with relatively gentle side slopes, which is designed or used to retain stormwaters for sufficient time to allow the stormwater to percolate into the soil. (Ord. 558, 12-14-2016; amd. Ord. 606, 7-14-2020)

12-820: DEFINITIONS - T:

TEMPORARY DWELLING UNIT: A residence that is either:

A. For the purpose of providing adequate housing and care for the aged or handicapped family member who is incapable of adequately caring for himself or herself.

B. Located on a nonresidential construction site and occupied by persons having construction security responsibilities of such construction site.

THROUGH LOT: See definition of Lot Types.

TOPSOIL: The largely organic upper horizon of the soil, down to such restrictions as claypans, hardpans, coarse sand and gravel, or rock.

TOWNHOUSE: A single-family dwelling unit on a separate lot that is attached to one or more townhomes and having at least one common wall.

TRAIL: A way designed for and used by equestrians, pedestrians or cyclists.

TREATMENT DEVICE: A constructed or manufactured area or mechanism designed for the purpose of removing contaminants from stormwaters. "Treatment devices" may include, but are not limited to, detention ponds, oil/water separators, biofiltration swales and constructed wetlands.

TREE: A woody plant with at least one well defined stem or trunk and normally reaches a height of fifteen feet (15') or more. (Ord. 558, 12-14-2016)

12-821: DEFINITIONS - U:

UNDEVELOPED OR UNDISTURBED STATE: The soils and vegetation in place prior to the start of any land disturbing activity.

URBAN SERVICES: Publicly or privately maintained water supply and distribution systems; sewage collection, treatment and disposal systems (not to include individual septic tanks and drainfield systems or community septic tanks and drainfield systems, unless subject to an approved sewer management agreement); electric power and telephone utilities; and hard surfaced roads constructed to the standards set forth in title 2 of this code.

USE: The purpose for which land or a building is arranged, designed or intended, or for which either is or may be occupied or maintained.

Principal Use: The main, major, and dominant use of a building or premises as distinguished from an accessory use.

USE, PROHIBITED: Those uses not specifically classified as permitted or conditionally permitted uses in any zone district and as set forth in subchapter 3.3 of this title. (Ord. 558, 12-14-2016)

12-822: DEFINITIONS - V:

VACATION RENTAL: A dwelling unit - excluding caretaker's residences and farm labor housing, - rented for periods of up to one month per visit.

VALUE ADDED AGRICULTURAL PROCESSING: A fixed establishment performing any processing or packaging of crops produced, where value is added by changing the physical state or form of the product, to prepare it for market. Value added agricultural processing products include, but are not limited to, soap, candles, baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, smoked or canned meats or fish, sausages, or prepared foods. It also includes related accessory uses such as: offices, laboratories, tasting facilities, retail sales of agriculture related promotional and/or educational items, and facility tours.

VARIANCE: A modification of the bulk (size, height, shape, floor area ratio or other relationships of a structure to a lot or other structures) and

placement requirements of this title as to lot or parcel size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space size, height of buildings, or other provisions of this title affecting the size or shape of a structure or the placement of the structure upon a lot or parcel, or the size of the lot or parcel.

VICINITY MAP: A map depicting the general location of the subject property to other properties, the transportation system, landmarks and other physical features within a one mile radius of the site. (Ord. 558, 12-14-2016; amd. Ord. 606, 7-14-2020)

12-823: DEFINITIONS - W:

WATERCOURSE: A natural channel carrying waters on an intermittent or infrequent basis.

WATERS: All the accumulations of water, surface and ground water, natural and artificial, public and private, or parts thereof, which are wholly or partially within, or flow through or border on Bonner County.

WEATHER PROTECTION: Architectural features, such as an awning, marquee or canopy that protect pedestrians from rain and sunlight. To qualify as weather protection, the feature must be at least eight feet (8') above the walking surface and project at least six feet (6') horizontally from the structure.

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. "Wetlands" generally include swamps, marshes, bogs and similar areas (EPA, 40 CFR 230.3 and CE 33 CFR 328.3).

WHOLESALE SALES: The selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use. (Ord. 558, 12-14-2016)

12-824: DEFINITIONS - X:

XERISCAPING: Landscaping characterized by the use of drought tolerant vegetation and the promotion of good horticultural practices and efficient use of water. (Ord. 558, 12-14-2016)

12-825: DEFINITIONS - Y:

YARD: An open space on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title. (Ord. 558, 12-14-2016; amd. Ord. 606, 7-14-2020)

12-826: DEFINITIONS - Z:

ZONES OR DISTRICTS: Land classifications, identified in this title for which the boundaries are enumerated on official maps in the office of the planning department. (Ord. 558, 12-14-2016)

APPENDIX A OF TITLE 12

PRIVATE ROAD STANDARDS MANUAL

SECTION 0: PURPOSE AND AUTHORITY

It is the purpose of this manual to provide consistent standards for construction of new private roads built in Bonner County and reconstruction or renovation of existing private roads for subdivisions, in Bonner County. All construction shall conform to the standards set forth in this manual.

A. The Board of County Commissioners is authorized to waive requirements of appendix A upon satisfaction of the criteria of this section. The purpose of granting a waiver under the provisions of these regulations shall be to ensure that an applicant is not unduly burdened as opposed to merely inconvenienced by the Private Road Standards. The Board shall not approve any waiver(s) except finding that all of the following apply:

1. The granting of the waiver will not result in impacts that are detrimental to the public safety, health or welfare or injurious to other property.
2. Granting the waiver shall substantially secure the objectives, standards and requirements of these regulations.
3. A practical hardship, or unnecessary and unreasonable expense, would result from strict compliance with the foregoing regulations.
4. The purpose of these Private Road Standards may be served to a greater extent by an alternative proposal, or where such requirements are redundant and clearly unnecessary for the land division in a particular area. (Ord. 581, 10-24-2018)

SECTION 1: GENERAL PROVISIONS AND REQUIREMENTS

Definitions

APPROACH: As used in this manual, the term "approach" shall mean any vehicular entrance upon a County right-of-way, other than driveway.

COUNTY: The term "County" refers in all instances to Bonner County, Idaho.

DRIVEWAY: As used in this manual, the term "driveway" shall mean a vehicular entrance upon a right-of-way/easement or a roadway which provides access to a fourplex or smaller multi-family dwelling or two (2) or fewer single-family residential lots or parcels.

LOCAL FIRE AGENCY: The fire district, fire subscription agency or Bonner County in the absence of a fire district or subscription area.

NEW ROAD: As used in this manual, the term "new road" shall mean any road built as a private road or existing private road(s) renovated or reconstructed for subdivisions and not defined as a "driveway".

PRIVATE ROAD: Is that road which is to be constructed, reconstructed or renovated within an easement or private right-of-way.

PROJECT ENGINEER: As used in this manual, the term "project engineer" shall mean a registered professional engineer, licensed in the State of Idaho, and who is retained to design, construct or supervise the construction of a new or renovated or reconstructed road.

ROAD SURFACE, ROADWAY: As used in this manual, the terms "road surface" and "roadway" shall mean the travelway and the road shoulders on each side.

TRAVELWAY: That portion of a road which has been improved for the movement of vehicles, exclusive of shoulders.

1.1 Applicability

The standards contained within this manual shall be applicable to construction of new private roads built in Bonner County or existing roads

renovated or reconstructed for subdivisions in Bonner County and not defined as a "driveway".

SECTION 2: STANDARDS FOR NEW PRIVATE ROAD CONSTRUCTION

2.1 General Requirements

Construction of new private roads built in Bonner County and existing private roads renovated or reconstructed for subdivisions in Bonner County shall conform to the standards set forth in this section. Note: Dedication of easement (right of way) to homeowner association shall be provided as part of final plat/deeds of family exemption and may be included in the gross acreage, where authorized by this title.

A road maintenance agreement shall be provided with the subdivision application.

2.2 Design And Layout

A. New roads shall be laid out and designed in conformance with the transportation portion of the comprehensive plan.

B. New roads serving residential subdivisions shall be designed to connect to local access roads or collectors. New roads shall be designed to provide access to each lot.

2.3 Specifications For Drawings

A. The project engineer shall prepare road and right of way/easement drawings, and each sheet of the drawings shall bear the seal of such engineer. A licensed surveyor may prepare the right of way/easement drawings, and each sheet of the drawings shall bear the seal of such surveyor.

B. Two (2) copies of the design drawings shall be submitted to the Bonner County planning department. The planning department shall provide one copy to the local fire agency official. All drawings shall include the following, when applicable:

1. The first sheet of the plans shall include a project title, vicinity map, and index of plan sheets.
2. Road horizontal and vertical alignments with fifty foot (50') stationing, reading from left to right, and stationing at point of curve, tangent and intersections, with appropriate ties to existing road surveys and stationing, section corners, quarter corners, and the horizontal control established by the engineer and/or project surveyor. Stations shall increase from west to east and from south to north.
3. Section, township and range.
4. Bearings on the road centerline, keyed to an associated plat map.
5. Curve data including radius, delta, arc length, and semitangent length, on all road centerlines and curb returns.
6. Right of way/easement lines, width for proposed road travelway and roadway, intersecting roads, and existing road improvements with dimensions.
7. All topographic features within right of way/easement limits or future right of way/easement limits and sufficient area beyond to resolve questions of setback, cut and fill slope, drainage, access onto abutting property, and road continuations.
8. All existing utilities.
9. All proposed water and sewer utilities that will be designed and constructed.
10. Identification of all roads and adjoining subdivisions.
11. Existing and proposed drainage features, showing direction of flow, size and kind of each drainage channel, pipe, and structure and other specified requirements in any county stormwater management specifications.
12. Horizontal scale: One inch equals fifty feet (1"=50') and a vertical scale of one inch equals ten feet (1"=10'). However, one inch equals one hundred feet (1"=100') shall be optional for development of lots one acre or larger. Details for clarification may be shown on a convenient scale. A scale of one inch equals twenty feet (1"=20') may be required for urban arterial streets where detail is sufficiently dense to cause a "cluttered" drawing at a smaller scale.
13. A north arrow.
14. Project beginning and ending designation with stations.
15. A title block to include:
 - a. The project name;
 - b. Sheet number;
 - c. Road names;
 - d. Road limits.
16. All found and referenced survey monuments.
17. Section and lot lines.
18. Beginning, middle and ending elevations of curb returns.

Other data necessary for the specific project.

2.4 Width Of Right Of Way/Easement Required

A. New private roads shall have a minimum right of way/easement width that shall be of sufficient width to accommodate all cuts and fills, snow storage and stormwater features, but not less than thirty feet (30') in width.

B. Effort shall be made to provide through roads within a subdivision and minimize the need for dead ends. Cul-de-sacs and hammerhead turnarounds shall have a right of way/easement sufficient to provide area within the right of way/easement for storage of snow removed from the roadway.

C. Cul de sacs/hammerhead turnarounds shall be designed and constructed in accordance with the current edition of the international fire code, as adopted by the state fire marshal, and such later editions as may be so published and adopted by the state fire marshal, or as amended, modified or superseded, and incorporated herein by reference with a copy on file with the office of the clerk of the board of county

commissioners, and hereinafter referred to as IFC.

2.5 Road Design

A. The minimum and maximum for design parameters of new roads shall be:

Design Parameter	
Vertical grades	Maximum ten percent*
Horizontal curvature on centerline	Minimum radius 50 feet
Roadway width	22 feet minimum**
Travelway width	20 feet minimum**

* Variation to grades steeper than 10 percent may be approved by Bonner County through the subdivision process where evidence is provided by the applicant that steeper grades are necessary and can accommodate fire and emergency vehicles.

** Variations to roadway widths to allow a minimum of 14 feet may be approved by Bonner County through the subdivision process where evidence is provided by the applicant that the required roadway width cannot be installed because of topography, waterways or other similar restricting conditions and that the narrower width will not obstruct access by fire and emergency vehicles. When a width variance is approved, a turnout on each end of the reduced width section shall be constructed to a minimum of 26 feet in overall travelway width and 40 feet in length, with the turnouts constructed on the right as the traffic enters the reduced width section. No driveways or other access roads shall be allowed in the roadway width varied area.

The request for variation shall include evidence provided by the project engineer in regards to safety, maintenance and year round access.

For the purposes of the standards contained in this manual, private roads are further divided into three (3) subcategories as shown below. Where the term private road is used within the text, it shall include all of the following subcategories:

1. High Density Private Road: A private access road, in any area zoned for lot or parcel sizes of twelve thousand (12,000) square feet or less in size on the official Bonner County zoning map.
2. Standard Private Road: A private access road with a projected traffic volume* of two hundred (200) or more vehicle trips per day, or in an area zoned for lot or parcel sizes greater than twelve thousand (12,000) square feet and less than five (5) acres in size on the official Bonner County zoning map.
3. Low Volume Private Road: A private access road with a projected traffic volume* of less than two hundred (200) vehicle trips per day, and in an area zoned for lot or parcel sizes of five (5) acres or greater on the official Bonner County zoning map. Note: Private roads are not maintained by Bonner County.

* Projected traffic volumes to be based on ten (10) vehicle trips per day per household over the design life of the road (usually 20 years).

New private roads shall have a minimum roadway width, travelway width and surfacing based on the classification of the road as follows:

Classification Of Road	Roadway Width	Travelway Width	Hard Surfaced
Private Access Roads			
High density private road	26 feet	20 feet	yes
Standard private road	22 feet	20 feet	yes
Low volume private road	22 feet	20 feet	no

Hard surfaced roads shall have a minimum surfacing of a two (2) shot application of light bituminous surface treatment.

B. Where fire hydrants are located along the roadway, the minimum width of the travelway shall be twenty six feet (26'). This may be accomplished by construction of a turnout providing an overall travelway width of twenty six feet (26') and forty feet (40') in length at the hydrant location.

2.6 Road Intersections

All new private roads which intersect new or existing roads and rights of way/easements shall intersect at an angle which is between eighty (80) and one hundred degrees (100°), and as close to ninety degrees (90°) as is possible. The edge of the road surfaces shall be connected with a curve having a minimum radius of twenty eight feet (28'). All new roads intersecting a public right of way shall be constructed or reconstructed to meet the current Bonner County road standards.

2.7 Visibility At Intersections

At intersections, a minimum clear sight triangle shall be maintained as illustrated on plate 2, sight triangle at intersections, of the current Bonner County road standards manual. It shall be the responsibility of the developer/adjacent landowner to maintain the clear sight triangle at all times.

SECTION 3: ROAD CONSTRUCTION PRACTICES

3.1 Clearing And Grubbing

Prior to the start of road construction, clearing of the entire width of the right of way/easement shall be completed. All materials removed by clearing or grubbing shall be properly disposed of in compliance with state and local requirements. All denuded areas shall be erosion protected as specified in the stormwater and erosion control plan if applicable.

3.2 Erosion Control

During road construction, erosion control measures shall be installed and maintained to minimize soil erosion from disturbed sites. Permanent erosion control measures shall be included in all road designs, with design guidance from the handbook of best management practices for stormwater management and erosion and the Idaho standards for public works construction. Refer to title 12, subchapter 7.2 of the Bonner

County Revised Code for stormwater management and erosion control plan requirements.

3.3 Subgrade

A. The subgrade shall consist of the native materials remaining after duff (organic material) and topsoil have been removed and suitable underlying road construction material, or to a depth as necessary to allow placement of sufficient depth of subbase material. The extent of the excavation necessary to expose the subgrade shall be determined by the project engineer. Soil and compaction tests are required to document the acceptability for construction. All testing shall be at the expense of the developer.

B. In solid rock excavation, the solid rock shall be excavated six inches (6") below the finished subgrade elevation and backfilled with approved granular material.

C. Unstable subgrade conditions shall be remedied by over excavation and backfilling with approved material under the direction of the project engineer and/or placement of appropriate geosynthetic materials to meet the required vehicular support criteria.

D. Subgrade shall be prepared as necessary to allow overlying road material to be constructed in accordance with these specifications.

E. Prior to placing any ballast on the subgrade, the project engineer is responsible for ensuring that all testing, required inspections and standards outlined herein are adhered to.

3.4 Ballast

A. All underground utilities and conduits crossing the road shall be installed before placement of ballast material.

B. Pit run gravel or fractured rock I shall be used for the ballast material. Ballast material shall have a sand equivalent of not less than thirty (30), and which meets the following gradations:

Sieve Size	Percent Passing
6 inch	100
3 inch	98 - 100
2 inch	75 - 100
1 inch	40 - 80
#4	25 - 60
#200	5 - 12

C. The ballast material shall be placed in loose six inch (6") to nine inch (9") lifts and shall be compacted using mechanical methods to at least ninety five percent (95%) of the ASTM D-698 standard proctor density.

D. Prior to placing any top course material on the ballast, the project engineer is responsible for ensuring that all testing, required inspections and standards outlined herein are adhered to.

E. All culvert installations crossing the roadway shall be installed before any base material is placed.

F. Recommended ballast thickness and top course thickness:

The following charts may be used by the project engineer to assist in the soils classification and to determine the depth of the minimum required ballast and top course material. The intent is to design a roadway section capable of providing an all-weather road for a seventy eight thousand (78,000) pound fire apparatus.

SOILS DESCRIPTIONS/DEFINITIONS

Major Divisions	Letter Symbol	Typical Descriptions	
Coarse Grained Soils: More than 50 percent of material is larger no. 200 sieve size	Gravel And Gravelly Soils: More than 50 percent of coarse fraction retained no. 4 sieve	Clean Gravels: Little or no fines	GW Well graded gravels, gravel- sand mixtures, little or no fines
		Gravels With Fines: Appreciable amount of fines	GP Poorly graded gravels, gravel- sand mixtures, little or no fines
			GM Silty gravels, gravel- sand silt mixtures
		GC Clayey gravels, gravel- sand clay mixtures	
	Sandy And Sandy Soils: More than 50 percent of coarse fraction passing no. 4 sieve	Clean Sand: Little or no fines	SW Well graded sands, gravelly sands, little or no fines
			SP Poorly graded sands, gravelly sands, little or no fines
		Sands With Fines: Appreciable amount of fines	SM Silty sands, sand- silt mixtures
			SC Clayey sands, sand-clay mixtures

Fine Grained Soils: More than 50 percent of material is smaller than no. 200 sieve size	Silts And Clays: Liquid limit less than 50	ML	Inorganic silts and very fine sands, rock flour silty or clayey fine sands and clayey silts with slight plasticity
	Silts And Clays: Liquid limit greater than 50	CL	Gravelly, clays, sandy clays, silty clays, lean clays
		OL	Organic silts and organic silty clays of low plasticity
		MH	Inorganic silts, micaeous or diatomaceous fine sand or silty soils
		CH	Inorganic clays of high plasticity, fat clays
		OH	Organic clays of medium to high plasticity, organic silts
Highly organic soils		PT	Peat, humus, swamp, soils with high organic contents

Soil Type (USCS)	r Value	Ballast	Top Course
OH, OL, CL, CH, MH	5	Design Required	
	10		
	15		
SC	20	12"	4"
ML	25	12"	4"
	30	12"	4"
**GM, GL	35	12"	4"
SM	40	12"	4"
SP	45	12"	4"
	50	12"	4"
GP	55	12"	4"
SW	60	12"	4"
GW	65	12"	4"

** GM and GC soils are highly dependent on the % silt or clay, a 35 r value is on the conservative side.

Subgrade R value may require the minimum road section design to be increased under the direction of the project engineer.

3.5 Top Course

A. Top course material shall meet the following gradation requirements:

Sieve Size	Percent Passing
1 inch	100
3/4 inch	90-100
#4	40-65
#8	30-50
#200	3-9

B. At least sixty percent (60%) of the crushed aggregate particles retained on the no. 4 sieve shall have at least one fractured face.

C. The Los Angeles abrasion test may be required to ensure the top course aggregate does not show more than a loss of thirty five percent (35%) and the sand equivalent not less than thirty (30).

D. The material shall be placed in loose lifts not to exceed six inches (6") in depth and compacted to the approved design depth. The material shall be mechanically compacted by rolling to ninety five percent (95%) of the ASTM D-698 proctor density. The aggregate shall be placed in such a manner that it will have a uniform mixture throughout.

E. Prior to placing top course material on the ballast, the project engineer is responsible for ensuring that all testing, required inspections and standards outlined herein are adhered to.

3.6 Road Signage

A. Road Name: No new private road or existing renovated or reconstructed private roads shall be considered completed until a road name

sign has been installed. It shall be the responsibility of the developer/landowner to purchase, erect and maintain the road name signs. All road name signs shall conform to the standards contained in the latest edition of the manual on uniform traffic control devices and Bonner County Revised Code.

B. Stop Sign: A stop sign shall be installed at the intersection with all public roads. Stop sign dimensions, installation and location shall conform to the latest edition of the MUTCD. It shall be the responsibility of the developer/landowner to purchase, erect and maintain the stop signs.

3.7 Standards For New Bridge Construction

The standard for bridge design within private roads shall at a minimum be HB-16-1996, as described in the AASHTO standard specification for highway bridges, 16th edition.

3.8 Engineering Requirements

Inspections Required:

The project engineer shall, at a minimum, conduct on site inspections of the new private road construction at the following stages of construction:

- A. Completion of any construction surveying and staking.
- B. Completion of subgrade, prior to the placement of any ballast material.
- C. Completion of ballast, prior to the placement of any top course material.
- D. Completion of installation of road signs, installation of any appurtenant structures, and reseeding of disturbed area and slopes.

3.9 Final Report And As Built Drawings

At the completion of the road construction, and following the last required inspection, the project engineer shall submit two (2) copies of the final report and as built drawings for the new road and any appurtenant structures to the planning department. The planning department shall provide one copy to the local fire agency official. The final report shall include complete information related to the road construction and at a minimum, include the following information:

- A. Dates of inspection, work performed and inspected, changes or repairs ordered.
- B. Weather conditions, unusual or unexpected site conditions.
- C. Engineering operations performed.
- D. The appropriate inspection and information checklist.

REQUIRED INSPECTION & INFORMATION CHECKLIST

Check off when completed & submit to Bonner County Planning Department

PROJECT NAME: _____

ASSIGNED PLANNING DEPARTMENT NUMBER: _____

ASSIGNED PUBLIC WORKS ENCROACHMENT PERMIT NUMBER: _____(if applicable)

For all private roads:

- Project engineer shall submit construction inspection notes
- Verify placement of any approved geotextile fabric, ballast and 3/4" minus
- Verify the gradation of 3/4" minus and ballast, submit sieve analysis
- Verify the section depth
- Submit nuclear density gauge field data sheets
- Submit subgrade density test results

Density tests are required for every lift at a minimum frequency of 300 linear feet, for all materials, special attention shall be paid to curve returns, cul-de-sacs/hammerhead turnarounds or sensitive areas

Submit proctor tests results on subgrade, ballast, 3/4" minus

(Other requirements-verified by engineer)

CERTIFICATION OF COMPLETION/ACCEPTANCE:

I CERTIFY THE PROJECT IS COMPLETED IN GENERAL ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS.

Project Engineer Signature Date

Seal

Project Engineer Name Printed

(Ord. 501, 11-18-2008)

PART I - NATIVE PLANT LANDSCAPING LIST

Plants that are native to North Idaho

Codes:

Soil - D = dry; M = moist; W = wet

Light - S = sun; PS = part sun or shade; Sh = Shade

*Keep away from sewer and septic lines

TREES

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Alder, Red*	<i>Alnus rubra</i>	40-60 feet		M/W	S/PS		Fixes nitrogen in the soil; catkins
Alder, Sitka*	<i>Alnus viridis</i>	30 feet		M/W	S	Interior Rain Forest/ Riparian	Improves soil by adding organic matter and nitrogen; catkins
Aspen*, Quaking	<i>Populus tremuloides</i>	90 feet		M/D	S	Aspen Grove	Golden fall color; spreads by root runners; gray-white smooth bark
Birch, Paper*	<i>Betula papyrifera</i>	50-70 feet		M	S	Wetland	Yellow fall foliage; white peeling bark
Birch, Water*	<i>Betula occidentalis</i>	13-26 feet		W	S/PS	Wetland	Stream bank stabilization; pinkish, nonpeeling bark
Cottonwood*, Black	<i>Populus trichocarpa</i>	150-180 feet		M/W	S		Sticky, red seed cases; good for erosion control on banks; attracts birds
Fir, Douglas; Red	<i>Pseudotsuga menziesii</i>	150 feet		D/M	S/PS		Shade tolerant; well drained soil; pyramidal shape
Fir, Grand; White	<i>Abies grandis</i>	100 feet		M/D	S/PS		Fragile erect cones at top of tree; fragrant foliage
Fir, Subalpine	<i>Abies lasiocarpa</i>	60-105 feet		M	S/Sh	Subalpine	Dark green needles with whitish lines; drought and heat intolerant; narrow, slow growing; red-purple cones at top
Hemlock, Western	<i>Tsuga heterophylla</i>	120-150 feet		M	Sh	Interior Rain Forest	Needs shade when young; thick, acidic, humus soil
Larch, Western; Tamarack	<i>Larix occidentalis</i>	100-200 feet		D/M	S	Young Forest	Golden fall color; deciduous, erect, slender
Maple, Rocky Mountain	<i>Acer glabrum</i>	20-30 feet		M/D	S/PS	Young Forest	Shrubby multi-trunk tree; fall and winter color; attractive all year
Pine, Ponderosa; Yellow, Bull	<i>Pinus ponderosa</i>	140 feet		D/M	S	Young Forest	3 needles per sheaf; dry open sites; fire resistant
Pine, Western White	<i>Pinus monticola</i>	230 feet		D/M	S	Young Forest	Idaho state tree; five needles per sheaf; good specimen tree
Redcedar, Western	<i>Thuja plicata</i>	100-120 feet		M	PS/Sh	Moist Forest	Evergreen scale-like leaves; aromatic; red- brown bark; rich, moist soil
Spruce, Engelmann	<i>Picea engelmannii</i>	75-120 feet		M	PS	Subalpine	Blue-green, stiff, evergreen needles; slow growing

SHRUBS

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Alder, Wavy leaf*	<i>Alnus viridis ssp. Sinuata</i>	10 feet	May-July	M	S/PS		Forms thicket; fast growing; fixes nitrogen
Birch, Bog, Scrub*	<i>Betula nana</i>	3-10 feet	Feb-June	W	S/PS		Deep orange in the fall; acidic soil; spreading
Buffalo Berry	<i>Shepherdia canadensis</i>	3-13 feet	May-July	D/M	S/PS	Dry Forest	Small yellow flowers; orange to red berries; fixes nitrogen
Cascara, Buckthorn	<i>Frangula purshiana</i>	Up to 30 feet	Jun-July	M/W	Sh		Small, yellow flower clusters; black fruit; silvery gray bark; deciduous

Ceanothus, Shiny Leafed	<i>Ceanothus velutinus</i> var.	2 feet		D/M	S		Small white flowers in pyramidal clusters; good browes
Chokecherry, Common	<i>Prunus virginiana</i>	3-12 feet	Apr-May	D	S	Meadow/ Medicinal	White flowers; grows in rocky soil; fast growing; showy fruit; attracts birds
Cranberry, Highbrush	<i>Vibumum edule</i>	1.5-10 feet		M/W	PS/Sh		Clusters of white flowers; red berries; likes rich organic soil
Devil's club	<i>Oplopanax horridus</i>	3-10 feet	May-June	M	Sh	Interior Rain Forest	Creamy white flowers; beautiful red berries in fall; very spiny
Dogwood, Red Osier	<i>Comus sericea</i>	3-6 feet	May-July	M/W	S/PS	Interior Rain Forest	Greenish-white flower clusters; white berries; red twigs
Elderberry, Blue	<i>Sambucus nigra</i> var. <i>cerulea</i>	6-12 feet		M	S	Riparian	Clusters of white flowers; grows along watercourses; powdery blue edible fruit; fast growing
Hawthorn, Black	<i>Crataegus douglasii</i> var.	6-25 feet	May-June	D/W	S		White flower cluster; small black fruit; thorny; soil and stream stabilization
Hazelnut, Beaked	<i>Corylus comuta</i>	3-12 feet		M	S/Sh		Edible nuts; yellow, fall color; stream banks; well drained soil
Huckleberry, Fool's; False Azelea	<i>Menziesia ferruginea</i>	Up to 9 feet		M	S/Sh		Tiny, pinkish-yellow flowers, blue-green foliage; crimson-orange fall foliage; acidic, humus soil
Huckleberry, Oval-leaf	<i>Vaccinium ovalifolium</i>	To 6 feet		M/W	S	Subalpine	White to pink flowers; edible blue-black berries; red fall foliage
Huckleberry, Thinleaf	<i>Vaccinium membranaceum</i>	To 4.5 feet		M/D	S	Subalpine	White to pink flowers; purple to reddish- black berries; red fall foliage
Juniper, Rocky Mountain	<i>Juniperus scopulorum</i>	3-30 feet		D	S		Grayish-green, gray-blue berries; knotty, twisted trunk; rocky sites
Kinnikinnick	<i>Arctostaphylos uva- ursi</i>	6-10 inches		D	S/PS	Paths	Urn-shaped flowers, red berries; evergreen shiny leaves
Maple, Rocky Mountain	<i>Acer glabrum</i> var.	20-30 feet		M/D	S/PS	Young Forest	Shrubby multi-trunk tree; fall and winter color; attractive all year
Mountain Ash, Sitka	<i>Sorbus sitchensis</i> var.	3-15 feet	June-July	M	S/PS		White flower clusters; grows on slopes; excellent fall color leaves and berries
Mountain Ash, Western	<i>Sorbus scopulina</i> var. <i>scopulina</i>	3-13 feet	May-July	D/M	S/PS		White flower clusters; grows on slopes; excellent fall color leaves and berries
Mountain Lover, Myrtle Boxwood, False Boxwood	<i>Pachistima myrsinites</i>	1-2 feet	May-June	M	PS	Berm	Tiny maroon flowers; good deer browse; evergreen
Ninebark, Mallow	<i>Physocarpus malvaceus</i>	To 6 feet	May-June	D/M	S	Dry Rock	White flowers; leaves hairy on both sides; peeling bark; rocky soil
Ocean Spray	<i>Holodiscus discolor</i>	3-10 feet	June-Aug	D/M	S/PS	Dry Forest	Foamy, creamy white flower clusters; arching stems; sandy to gravelly soil
Oregon Grape, Cascade	<i>Mahonia nervosa</i>	6-24 inches	Spring	D/M	PS/Sh	Path	Yellow flowers; shiny leaves; evergreen; dark berries
Oregon Grape, Creeping	<i>Mahonia repens</i>	6-12 inches	Apr/June	D/M	S	Path	Bright yellow flower clusters; blue berries; holly-like, evergreen leaves
Oregon Grape, Tall	<i>Mahonia aquifolium</i>	8-48 inches	May/ June	D/M	S	Path	Yellow flower clusters; prickly, evergreen leaves; blue berries; drought resistant; rich soil
Penstemon, Shrubby	<i>Penstemon fruticosus</i>	To 15 inches	June-Aug	D	S	Dry Rock	Flowers blue-lavender to purple; rocky soil

Rose, Baldhip	<i>Rosa gymnocarpa</i> var.	1-4 feet	June-July	D/M	S		Small pink flowers; small scarlet hips
Rose, Nootka	<i>Rosa nutkana</i> var.	3-6 feet	May-July	M	S	Dry Rock	Large pastel pink flowers; large, red hips
Rose, Pearhip	<i>Rosa woodsii</i> var.	3-6 feet	May-July	D	S	Dry Rock/ Medicinals	Pink flowers; large, dark red hips, spreads well
Rose, Prickly	<i>Rosa acicularis</i> var.	3-6 feet	June-Aug	M	S		Pink flowers; very spiny
Service Berry; Saskatoon	<i>Amelanchier alnifolia</i> var.	6-30 feet	May-June	M/D	S	Young Forest	White flowers; dark blue berries; attracts birds
Snowberry	<i>Symphoricarpos albus</i>	4 feet	May-Aug	D	S	Path	Pink flowers; white berries (poisonous) persist through winter
Spiraea, Birch-Leaved	<i>Spiraea betulifolia</i> var.	10-24 inches	June-July	M/D	S	Meadow/ Moist Forest	White flowers in dense flat clusters; easy to grow
Spiraea, Douglas, Pink	<i>Spiraea douglasii</i> var.	4 feet	June-July	M/W	S	Riparian/ Rain Forest	Pink to deep rose, dense, elongate clusters; easy to grow
Sumac; Smooth	<i>Rhus glabra</i>	3-9 feet	June-July	D	S	Dry Rock	White flower clusters; grows on slopes; excellent fall color leaves and berries
Syringa, Mockorange	<i>Philadelphus lewisii</i>	3-9 feet	May-July	M	S/PS	Young Forest	White, fragrant flowers; Idaho state flower; grows in open forests
Thimbleberry	<i>Rubus parviflorus</i>	1 ¹ / ₂ -7 feet	May-July	D/M	PS/Sh	Dry Rock	White flowers; edible fruit; spreads by rhizomes
Twinberry, Black; Bearberry	<i>Lonicera involucrata</i>	3-9 feet	June-July	M/W	S/PS		Yellow flowers clusters; black berries in fall; boggy soil
Twinberry, Red; Utah Honeysuckle	<i>Lonicera utahensis</i>	3-6 feet	May-July	M	S/PS	Moist Forest	Twin, yellow flowers followed by twin red berries
Willow, Bebb's*	<i>Salix bebbiana</i>	1-15 feet		W	S/PS		White catkins; grows in seeps
Willow, Drummond*	<i>Salix drummondiana</i>	6-12 feet		M	S/PS		Long, oval shaped leaves; tolerates poor soil; moist, water's edge
Willow, Geyer's*	<i>Salix geyeriana</i>	4-15 feet		M	S		Catkins; holds shorelines
Willow, Pacific*	<i>Salix lasiandra</i>	3-27 feet		W	S		Pale yellow catkins; medium shrub or small tree; holds shorelines
Willow, Sandbar*	<i>Salix exigua</i>	To 12 feet	May-June	W	S		Grows on sandbars
Willow, Scouler*	<i>Salix scouleriana</i>	7-33 feet		D/M	S	Young Forest	Erect, clumped growth

PERENNIALS

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Alumroot, Round-Leaved	<i>Heuchera cylindrica</i> var.	6-20 inches	May-Aug	D	S	Dry Rock/ Meadow	Cream flowers on spike-like clusters
Arnica, Broadleaf	<i>Arnica latifolia</i> var.	3-20 inches	All Summer	M	S/PS	Medicinal Garden	Bright yellow ray flowers
Arnica, Heart-Leaved	<i>Arnica cordifolia</i>	3-20 inches	May-Aug	M	S/PS	Medicinal Garden	Yellow, daisy-like flowers; leaves similar to trail plant
Aster, Showy	<i>Eurybia conspicua</i>	1-3 feet	July-Sept	D/M	PS/Sh	Young Forest	Blue to violet ray flowers with yellow centers; loamy soil; grows under pines
Aster, Smooth Blue	<i>Aster laevis</i>	4-10 inches	July-Sept	D/M	S		Rose-purple to blue or violet, yellow center
Balsamroot, Arrowleaf	<i>Balsamorhiza sagittata</i>	12-18 inches	May-June	D	S/PS	Dry Rock	Very showy, daisy type yellow flower; well drained soil
Beargrass	<i>Xerophyllum tenax</i>	Stems to 4.5 feet	May-Aug	M	S	Subalpine	Creamy flower cluster on tall stem; grass-like leaves in clumps; lily family
Bedstraw, Fragrant	<i>Galium triflorum</i>	8-39 inches	May-June	M/W	PS/Sh		Tiny white flowers; reseeds; peat soil

Bergamot, Wild Beebalm	<i>Monarda fistulosa</i>	8-28 inches	June-Aug	M/D	S/PS		Pink/purple flowers; large clumps, rhizomes; a mint; sand to loam soil
Biscuitroot, Fern-leaved	<i>Lomatium dissectum</i>	To 5 feet	Apr-June	D	S/PS		Yellow or purple flowers; rocky soil
Biscuitroot, Nine-leaf	<i>Lomatium triternatum</i>	8-32 inches	Spring	D	S		Yellow flowers; likes rocky soil
Biscuitroot, Salt & Pepper; Gorman's Desert-Parsley	<i>Lomatium gormanii</i>	4-10 inches	Early Spring	D/M	PS		Small white flowers (salt) w/purple anthers (pepper); east exposure
Bitterroot	<i>Lewisia rediviva</i>	2-3 inches	Apr-July	D/M	S		Showy pink flower; well drained rocky soil
Blanketflower	<i>Gaillardia aristata</i>	8-27 inches	June-July	D	S	Young Forest	Flowers yellow to maroon; reseeds; well drained soil; tolerates heat
Bluebell, Long-flowered or Mountain	<i>Mertensia longiflora</i>	5-8 inches	Apr/June	M	S/PS		Pink, clustered, bell shaped flowers turn blue
Bluebells	<i>Campanula rotundifolia</i>	6-20 inches	All Summer	D	S	Dry Rock	Purplish-blue, bell shaped flowers on thin, wiry stems; well drained soil
Buckwheat, Cushion	<i>Eriogonum ovalifolium</i>	2-6 inches	May-Aug	D	S		Creamy white flower cluster; mat forming, gray-green leaves
Buckwheat, Sulphur	<i>Eriogonum umbellatum</i>	2-12 inches	June-Aug	D	S		Creamy white flower cluster often tinged with red or purple; mat forming, gray-green leaves
Buttercup, Little	<i>Ranunculus uncinatus</i>	6-24 inches	Early Summer	M/W	S/Sh		Small pale yellow flowers
Buttercup, Sagebrush	<i>Ranunculus glaberrimus</i> var.	2-8 inches	Early Spring	D/M	S/PS		Yellow flowers; coniferous forests; vanishes in midsummer
Camas, Common	<i>Camassia quamash</i>	12 inches	Apr/July	M	S/PS	Riparian	Several blue-purple flowers per stem; like coarse grass; wet spring and dry summer soil
Cattail, Common	<i>Typha latifolia</i>	Stems to 6 feet		W	S	Riparian	Dark brown blossoms become cottony when mature; organic soil; wet feet; rhizomes
Cinquefoil, Graceful	<i>Potentilla gracilis</i> var.	1-2 feet	Late Spring	D	S/PS		Yellow flowers; 5-fingered leaves; looks like "marijuana leaf"
Cinquefoil, Sticky	<i>Potentilla glandulosa</i> var.	6-16 inches	June-Aug	D/M	S/PS		Pale yellow flowers; 5-fingered leaves
Clarkia, Pink Fairies	<i>Clarkia pulchella</i>	2-8 inches	May-June	M/D	S		Pink flowers; well drained soil; annual; reseeds
Collomia, Narrow-leaved	<i>Collomia linearis</i>	4-15 inches	May-Aug	D/M	S		Small tubular pink flowers in dense cluster
Columbine, Red	<i>Aquilegia formosa</i>	8-28 inches	May-Aug	D/M	S/PS	Dry Rock	Drooping red sepals, yellow petals
Columbine, Yellow	<i>Aquilegia flavescens</i>	8-30 inches	June-Aug	M	S/PS		Yellow petals, yellow sepals may be tinged with pink; mountain meadows
Cow Parsnip	<i>Heracleum maximum</i>	3-7 feet	June	M/W	S/Sh	Wetland	White flower clusters 4-12 inches across; maplelike, showy leaves
Fireweed	<i>Chamerion angustifolium</i> ssp. <i>angustifolium</i>	1-7 feet	June-Aug	M	S	Dry Rock	Large rose to purple flowers. First to grow after a fire; spreads by rhizomes
Flax, Blue	<i>Linum lewisii</i>	2 feet	May-Sep	D/M	S/PS	Young Forest	Blue flowers replace daily; reseeds; very easy to grow
Fleabane, Daisy	<i>Erigeron speciosus</i>	4-24 inches	May-Aug	D/M	S/PS	Subalpine	Blue ray flowers with yellow center. Blooms before the asters
Foamflower	<i>Tiarella trifoliata</i> var.	6-20 inches	June-July	W/M	Sh/PS		Tiny, delicate white flowers on wiry stalks
Geranium, Cranesbill	<i>Geranium richardsonii</i>	16-35 inches	May-Sept	M	PS/Sh		White to pinkish flowers

Geranium, Sticky	Geranium viscosissimum	16-35 inches	May-Sept	D	S/Sh		Pinkish-purple flowers; grassy meadows
Goldenrod	Solidago canadensis var. salebrosa	12-70 inches	July-Oct	D/M	S/PS	Meadow	Dense clusters of showy yellow flowers
Grass Widow	Olsynium douglasii var. inflatum	6-10 inches	Early Spring	M	S/PS		Purple-blue flowers; iris-like leaves
Groundsel, Arrowleaf	Senecio triangularis	1-5 feet	June-Sept	W	S/PS		Yellow composite flowers in flat topped heads
Hollyhock, Mountain	Iliamna rivularis	3-6 feet	June-Aug	M	S		Showy spikes of pink to white flowers; large, maple-like leaves; well drained soil
Hooker's Fairybells	Disporum hookeri	1-3 feet	Late Spring	M/W	S/Sh	Moist Forest	2-3 creamy flowers hang from stem ends; red berries in fall
Hyacinth, Wild	Brodiaea douglasii	6-10 inches	Apr-June	D	S/PS		Blue flowers clumped at the end of a long stem
Jacob's ladder	Polemonium pulcherrimum	2-15 inches	May-Aug	D/M	S		Blue flowers; in the Phlox family; reseeds readily
Larkspur, Montana	Delphinium bicolor	3-15 inches/ 6-24 inches	Apr-July	D/M	S		Stalk of blue/purple, showy flowers; grassy prairies, coniferous forests
Larkspur, Nuttall's	Delphinium nuttallianum	6-16 inches		D	S/PS		Showy blue to violet flowers; open forest
Lily, Columbia; Tiger lily	Lilium columbianum	2 feet	Jul/Aug	3	3	Dry Rock	Orange flowers with red-purple dots; loose fertile soil; purchase as seed or corms
Lily, Leopard; Chocolate Lily	Fritillaria lanceolata	2 ¹ / ₂ feet	April-June	M	S/PS		Purple-brown flowers mottled with green. Purchase corms
Lupine, Silky	Lupinus sericeus	8-24 inches	Spring	D	S	Meadow	Deep blue/purple flowers on erect stems
Lupine, Silvery	Lupinus argenteus	4-16 inches	Spring	D/M	S/PS	Meadow	Violet/blue flowers on erect stems; clumps
Meadowrue, Western	Thalictrum occidentale	1-3 feet		M	S		Small white flowers in loose clusters at top of stems
Miner's Lettuce	Claytonia perfoliata (Montia perfoliata)	2-12 inches	Apr-July	M	PS/Sh		White to pink nodding flowers in a cluster above leaf disk
Miner's lettuce, Heart-leaved	Claytonia cordifolia	4-12 inches	May-Sept	W	PS	Moist Forest	Small white flowers with pink veins; grows along streams
Monkey Flower, Yellow	Mimulus guttatus	3-36 inches	Summer	W	S/Sh		Yellow flowers; grows along streams
Nightshade, Dwarf Enchanter's	Circaea alpina	4-20 inches		M/W	Sh		Tiny flowers; showy leaves; cool, damp forest or wetland sites
Onion, Pink nodding	Allium cemuum	4-20 inches	June-July	D	S/PS	Medicinal	Pink to rose purple flowers; spreads by clumping
Pearly Everlasting	Anaphalis margaritacea	1-3 feet	July-Oct	D/M	S	Dry Rock	White flowers in dense clustered heads; good dried flower
Phalicia, Threadleaf	Phacelia linearis	3-20 inches	May-July	D	S		Lavender-blue flowers; annual; reseeds
Prairie Smoke	Geum triflorum	4-12 inches	May-July	D/M	S/Sh	Dry Rock	Pink to red flowers, lacy leaves; plumed seed pods; gravelly soil
Prince's Pine	Chimaphila umbellata	1 foot	June-Aug	M	S/PS		Pink flowers on top of long stem; evergreen, rosette leaves
Shooting start, Woodland	Dodecatheon pulchellum	6-16 inches	Apr-Aug	M	S/Sh		2-15 pink flowers per stem; likes moist humus rich soil
Skunk Cabbage	Lysichiton americanus	1-3 feet	Apr-July	W	PS/Sh	Wetland	Spike of tiny yellow flowers surrounded by a yellow hood; bogs
Solomon's-Seal, False	Maianthemum racemosum	1-3 feet	Apr-July	M	PS/Sh		White flowers; red berries; spreads by rhizomes
Solomon's-Seal, Star-flowered	Maianthemum stellatum	8-24 inches	May-June	M	S/PS		Small white flowers; rhizomes; moist, open forest

Stonecrop	<i>Sedum stenopetalum</i>	2-8 inches	May-Aug	D	S/PS		Star shaped, bright yellow flowers; grows on well drained rocky slopes
Sweet Cicely, Western	<i>Osmorhiza berteroi</i> , <i>Osmorhiza purpurea</i>	16-48 inches	Apr-July	M	Sh		Yellow or white flowers in groups; black, needle shaped seeds; licorice aroma; rich soil
Trailplant, Pathrinder	<i>Adenocaulon bicolor</i>	Up to 3 feet	June-Sept	M	Sh		Tiny white flowers on multiple wispy stems; leaves light color underneath
Trillium	<i>Trillium ovatum</i>	1 foot	Mar-June	M/W	Sh/PS	Moist Forest	Three broad white petals on showy flower; three leaves
Twisted Stalk	<i>Streptopus amplexifolius</i>	1-3 feet	May-June	M	PS/Sh		Greenish-white, bell shaped flowers hang down from underside of leaves; red berries in fall
Valerian, Sitka	<i>Valeriana sitchensis</i>	1-3 feet	June-Aug	M	S/PS		Pale pink fading to white flowers; feathery seed plumes; rhizomes
Violet, Early Blue	<i>Viola adunca</i> var.	4 inches	Apr-Aug	D/M	S/PS	Dry Rock	Blue or purple flower
Violet, Round-leaf	<i>Viola orbiculata</i>	To 2 inches	Apr-July	M	S/PS	Moist Forest	Yellow flower
Violet, Stream or Pioneer	<i>Viola glabella</i>	2-7.5 inches	Apr-July	M/W	S/PS	Moist Forest	Yellow flower; streams and seeps
Waterlily, Yellow	<i>Nuphar lutea</i> ssp. <i>polysepala</i>	4-18 inches	Summer	W	S/Sh		Large, yellow flowers and large leaves float on the surface of ponds 2-10 feet deep or slow streams
Woodland Star; Prairie Star	<i>Lithophragma parviflorum</i> var.	8-20 inches	Apr-June	M	S/PS		Small, white flower
Yarrow	<i>Achillea millefolium</i>	6-24 inches	Aug-Oct	D/M	S		White flowers; leaves fernlike; reseeds aggressively; fragrant
Yellow Bell	<i>Fritillaria pudica</i>	3-12 inches	Apr-June	D	S/PS		Nodding yellow flowers; purchase corms

FERNS

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Brittle Bladder (Fragile) Fern	<i>Cystopteris fragilis</i>	4-12 inches		D	S		Rocky sites; foothills to alpine
Cliff Fern	<i>Woodsia scopulina</i>	To 10 inches		D	PS		Rocky soil; dry cliffs; talus slopes
Crested Shieldfern	<i>Dryopteris cristata</i>	12-25 inches		M/W	PS/Sh	Interior Rain Forest	Wet woods; evergreen
Lady Fern	<i>Athyrium filixfemina</i>	2-5 feet		M	PS/Sh	Interior Rain Forest	Leaves in vase-like clusters; spreads well by rhizomes
Oak Fern	<i>Gymnocarpium dryopteris</i>	3-14 inches		M	Sh		Spreads well by rhizomes; well drained, acidic soil
Oregon Woodsia; Western Cliff Fern	<i>Woodsia oregana</i>	To 7.5 inches		D	PS		Rocky soil; dry cliffs; rocky slopes; clusters of leaves
Parsley Fern, Rockbreak	<i>Cryptogramma acrostichoides</i>	4-12 inches		M	S		Open, well drained, rocky sites parsley-like leaf clusters; evergreen
Sword Fern, Common	<i>Polystichum munitum</i>	2-4 feet		D/M	Sh	Interior Rain Forest	Rich soil; large clumps of leathery, deep green fronds

GRASSES, RUSHES, SEDGES, REEDS

Check with local veterinarians for appropriate species where livestock may graze.

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
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Alkali bluegrass	<i>Poa juncifolia</i> ; <i>P. secunda</i> ssp. <i>Juncifolia</i>						Common at low to mid elevations in alkaline meadows, grasslands and dry open forests
Alpine bluegrass	<i>Poa alpine</i>						High elevations in meadows, disturbed sites and rocky slopes
American sloughgrass	<i>Beckmannia syzigachne</i>						Cool season annual or short lived perennial grass commonly found in shallow marshes or sloughs. Frequently colonizes denuded wetland soils resulting from mud flat exposure. Seed units provide food for migratory waterfowl.
Blue-Bunch Wheatgrass	<i>Pseudoregneria spicata</i>	2-3 feet		D	S		Perennial bunch grass, leaves hairy above; drought tolerant
Blue Wildrye	<i>Elymus glaucus</i>	2-3 feet	June-Aug	M/D	S	Meadow	Blue-green blades in small clumps; deciduous forest; wildlife forage
Bulrush, Hardstem	<i>Scirpus acutus</i>	2-10 feet	June-Sept	W	S		Grayish-brown spiklets and stems; rhizomes; grows in water
Bulrush, Small-flowered	<i>Scirpus microcarpus</i>	To 4 feet	Late Summer	W	S		Wetland - roots need to be in water; triangular stems; forage for waterfowl
Bulrush, Softstem	<i>Schoenoplectus tabernaemontani</i>	2-4 feet	Late Summer	W	S		Wetland - roots need to be in water; triangular stems; forage for waterfowl
Cattail, Common	<i>Typha latifolia</i>	Stems to 6 feet	June-Aug	W	S	Riparian	Organic soil by lakes and streams; rhizomes; blossoms become cottony when mature; invasive; water purifier
Columbia brome	<i>Bromus vulgaris</i>						Similar and common
Common sweetgrass	<i>Hierochloa odorata</i>						(Name varies in U.S.; grows in all Canadian provinces) low to high elevations in wetlands
Cusick's bluegrass	<i>Poa cusickii</i>						Widespread at low to high elevations in grasslands and alpine meadows
Fringed brome	<i>Bromus ciliatus</i>						Loosely tufted perennial common in mid to subalpine moist forests and wetlands
Hair bentgrass (Ticklegrass)	<i>Agrostis scabra</i>						Densely tufted perennial common at low to mid elevations in meadows, forest openings and disturbed sites
Idaho Fescue	<i>Festuca idahoensis</i>	1-3 feet		D/M	S/PS	Meadow	Bluish-green, densely tufted bunchgrass; cool, well drained soil
Needle-and-thread grass	<i>Stipa comata</i>						Tufted perennial bunchgrass, common at low to mid elevations in grasslands and on south facing slopes in dry forest openings (good forage before sharp seeds form)
Nodding trisetum	<i>Trisetum cemuum</i>						Moist forests, clearings and stream banks from low to subalpine elevations
Nodding wood-reed	<i>Cinna latifolia</i>						Increases "tremendously" on moist disturbed sites. Moist forests, low to mid elevations
Nuttall's alkaligrass	<i>Puccinellia nuttaliana</i>						Wetlands, low to mid elevation, often where alkaline. Forage

Pinegrass	<i>Calamagrostis rubescens</i>	2-3 feet	June-Aug	D	S/PS		Yellow-green to purple seed heads; dry coniferous forests; rhizomes
Pumpelly brome	<i>Bromus inermis</i> ssp. <i>Pumpellanus</i>						Rhizomatous, sod forming perennial; scattered at low to subalpine elevations on grassy slopes and edge of dry forests (not Bonner County but in Shoshone County)
Rough fescue	<i>Festuca campestris</i> ; <i>Festuca scabrella</i>						Var. major common at low to mid elevations in dry to moist forests and grasslands (county level not avail on USDA)
Rough-leaved ricegrass	<i>Oryzopsis asperifolia</i>						Prostrate or spreading stems, low to mid elevations in dry to moist forest openings and clearings
Sandberg bluegrass	<i>Poa secunda</i> ; <i>P. sandbergii</i> ; <i>Poa secunda</i>						J. Presl widespread at low to mid elevations on well drained soils; common in low elevation grasslands
Sedge, Beaked	<i>Carex rostrata</i>	6-45 inches		W	S		Large clumps; rhizomes; wet feet
Sedge, Water	<i>Carex aquatilis</i>	3 feet		W	S/PS		Forms a dense sod; rhizomes; wet feet
Spike trisetum	<i>Trisetum spicatum</i>						Perennial bunchgrass, open dry sites at low to high elevations
Spikerush, Creeping	<i>Eleocharis palustris</i>	4-50 inches		M/W	S		Round stems; rhizomes; alkaline soil; forms dense stands; tufted; wet feet
Spreading needlegrass	<i>Stipa richardsonii</i>						Tufted perennial common at low to mid elevations in grasslands and forest openings often forming solid stands at forest edges
Squirreltail grass	<i>Elymus elymoides</i> ; <i>Sitanion hystrix</i>						Scattered in dry to moist sites in open forests and grasslands, all elevations (Kootenai County and others south)
Stiff needlegrass	<i>occidentalis</i> ; <i>Achnatherum occidentale</i>						Dry areas, low to mid elevations, open forests, ridges, grasslands (distribution on USDA in Idaho unconfirmed)
Timber oatgrass	<i>Danthonia intermedia</i>						Mid to high elevations, grasslands, meadows, wetlands and open forests
Tufted Hairgrass	<i>Deschampsia cespitosa</i>	1 1/2-2 feet	Spring-Summer	D/M	S/PS	Riparian	Showy plumes in late summer and fall; dense clumps; reseeds; deer resistant
Western fescue	<i>Festuca occidentalis</i>						Widespread and common at low to mid elevations in dry to moist forests and clearings

GROUND COVER

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Blackberry, Dewberry	<i>Rubus ursinus</i>	2-3 inches	June	D/M	S		White flowers; ground hugging trailing shrub; edible berries; prickles
Bunchberry	<i>Comus canadensis</i>	2-8 inches	Spring	M	PS	Moist Forest	White flowers; bright red berries; evergreen; cool acidic soils; spreads by rhizomes

Ginger, Wild	Asarum caudatum	2-4 inches	Apr-July	M	Sh	Moist Forest	Hidden maroon flowers; fragrant; moist, rich, organic soil
Kinnikinnick	Arctostaphylos uva-ursi	6-10 inches		D	S/PS	Paths	Urn-shaped pink flowers, red berries; evergreen
Oregon Grape, Creeping	Mahonia repens	6-2 inches	Apr-June	D/M	S	Path	Yellow flower clusters; blue berries; red leaves in fall; evergreen
Pussytoes, Rosy	Antennaria microphylla	2-18 inches	June-Aug	M	PS	Subalpine	Pink/white flowers in tight heads; gray-green leaves form mats; moist forest
Pussytoes, Woods	Antennaria racemosa	4-24 inches	May-Aug	D/M	PS/Sh		White flowers; gray-green leaves form a mat; rhizomes
Self-Heal, Heal-All	Prunella vulgaris	4-20 inches	May-Sept	M	PS/Sh		Pink to purple flowers in a dense head on short stems; spreads
Strawberry, Wild	Fragaria virginiana and F. vesca	2-6 inches	May-Aug	D/M	Sh/PS		White flowers; tasty, edible fruit; spreads easily by runners
Sweet-scented bedstraw	Galium triflorum	1-4 inches			PS	Low subalpine	Vanilla fragrance; small flowers
Twinflower	Linnaea borealis	4 inches	June-Sept	M	S/PS	Moist Forest	Trumpet-like nodding pink flowers; fragrant; organic soil

VINES

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Clematis, Western Virgin's Bower	Clematis columbiana	2-15 feet long	May-July	M	Sh	Moist Forest	Blue to lavender flowers; feathery, plumed seed pods; plant seed in fall
Clematis, White Virgin's Bower	Clematis ligusticifolia	Up to 60 feet long	May-Aug	D/M	S/PS	Dry Rock	Cream colored open flower clusters; silvery plumed seed pods; woody vine; well drained soil
Honeysuckle, Orange	Lonicera ciliosa	6-18 feet	May-July	D/M	PS	Arbor	Orange-yellow flowers; climbs; orange-red berries
Peavine, Creamy	Lathyrus ochroleucus	12-40 inches	May-July	M/D	S/PS		Cream colored flowers; rhizomes; rocky, open forests; fixes nitrogen; deciduous

PART II - ADDITIONAL PLANT LIST

Nonnative plants considered beneficial because they are:

noninvasive, low water users, locally available

and use no or low insecticides or pesticides

Codes:

Soil - D = dry; M = moist; W = wet

Light - S = sun; PS = part sun or shade; Sh = Shade

*Keep away from sewer and septic lines

TREES

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Arborvitae							
Austrian Pine	Pinus nigra						
Bristlecone Pine	Pinus aristata						
Burr oak	Quercus macrocarpa						
Colorado blue spruce	Picea pungens						
Common hackberry	Celtis occidentalis						
Ginkgo tree	Ginkgo biloba						
Goldenrain Tree	Koelreuteria paniculata						
Green Ash	Fraxinus pennsylvanica						

Hawthorn	Crataegus douglasii						
Limber Pine	Pinus flexilis						
Narrowleaf Cottonwood	Populus angustifolia						
Oak	Quercus sp.						
Parrotia	Parrotia persica						
Plains Cottonwood	P. deltoides						
Red Maple	Acer rubrum						
Scotch Pine	Pinus sylvestris						

SHRUBS

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Aboretum	Notes
American Cranberry Bush	Viburnum sp.						
American Plum	Prunus americana						
Blue Mist	Caryopteris sp.						
Chokeberry	Aronia sp						
Common juniper	Juniperus communis						
Common lilac	Syringa vulgaris						
Fothergilla	Fothergilla sp.						
Juniper	Juniperus sp.						
Oakleaf sumac	Rhus trilobata						
Pine	Pine sp.						
Redstem ceanothos	Ceanothus sanguinus						
Shrubby cinquefoil	Dasiphora floribunda						
Silver buffalo berry	Sheperdia argentea						
Staghorn sumac	Rhus typhina						
Virginia Sweetspire	Itea virginica						
Western sandcherry	Prunus pumila						

PERENNIALS

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Aboretum	Notes
American vetch	Vicia americana						
Beardtongue	Penstemon sp.						
Black-eyed Susan	Rudbeckia fulgida						
Blanket Flower	Gaillardia grandiflora						
Blazing Star	Liatrus sp.						
Bluestar	Amsonia sp.						
Butterfly Weed	Asclepias tuberosa						
Coastal strawberry	Fragaria chiloensis						
Cone Flower	Echinacea						
Hyssop	Agastache rupestris						
Indian paintbrush	Castilleja angustifolia						
Larkspur	Delphinium sp.						
Lupine	Lupinus sp.						
Maximilian's Sunflower	Helianthus maximiliana						
Oregon Iris	Iris tenax						
Prairie Coneflower	Ratibida columnifera						

Yarrow	Achillea sp.						
Yucca	Yucca glauca						

GRASSES, RUSHES, SEDGES, REEDS

Check with local veterinarians for appropriate species where livestock may graze.

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Baltic Rush	Juncus balticus						
Beaked Sedge	Carex utriculata						
Big-leaf Sedge	Carex amplifolia						
Common or Soft Rush	Juncus effusus						
Green needle grass	Nassella viridula						
Hard Fescue	Festuca trachyphylla						
Inflated Sedge	Carex vesicaria						
Jointed Rush	Juncus articulatis						
Nebraska Sedge	Carex nebraskensis						
Prairie june grass	Koeleria macrantha						
Sheep fescue	Festuca ovina						
Small-winged Sedge	Carex microptera						
Softstem Bulrush	Scirpus validus						
Thickspike wheatgrass	Elmus lanceolatus						
Three-square Bulrush	Scirpus pungens						
Western wheatgrass	Pascopyrum smithii						
Woolgrass	Scirpus cyperinus						
Wooly sedge	Carex lanuginosa						

(Ord. 501, 11-18-2008)

TITLE 13

PRIVATE ROAD STANDARDS MANUAL

CHAPTER 1

PURPOSE, SCOPE, DEFINITIONS AND ADMINISTRATION

SECTION:

13-101: Purpose

13-110: Scope

13-120: Definitions

13-130: Administration

13-101: PURPOSE:

The purpose of this Title is to establish a system of assigning and correcting addresses in unincorporated Bonner County to facilitate the locating of structures in order to protect the public health and safety by prompting reduced response times by police, fire, ambulance, and other emergency services; to provide for more efficient delivery of County services, such as building inspections, soil evaluations, health inspections, property tax administration, property mapping, and other county affairs; and to provide for efficient U.S. mail and parcel delivery in unincorporated Bonner County. (Ord. 604, 6-15-2020)

13-110: SCOPE:

This Title shall be effective and enforceable throughout unincorporated Bonner County. (Ord. 604, 6-15-2020)

13-120: DEFINITIONS:

ADDRESS:	The combination of a set of numbers, a street prefix (i.e., N., S., E., or W., if applicable), a street name, a street suffix (e.g., Ave., Rd., St., Dr., Cir., or Ct.), a street post-directional (i.e., N., S., E., or W., if applicable), an apartment or suite designation if applicable, and an apartment or suite number if applicable.
ADDRESS NUMBER:	A set of numbers based upon the formula that begins at 0 base points along the East-West baseline and North- South meridian as assigned by the Address Administrator as part of an address. Numbering systems currently in effect in incorporated and unincorporated villages would be changed or modified only at the request of local units of government or to the extent necessary to correct numbering errors found during the process of mapping unincorporated Bonner County.
STREET or ROAD:	Any vehicular way which is a state, county, or municipal roadway, or is shown on an approved and recorded subdivision plat or site plan, or is a private road that serves more than two existing lots.
PRINCIPAL STRUCTURE:	Shall include but not be limited to: residential buildings, office buildings, commercial buildings, industrial buildings, public buildings, utility structures, and buildings used for storage, including, but not limited to garages, pole barns, utility meters and other accessory structures. (Ord. 604, 6-15-2020)

13-130: ADMINISTRATION:

The Board of County Commissioners shall appoint a person as the Address Administrator. The Address Administrator shall have overall responsibility for administration and coordination of this Ordinance and the Bonner County Road Naming and Addressing Policy, including enforcement. (Ord. 604, 6-15-2020)

CHAPTER 2

STREET NAMES AND ADDRESSING

SECTION:

13-201: Incorporation Of Policy

13-210: Display Of Address

13-220: Road Names

13-230: Posting Of Street Signs

13-240: Assigned Number And Address Corrections

13-201: INCORPORATION OF POLICY:

A. The Bonner County Addressing Policy Document is incorporated by reference herein in its entirety. This Policy may be changed from time to time by approval of the Address Administrator. This Policy can generally be found on the Bonner County GIS website and may also be available by email or physical copy by request to the Bonner County GIS Department.

B. The County Address Administrator shall coordinate all numeric addressing, including the assignment of numeric address corrections that require naming of easements and renaming of private roads. The Bonner County GIS Department shall be responsible for coordinating new road names with developers and property owners and sign identification of all county roads within the County, pursuant to the Bonner County Road Naming and Addressing Policy as adopted and from time to time amended by Resolution of the County Board of Commissioners, which Policy is incorporated by reference. (Ord. 604, 6-15-2020)

13-210: DISPLAY OF ADDRESS:

The property owners or residents of all principal structures on each parcel of land are required to display an address number in the manner prescribed in the Bonner County Road Naming and Addressing Policy, incorporated by reference. In the event an address number has been corrected by administrative action of the property owner or resident shall so notify the U.S. Postal Service, and display the new correct address, within 60 days of receipt of a Notice of Address Correction. (Ord. 604, 6-15-2020)

13-220: ROAD NAMES:

The provisions of this Ordinance shall apply to both public and private roads. Every road, public or private, that exists in unincorporated Bonner County on or after the effective date of this ordinance shall be posted or signed with, a name that shall be registered with and approved by the Bonner County GIS Department in the manner prescribed in the Bonner County Road Naming and Addressing Policy, incorporated by reference. The Bonner County Address Administrator shall be the sole final authority for street or road naming. The Bonner County GIS Department shall maintain the county-wide repository of street names. (Ord. 604, 6-15-2020)

13-230: POSTING OF STREET SIGNS:

The property owners or residents with addresses on a private road shall erect and maintain a suitable sign identifying the private road at the intersection of the private road and the adjoining public road in the manner prescribed in the Bonner County Road Naming and Addressing Policy which is incorporated by reference herein. (Ord. 604, 6-15-2020)

13-240: ASSIGNED NUMBER AND ADDRESS CORRECTIONS:

Existing, or previously assigned or displayed address numbers, public road and private road names that do not comply with this Ordinance and the Bonner County Road Naming and Addressing Policy, incorporated by reference, may be corrected either (1) at the request of the property owner(s) or his/her agent(s), but only upon approval of the Address Administrator, or (2) such change may be initiated by the County Address Administrator. When a correction is initiated by the Address Administrator, the property owner(s) shall be notified, in writing, that a new number has been assigned. Address corrections become effective upon distribution of the weekly Bonner County Address Report to recipients identified by the Address Administrator and in a manner determined by the Address Administrator. (Ord. 604, 6-15-2020)

TITLE 14

FLOOD DAMAGE PREVENTION

CHAPTER 1

GENERAL PROVISIONS

SECTION:

14-101: Authority

14-102: Findings Of Fact

14-103: Statement Of Purpose

14-104: Objectives And Methods Of Reducing Flood Losses

14-101: AUTHORITY:

The Legislature of the State of Idaho, pursuant to Idaho Code sections 46-1020 through 46-1024, authorizes local governments to adopt floodplain management ordinances that identify floodplains and minimum floodplain development standards to minimize flood hazards and protect human life, health, and property. Therefore, the Board of Commissioners of Bonner County, Idaho does hereby ordain as follows. (Ord. 565, 5-3-2017)

14-102: FINDINGS OF FACT:

A. The flood hazard areas of Bonner County are subject to periodic inundation that results in:

1. Loss of life and property;
2. Health and safety hazards;
3. Disruption of commerce and governmental services;
4. Extraordinary public expenditures for flood relief and protection; and
5. Impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

C. Local government units have the primary responsibility for planning, adopting, and enforcing land use regulations to accomplish proper floodplain management. (Ord. 565, 5-3-2017)

14-103: STATEMENT OF PURPOSE:

A. The purpose of this title is to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life, health, safety and property;
2. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
3. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;
4. Minimize expenditure of public money for costly flood control projects;
5. Minimize the need for rescue and emergency services associated with flooding, generally undertaken at the expense of the general public;
6. Minimize prolonged business interruptions;
7. Ensure potential buyers are notified the property is in an area of special flood hazard; and
8. Ensure those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 565, 5-3-2017)

14-104: OBJECTIVES AND METHODS OF REDUCING FLOOD LOSSES:

A. In order to accomplish its purpose, this title includes methods and provisions to:

1. Require that development which is vulnerable to floods, including structures and facilities necessary for the general health, safety, and welfare of citizens, be protected against flood damage at the time of initial construction;
2. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
3. Control filling, grading, dredging, and other development which may increase flood damage or erosion;
4. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;
5. Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store flood waters. (Ord. 565, 5-3-2017)

CHAPTER 2

DEFINITIONS

SECTION:

14-200: Definition Overview

14-201: Definitions - A

14-202: Definitions - B

14-203: Definitions - C

14-204: Definitions - D

14-205: Definitions - E

14-206: Definitions - F

14-207: Definitions - G

14-208: Definitions - H

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14-210: Definitions - J

14-211: Definitions - K

14-212: Definitions - L

14-213: Definitions - M

14-214: Definitions - N

14-215: Definitions - O

14-216: Definitions - P

14-217: Definitions - Q

14-218: Definitions - R

14-219: Definitions - S

14-220: Definitions - T

14-221: Definitions - U

14-222: Definitions - V

14-223: Definitions - W

14-224: Definitions - X

14-225: Definitions - Y

14-226: Definitions - Z

14-200: DEFINITION OVERVIEW:

Unless specifically defined below, words or phrases used in this title shall be interpreted according to the meaning they have in common usage and to give this title its most reasonable application. (Ord. 565, 5-3-2017)

14-201: DEFINITIONS - A:

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE): A structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

ADDITION (To An Existing Building): An extension or increase in the floor area or height of a building or structure.

APPEAL: A request for review of the Floodplain Administrator's interpretation of provisions of this title or request for a variance.

AREA OF SHALLOW FLOODING: A designated AO, AH, AR/AO, or AR/AH Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one foot (1') to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: See definition of special flood hazard area (SFHA). (Ord. 565, 5-3-2017)

14-202: DEFINITIONS - B:

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year. When the BFE has not been provided in a special flood hazard area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the freeboard, establishes the flood protection elevation.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING: See definition of structure. (Ord. 565, 5-3-2017)

14-203: DEFINITIONS - C:

CRITICAL FACILITIES: Facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, such as a hospital, Emergency Operations Center, electric substation, police station, fire station, nursing home, school, vehicle and equipment storage facility, or shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant. (Ord. 565, 5-3-2017)

14-204: DEFINITIONS - D:

DATUM: The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common

set of points was the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the Federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

DEVELOPMENT ACTIVITY: Any activity defined as development which will necessitate a floodplain development permit; such as: the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms and levees.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM): The digital official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated. (Ord. 565, 5-3-2017)

14-205: DEFINITIONS - E:

ELEVATED BUILDING: For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELEVATION CERTIFICATE: An important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information necessary to ensure compliance with community floodplain management regulations; and it may be used to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision Based on Fill (LOMR-F).

ENCLOSURE: An area enclosed by solid walls below the BFE/FPE or an area formed when any space below the BFE/FPE is enclosed on all sides by walls or partitions. Insect screening or open wood lattice used to surround space below the BFE/FPE is not considered an enclosure.

ENCROACHMENT: The advance or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION: A manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the original floodplain management regulations adopted by Bonner County, August 14, 1984.

EXISTING STRUCTURES: See definition of existing construction.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). (Ord. 565, 5-3-2017)

14-206: DEFINITIONS - F:

FLOOD DAMAGE-RESISTANT MATERIALS: Any building product [material, component or system] capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. The term "prolonged contact" means at least seventy two (72) hours, and the term "significant damage" means any damage requiring more than cosmetic repair. "Cosmetic repair" includes cleaning, sanitizing, and resurfacing (e.g., sanding, repair of joints, repainting) of the material. The cost of cosmetic repair should also be less than the cost of replacement of affected materials and systems. In addition to these requirements, individual materials that are considered flood damage-resistant must not cause degradation of adjacent materials or the systems of which the material is a part.

FLOOD ELEVATION DETERMINATION: See definition of base flood elevation (BFE).

FLOOD ELEVATION STUDY: See definition of flood insurance study (FIS).

FLOOD FRINGE: That portion of the floodplain outside of the floodway (often referred to as "floodway fringe").

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY (FIS): An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD OR FLOODING: A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection A2 of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection A1 of this definition.

FLOOD PROTECTION ELEVATION (FPE): The base flood elevation plus the freeboard.

A. In "special flood hazard areas" where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus one foot (1') of freeboard; and

B. In "special flood hazard areas" where no BFE has been established, this elevation shall be at least two feet (2') above the highest adjacent

grade.

FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD ZONE: A geographical area shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) that reflects the severity or type of flooding in the area.

FLOODPLAIN ADMINISTRATOR: The individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT: Any type of permit that is required in conformance with the provisions of this title, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOODPROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The base flood elevation (BFE) plus the freeboard establishes the flood protection elevation (FPE). Freeboard shall be one foot (1') in "special flood hazard areas" where base flood elevations (BFEs) have been determined and two feet (2') above the highest adjacent grade in "special flood hazard areas" where no BFE has been established.

FUNCTIONALLY DEPENDENT USE: A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities. (Ord. 565, 5-3-2017)

14-207: DEFINITIONS - G:

None at this time. (Ord. 565, 5-3-2017)

14-208: DEFINITIONS - H:

HIGHEST ADJACENT GRADE (HAG): The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the FEMA Elevation Certificate for HAG related to building elevation information.

HISTORIC STRUCTURE: A structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By an approved State program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs. (Ord. 565, 5-3-2017)

14-209: DEFINITIONS - I:

None at this time. (Ord. 565, 5-3-2017)

14-210: DEFINITIONS - J:

None at this time. (Ord. 565, 5-3-2017)

14-211: DEFINITIONS - K:

None at this time. (Ord. 565, 5-3-2017)

14-212: DEFINITIONS - L:

LETTER OF MAP CHANGE (LOMC): A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision Based on Fill (LOMR-F).

Conditional Letter Of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS). Upon submission and approval of certified as-built documentation, a Letter of Map Revision (LOMR) may be issued by FEMA to revise the effective FIRM. Building permits and/or flood development permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

Letter Of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. An LOMA establishes a property's location in relation to the special flood hazard area (SFHA). LOMAs are usually issued because a property has been

inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

Letter Of Map Revision (LOMR): FEMA's modification to an effective Flood Insurance Rate Map (FIRM) or a Flood Boundary and Floodway Map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

Letter Of Map Revision Based On Fill (LOMR-F): FEMA's modification of the special flood hazard area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

LEVEE: A man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST ADJACENT GRADE (LAG): The lowest point of the ground level next to the structure. Refer to the FEMA Elevation Certificate for LAG related to building elevation information.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR section 60.3 and this title. (Ord. 565, 5-3-2017)

14-213: DEFINITIONS - M:

MANUFACTURED HOME: A structure, transportable in one (1) or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MARKET VALUE: The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum (such as North America Vertical Datum of 1988 - NAVD88) to which base flood elevations (BFEs) shown on a community's FIRM are referenced.

MUDSLIDE (i.e., MUDFLOW): Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

MUDSLIDE (i.e., MUDFLOW) AREA MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.

MUDSLIDE (i.e., MUDFLOW) PRONE AREA: An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow. (Ord. 565, 5-3-2017)

14-214: DEFINITIONS - N:

NATIONAL FLOOD INSURANCE PROGRAM (NFIP): The NFIP is a Federal program created by Congress to mitigate future flood losses nationwide through sound, community-enforced building and zoning ordinances and to provide access to affordable, Federally backed flood insurance protection for property owners.

NEW CONSTRUCTION: For floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by Bonner County and includes any subsequent improvements to such structures.

Any construction started after August 14, 1984, and before the effective start date of this title is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within one hundred eighty (180) days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Bonner County on August 14, 1984. (Ord. 565, 5-3-2017)

14-215: DEFINITIONS - O:

None at this time. (Ord. 565, 5-3-2017)

14-216: DEFINITIONS - P:

POST-FIRM: Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map (FIRM).

PRE-FIRM: Construction or other development for which the "start of construction" occurred before August 1, 1984, the effective date of the initial Flood Insurance Rate Map (FIRM). (Ord. 565, 5-3-2017)

14-217: DEFINITIONS - Q:

None at this time. (Ord. 565, 5-3-2017)

14-218: DEFINITIONS - R:

RECREATIONAL VEHICLE: A vehicle that is:

- A. Built on a single chassis, and

- B. Four hundred (400) square feet or less when measured at the largest horizontal projection, and
- C. Designed to be self-propelled or permanently towed by a light duty truck, and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY: See definition of floodway.

REMEDY A VIOLATION: To bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

REPETITIVE LOSS STRUCTURE: An NFIP-insured structure that has had at least two (2) paid flood losses of more than one thousand dollars (\$1,000.00) each in any 10-year period since 1978.

RIVERINE: Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. (Ord. 565, 5-3-2017)

14-219: DEFINITIONS - S:

SPECIAL FLOOD HAZARD AREA (SFHA): The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

START OF CONSTRUCTION: Substantial improvement, and the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of its market value before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty five percent (25%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: A. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local Health, Sanitary, or Safety Code specifications which have been identified by the local Code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by variance issued pursuant to this title. (Ord. 565, 5-3-2017)

14-220: DEFINITIONS - T:

TECHNICAL BULLETINS AND TECHNICAL FACT SHEETS: FEMA publications that provide guidance concerning the building performance standards of the NFIP, which are contained in title 44 of the U.S. Code of Federal Regulations section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations. Rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

TEMPERATURE CONTROLLED: Having the temperature regulated by a heating and/or cooling system, built-in or appliance. (Ord. 565, 5-3-2017)

14-221: DEFINITIONS - U:

None at this time. (Ord. 565, 5-3-2017)

14-222: DEFINITIONS - V:

VARIANCE: A grant of relief by the Governing Body from a requirement of this title.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the properly completed Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in 44 CFR section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. (Ord. 565, 5-3-2017)

14-223: DEFINITIONS - W:

WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other specified datum), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE: A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 565, 5-3-2017)

14-224: DEFINITIONS - X:

None at this time. (Ord. 565, 5-3-2017)

14-225: DEFINITIONS - Y:

None at this time. (Ord. 565, 5-3-2017)

14-226: DEFINITIONS - Z:

None at this time. (Ord. 565, 5-3-2017)

CHAPTER 3

GENERAL REGULATIONS

SECTION:

14-301: Lands To Which This Title Applies

14-302: Basis For Special Flood Hazard Areas

14-303: Establishment Of Floodplain Development Permit

14-304: Compliance

14-305: Abrogation And Greater Restrictions

14-306: Interpretation

14-307: Warning And Disclaimer Of Liability

14-308: Penalties For Violation

14-301: LANDS TO WHICH THIS TITLE APPLIES:

This title shall apply to all special flood hazard areas within the jurisdiction of Bonner County, Idaho. Nothing in this title is intended to allow uses, development or structures that are otherwise prohibited by the zoning ordinance. (Ord. 565, 5-3-2017)

14-302: BASIS FOR SPECIAL FLOOD HAZARD AREAS:

The special flood hazard areas identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Bonner County, Idaho & Incorporated Areas, dated July 7, 2014, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are adopted by reference and declared a part of this title. The FIS and the FIRM are on file at the Office of the Planning Department, at 1500 U.S. Highway 2, Sandpoint, Idaho. (Ord. 565, 5-3-2017)

14-303: ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT:

A floodplain development permit shall be required in conformance with the provisions of this title prior to the commencement of any development activities within special flood hazard areas determined in accordance with the provisions of section 14-402 of this title. (Ord. 565, 5-3-2017)

14-304: COMPLIANCE:

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this title and other applicable regulations. (Ord. 565, 5-3-2017)

14-305: ABROGATION AND GREATER RESTRICTIONS:

This title shall not in any way repeal, abrogate, impair, or remove the necessity of compliance with any other laws, ordinances, regulations, easements, covenants, or deed restrictions, etcetera. However, where this title and another ordinance conflict or overlap, whichever imposes more stringent or greater restrictions shall control. (Ord. 565, 5-3-2017)

14-306: INTERPRETATION:

A. In the interpretation and application of this title all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the Governing Body; and
3. Deemed neither to limit nor repeal any other powers granted under State Statutes. (Ord. 565, 5-3-2017)

14-307: WARNING AND DISCLAIMER OF LIABILITY:

The degree of flood protection required by this title is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This title does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This title shall not create liability on the part of Bonner County or by any officer or employee thereof for flood damages that result from reliance on this title or an administrative decision lawfully made hereunder. (Ord. 565, 5-3-2017)

14-308: PENALTIES FOR VIOLATION:

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way unless in full compliance with the terms of this title and other applicable regulations.

Violation of the provisions of this title or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this title or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one hundred eighty (180) days, or both. Each day the violation continues shall be considered a separate offense. Nothing herein contained shall prevent Bonner County from taking such other lawful actions as is necessary to prevent or remedy any violation. (Ord. 565, 5-3-2017)

CHAPTER 4

ADMINISTRATION

SECTION:

14-401: Designation Of Floodplain Ordinance Administrator

14-402: Duties And Responsibilities Of The Floodplain Administrator

14-403: Floodplain Development Application, Permit, And Certification Requirements

14-404: Corrective Procedures

14-405: Variance Procedures

14-401: DESIGNATION OF FLOODPLAIN ORDINANCE ADMINISTRATOR:

The Bonner County Floodplain Manager, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this title. (Ord. 565, 5-3-2017)

14-402: DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR:

A. The Floodplain Administrator shall perform, but not be limited to, the following duties:

1. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas (SFHAs) to assure that the requirements of this title have been satisfied.
2. Review all proposed development within special flood hazard areas to assure that all necessary local, State, and Federal permits have been received, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
3. Notify adjacent communities and the Idaho Department of Water Resources State Coordinator for the National Flood Insurance Program (NFIP) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
5. Prevent encroachments into floodways and flood areas unless the certification and flood hazard reduction provisions of this title are met.
6. Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of subsection 14-403C of this chapter.
7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of subsection 14-403C of this chapter.
8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of subsection 14-403C of this chapter.
9. When floodproofing is utilized for a particular structure, obtain certifications from an Idaho licensed professional engineer or Idaho licensed architect in accordance with the provisions of subsection 14-403C of this section and subsection 14-502A2 of this title.
10. Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas, floodways, or flood fringe areas, make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this title.
11. When base flood elevation (BFE) data has not been provided in accordance with the provisions of section 14-302 of this title, obtain, review, and reasonably utilize any BFE data, along with floodway data or flood fringe area data available from a Federal, State, or other source, including data developed pursuant to subsection 14-503A2 of this title, in order to administer the provisions of this title.
12. When base flood elevation (BFE) data is provided but no floodway or flood fringe area data has been provided in accordance with the provisions of section 14-302 of this title, obtain, review, and reasonably utilize any floodway data or flood fringe area data available from a Federal, State, or other source in order to administer the provisions of this title.
13. Permanently maintain all records that pertain to the administration of this title and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
14. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator or authorized representative shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator or authorized representative has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
15. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this title, or where any other development is occurring in violation of this title, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
16. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
17. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her Inspections Department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
18. Follow through with corrective procedures of section 14-404 of this chapter.
19. Review, provide input, and make recommendations for variance requests.
20. Maintain a current map repository to include, but not limited to, the FIS report, FIRM and other official flood maps, and studies adopted in accordance with the provisions of section 14-302 of this title, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify the NFIP State Coordinator and FEMA of your community's mapping needs.

21. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs). (Ord. 565, 5-3-2017)

14-403: FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT, AND CERTIFICATION REQUIREMENTS:

A. Application Requirements: Application for a floodplain development permit shall be made to the Floodplain Administrator prior to any development activities located within special flood hazard areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

1. A plot plan drawn to engineering scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - a. The nature, location, and dimensions, of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - b. The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in section 14-302 of this title, or a statement that the entire lot is within the special flood hazard area;
 - c. The flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in section 14-302 of this title;
 - d. The boundary of the floodway(s) or flood fringe area(s) as determined in section 14-302 of this title;
 - e. The base flood elevation (BFE) where provided as set forth in section 14-302; 14-303; or 14-503 of this title;
 - f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - g. The certification of the plot plan by an Idaho licensed land surveyor or Idaho licensed professional engineer; and
 - h. Any additional material needed for a complete review of the application, as determined by the Floodplain Administrator.
 2. Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
 - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any non-residential structure in Zone A, AE, AH, AO, or A1-30 will be floodproofed; and
 - c. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
 3. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-33) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
 4. An engineered Foundation Plan, as applicable, for all development within a special flood hazard area, drawn to scale and certified by an Idaho licensed professional engineer or Idaho licensed architect, which shall include details of the proposed foundation system to ensure all provisions of this title are met. These details include but are not limited to:
 - a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation, or on columns/posts/piers/piles/shear walls); and
 - b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with subsections 14-501A8b(1) through 8b(6) of this title when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A1-30.
 5. Usage details of any enclosed areas below the lowest floor.
 6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 7. Certification that all other local, State, and Federal permits required prior to floodplain development permit issuance have been received.
 8. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of subsections 14-502A6 and A7 of this title are met.
 9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
 10. A map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- B. Permit Requirements: The floodplain development permit shall include, but not be limited to:
1. A complete description of all the development to be permitted under the floodplain development permit (i.e., house, garage, pool, septic, bulkhead, cabana, pole barn, chicken coop, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etcetera).
 2. The special flood hazard area determination for the proposed development in accordance with available data specified in section 14-302 of this title.
 3. The flood protection elevation required for the lowest floor and all attendant utilities.
 4. The flood protection elevation required for the protection of all public utilities.
 5. All certification submittal requirements with timelines.
 6. A statement that no fill material or other development shall encroach into the floodway or flood fringe area of any watercourse, as applicable.
 7. The flood openings requirements, if in Zones A, AE, AH, AO, or A1-30.
 8. All floodplain development permits shall be conditional upon the start of construction of work within one hundred eighty (180) days. A floodplain development permit shall expire one hundred eighty (180) days after issuance unless the permitted activity has commenced as per the start of construction definition.
 9. A statement that all materials below BFE/FPE must be flood resistant materials.

C. Certification Requirements:

1. Elevation Certificates:

a. A properly completed Elevation Certificate (FEMA Form 86-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit applicant to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit applicant prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

b. A properly completed final as-built Finished Construction Elevation Certificate (FEMA Form 86-0-33) is required after construction is completed and prior to occupancy of the structure. It shall be the duty of the permit applicant to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the lowest floor and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit applicant immediately and prior to occupancy of the structure. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the approval of a floodplain development permit.

The Finished Construction Elevation Certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken after completion of construction and within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

2. Floodproofing Certificate: If non-residential floodproofing is used to meet the flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit applicant to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the lowest floor and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to deny the right to occupy the structure.

3. Foundation Certification: If a manufactured home is placed within Zone A, AE, AH, AO, or A1-30 and the elevation of the chassis is more than thirty six inches (36") in height above grade, an engineered foundation certification is required in accordance with the provisions of subsection 14-502A4b of this title.

4. Watercourse Alteration: If a watercourse is to be altered or relocated, the following shall all be submitted by the permit applicant prior to issuance of a floodplain development permit:

a. A description of the extent of watercourse alteration or relocation; and

b. A professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and

c. A map showing the location of the proposed watercourse alteration or relocation; and

d. An Idaho stream channel alteration permit approval shall be provided by the applicant to the Floodplain Administrator.

5. Certification Exemptions: The following structures, if located within Zone A, AE, AH, AO, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in subsections C1 and C2 of this section:

a. Recreational vehicles meeting requirements of subsection 14-502A6a of this title;

b. Temporary structures meeting requirements of subsection 14-502A7 of this title; and

c. Accessory structures less than two hundred (200) square feet meeting requirements of subsection 14-502A8 of this title.

D. Determinations For Existing Buildings And Structures: For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the building official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the adopted Idaho Building Code and this title is required. (Ord. 565, 5-3-2017)

14-404: CORRECTIVE PROCEDURES:

A. Violations To Be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

B. Actions In Event Of Failure To Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

1. That the building or property is in violation of the floodplain management regulations;

2. That a hearing will be held before the Hearing Examiner, or before the Planning and Zoning Commission if no Hearing Examiner is

available, at a designated place and time, not later than thirty (30) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

3. That following the hearing, the Hearing Examiner, or the Planning and Zoning Commission if no Hearing Examiner is available, may issue an order to alter, vacate, or demolish the building; or to remove fill; or to correct the Code violation by other means, as applicable.

C. Order To Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Hearing Examiner, or the Planning and Zoning Commission if no Hearing Examiner is available, shall find that the building or development is in violation of this title, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

D. Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected Governing Body by giving notice of appeal in writing to the Hearing Examiner, or the Planning and Zoning Commission if no Hearing Examiner is available, and the Clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Hearing Examiner, or the Planning and Zoning Commission, shall be final. The local Governing Body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

E. Failure To Comply With Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the Governing Body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court. (Ord. 565, 5-3-2017)

14-405: VARIANCE PROCEDURES:

A. The Hearing Examiner, or the Planning and Zoning Commission should no Hearing Examiner be available, as established by Bonner County, hereinafter referred to as the "Appeal Board", shall hear and decide requests for variances from the requirements of this title.

B. Variances may be issued for:

1. The repair or rehabilitation of historic structures on national, State, or local registers of historic places, or equivalent, and upon the determination that the repair or rehabilitation will be consistent with the historic preservation standards of the U.S. Secretary of the Interior, and upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and that the variance is the minimum necessary to preserve the historic character and design of the structure;

2. Functionally dependent facilities, if determined to meet the definition as stated in chapter 2 of this title, provided provisions of subsections H2 through H4 of this section have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

3. Any other type of development, provided it meets the requirements of this section.

C. In passing upon variances, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this title, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location as defined under chapter 2 of this title as a functionally dependent facility, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

D. Upon consideration of the factors listed above and the purposes of this title, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this title.

E. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to twenty five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

F. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of Idaho upon request.

G. 1. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

2. Variances shall not be issued within any designated floodway or flood fringe area if the variance would result in any increase in flood levels during the base flood discharge.

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances shall only be issued prior to development permit approval.

5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- H. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas provided that all of the following conditions are met:
 1. The use serves a critical need in the community.
 2. No feasible location exists for the use outside the special flood hazard area.
 3. The lowest floor of any structure is elevated or floodproofed to at least the flood protection elevation.
 4. The use complies with all other applicable Federal, State and local laws.
- I. Bonner County will notify the State NFIP Coordinator of the Idaho Department of Water Resources of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.
- J. Any person aggrieved by the decision of the Appeal Board may appeal such decision to the court, as provided in Idaho Code 67-6535. (Ord. 565, 5-3-2017)

CHAPTER 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION:

14-501: General Standards

14-502: Specific Standards

14-503: Standards For Floodplains Without Established Base Flood Elevations

14-504: Standards For Riverine Floodplains With Base Flood Elevations But Without Established Floodways

14-505: Standards For Floodways

14-506: Standards For Areas Of Shallow Flooding (Zone AO, AH, AR/AO, Or AR/AH)

14-507: Critical Facilities

14-501: GENERAL STANDARDS:

- A. In all special flood hazard areas the following provisions are required:
 1. All new construction, substantial improvements, and other development shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
 2. All new construction, substantial improvements, and other development shall be constructed with flood damage-resistant materials as defined herein, and with utility equipment resistant to flood damage, in accordance with FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, or as hereafter amended, and available from the Federal Emergency Management Agency.
 3. All new construction, substantial improvements, and other development shall be constructed by methods and practices that minimize flood damages.
 4. All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 6. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
 7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 8. A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:
 - a. Be constructed entirely of flood damage-resistant materials to at least the flood protection elevation; and
 - b. Include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (1) A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;
 - (2) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (3) If a building has more than one (1) enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (4) The bottom of all required flood openings shall be no higher than one foot (1') above grade;
 - (5) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of

floodwaters in both directions;

(6) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

9. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this title, shall meet the requirements of "new construction" as contained in this title.

10. Nothing in this title shall prevent the repair, reconstruction, or replacement of a lawfully constructed building or structure legally existing on the effective date of this title and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the flood protection elevation in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this title.

11. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in subsection 14-405H of this title. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the flood protection elevation and certified in accordance with the provisions of subsection 14-403C of this title.

12. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.

13. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

14. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

15. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

16. When a structure or development is partially located in a special flood hazard area, the entire structure or development shall meet the requirements of this title, including but not limited to the standards for new construction and substantial improvements.

17. When a structure or development is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation (BFE) shall apply. (Ord. 565, 5-3-2017)

14-502: SPECIFIC STANDARDS:

A. In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in section 14-302 of this title or section 14-504 of this chapter, the following provisions, in addition to the provisions of section 14-501 of this chapter, are required:

1. Residential Construction: New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than one foot (1') above the base flood elevation, as defined in chapter 2 of this title, except as provided in this section. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by an Idaho licensed professional engineer or Idaho licensed architect, and must meet or exceed the following minimum criteria:

a. A minimum of two (2) openings located on different walls of the structure, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot (1') above grade.

c. Openings may be equipped with screens, louvers or other coverings or devices; provided that they permit the automatic entry and exit of floodwaters.

d. All structural and nonstructural building materials at or below the flood protection elevation shall be flood damage-resistant materials. A "flood damage-resistant material" is defined as any building material capable of withstanding direct and prolonged contact of at least seventy two (72) hours with floodwaters without sustaining significant damage, meaning any damage requiring more than low cost cosmetic repair such as painting.

e. In unnumbered A Zones where a base flood elevation has not been established, the applicant may submit a site-specific engineering analysis to determine BFE, or plans shall be provided demonstrating the structure shall be elevated at minimum two feet (2') above highest adjacent grade (HAG) at the building site or to the flood protection elevation (FPE) whichever is higher, as defined in chapter 2 of this title.

2. Non-Residential Construction: New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the lowest floor, including basement, elevated no lower than one foot (1') above the base flood elevation, as defined in chapter 2 of this title. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to one foot (1') above the base flood elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with subsection 14-506A2 of this chapter. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in subsection 14-403C of this title, along with the operational plan and the inspection and maintenance plan.

3. Below Grade Crawl Space Construction For Residential And Nonresidential Buildings: In addition to the standards provided herein, below grade crawl space construction shall be designed and certified by an Idaho licensed engineer or Idaho licensed architect to meet the following:

a. The interior grade of the crawl space below the base flood elevation shall not be greater than two feet (2') below the lowest adjacent exterior grade.

b. The height of the below grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall, shall not exceed four feet (4') at any point.

c. An adequate drainage system shall be designed and installed to remove floodwaters from the interior area of the crawl space within seventy two (72) hours after a flood event. The system may include perforated pipes, drainage tiles, gravel or crushed stone drainage by gravity

or mechanical means, and shall meet the minimum construction practices outlined by the National Flood Insurance Program guidelines.

d. Below grade crawl spaces are prohibited at sites where the velocity of floodwaters exceeds five feet (5') per second, as established by the Flood Insurance Study.

e. All building utility systems within the crawl space shall be elevated above base flood elevation or be designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork shall be placed above the base flood elevation or shall be sealed from floodwaters.

f. All structural and nonstructural building materials at or below the flood protection elevation shall be flood resistant material as defined herein.

g. Below grade crawl spaces constructed in accordance with the requirements listed in this subsection shall not be considered basements. However, applicants who construct buildings that have below grade crawl spaces are hereby advised that such buildings will have higher flood insurance premiums than buildings that have crawl spaces with interior elevations at or above the lowest adjacent grade.

4. Manufactured Homes:

a. New and replacement manufactured homes shall be elevated so that the lowest floor of the manufactured home is no lower than the flood protection elevation, as defined in chapter 2 of this title.

b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code section 44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty six inches (36") or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty six inches (36") in height, an engineering certification is required.

c. All enclosures or skirting below the lowest floor shall meet the requirements of subsection 14-501A8 of this chapter.

d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within special flood hazard areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

5. Additions/Improvements:

a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(1) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or

(2) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

b. Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(1) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or

(2) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

d. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a four (4) year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the four (4) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this title. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

(1) Any project for improvement of a building required to correct existing Health, Sanitary, or Safety Code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or

(2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

6. Recreational Vehicles: Recreational vehicles shall be either:

a. Temporary placement:

(1) Be on site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

b. Permanent placement:

(1) Recreational vehicles that do not meet the limitations of temporary placement shall meet all the requirements for new construction, as set forth in section 14-501 of this chapter.

7. Temporary Non-Residential Structures: Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

a. A specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable once, for up to one (1) year in total;

b. The name, address, and phone number of the individual responsible for the removal of the temporary structure;

- c. The time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);
- d. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- e. Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

8. Accessory Structures: When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, elevation or floodproofing certifications are required for all accessory structures in accordance with subsection 14-403C of this title, and the following criteria shall be met:

- a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
- b. Accessory structures shall not be temperature-controlled;
- c. Accessory structures shall be designed to have low flood damage potential;
- d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- e. Accessory structures shall be firmly anchored in accordance with the provisions of subsection 14-501A1 of this chapter;
- f. All service facilities, such as electrical, shall be installed in accordance with the provisions of subsection 14-501A4 of this chapter; and
- g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below flood protection elevation in conformance with the provisions of subsection 14-501A8 of this chapter.

An accessory structure with a footprint less than two hundred (200) square feet and is a minimal investment of seven thousand five hundred dollars (\$7,500.00) or less and satisfies the criteria outlined in subsections A8a through A8g of this section is not required to meet the elevation or floodproofing standards of subsections A1 and A2 of this section.

9. Tanks: When gas and liquid storage tanks are to be placed within a special flood hazard area, the following criteria shall be met:

- a. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);
- b. Elevated above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- c. Non-elevated above-ground tanks, that do not meet the elevation requirements of subsections A1 and A2 of this section shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- d. Tank inlets, fill openings, outlets and vents shall be:

(1) At or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

10. Other Development In Regulated Floodways And Flood Fringe:

- a. Fences that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, in regulated special flood hazard areas shall meet the limitations of section 14-505 of this chapter.
- b. Retaining walls, bulkheads, sidewalks, and driveways that involve the placement of fill in regulated floodways and flood fringe shall meet the limitations of section 14-505 of this chapter.
- c. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one (1) side of a watercourse to the other side, which encroach into regulated floodways and flood fringe, shall meet the limitations of section 14-505 of this chapter.
- d. Drilling water, oil, and/or gas wells including fuel storage tanks, apparatus, and any equipment at the site that encroach into regulated floodways and flood fringe shall meet the limitations of section 14-505 of this chapter.
- e. Docks, piers, boat ramps, marinas, moorings, decks, docking facilities, port facilities, shipbuilding, and ship repair facilities that encroach into regulated floodways and flood fringe shall meet the limitations of section 14-505 of this chapter. (Ord. 565, 5-3-2017)

14-503: STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS:

A. Within the special flood hazard areas designated as Zone A (also known as Unnumbered A Zones) and established in section 14-302 of this title, where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of section 14-501 of this chapter, shall apply.

The BFE used in determining the flood protection elevation (FPE) shall be determined based on the following criteria:

1. When base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this title and shall be elevated or floodproofed in accordance with standards in sections 14-501 and 14-502 of this chapter.
2. When floodway or flood fringe data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of sections 14-501, 14-502 and 14-505 of this chapter.
3. All subdivision, manufactured home park, and other development proposals shall provide base flood elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference in accordance with section 14-302 of this title and utilized in implementing this title. The applicant/developer shall submit an application for a Conditional Letter of Map Revision (CLOMR) prior to Preliminary Plat approval and have obtained a Letter of Map Revision (LOMR) prior to any building permits for structures being issued.

See FEMA 480 and/or FEMA 265 for further information.

4. When base flood elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the applicant may submit a site-specific engineering analysis to determine BFE or the lowest floor shall be elevated or floodproofed (non-residential) to two feet (2.0') above the highest adjacent grade (HAG) at the building site or to the flood protection elevation (FPE) whichever is higher, as defined in chapter 2 of this title. All other applicable provisions of sections 14-501 and 14-502 of this chapter shall also apply. (Ord. 565, 5-3-2017)

14-504: STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS:

A. Along rivers and streams where base flood elevation (BFE) data is provided by FEMA or is available from another source but floodways are not identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

1. Standards of sections 14-501 and 14-502 of this chapter; and

2. Until a regulatory floodway is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community. (Ord. 565, 5-3-2017)

14-505: STANDARDS FOR FLOODWAYS:

A. Areas designated as floodways are located within the special flood hazard areas established in section 14-302 of this title. The floodways are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in sections 14-501 and 14-502 of this chapter, shall apply to all development within such areas:

1. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:

a. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or

b. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six (6) months of completion of the proposed encroachment.

2. If subsection A1 of this section is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this title.

3. Manufactured homes may be permitted provided the following provisions are met:

a. The anchoring and the elevation standards of sections 14-501 and 14-502 of this chapter; and

b. The encroachment standards of subsection A1 of this section. (Ord. 565, 5-3-2017)

14-506: STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO, AH, AR/AO, OR AR/AH):

A. Located within the special flood hazard areas established in section 14-302 of this title, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one foot (1') to three feet (3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to sections 14-501 and 14-502 of this chapter, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one foot (1'), above the highest adjacent grade; or at least two feet (2') above the highest adjacent grade if no depth number is specified.

2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in subsection A1 of this section so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with subsection 14-403C of this title and subsection 14-502A2 of this chapter.

3. Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures. (Ord. 565, 5-3-2017)

14-507: CRITICAL FACILITIES:

Construction of new critical facilities shall be located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the special flood hazard area, if no feasible alternative is available, only if authorized by an approved variance. Critical facilities constructed within the special flood hazard area shall have the lowest floor elevated three feet (3') or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Ingress and egress routes elevated to or above the base flood elevation shall be provided to all critical facilities to the extent possible. (Ord. 565, 5-3-2017)

CHAPTER 6

LEGAL STATUS PROVISIONS

SECTION:

14-601: Effect On Rights And Liabilities Under The Existing Flood Damage Prevention Ordinance

14-602: Effect Upon Outstanding Floodplain Development Permits

14-603: Severability

14-601: EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE:

This title, in part, comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted November 18, 2008, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this title shall not affect any action, suit, or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Bonner County enacted on

November 18, 2008, as amended, which are not reenacted herein are repealed. (Ord. 565, 5-3-2017)

14-602: EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS:

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this title. Provided, however, that when construction is not begun under such outstanding permit within a period of one hundred eighty (180) days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this title. (Ord. 565, 5-3-2017)

14-603: SEVERABILITY:

This title is hereby declared to be severable. Should any portion of this title be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of this title before the declaration of partial invalidity. (Ord. 565, 5-3-2017)