

Bonner County, Idaho

Title 12
Land Use Regulations

Table of Contents

Chapter 1 General Provisions, Administration and Enforcement..... 1-1

Subchapter 1.1: General Provisions	1-1
12-110, Authority.	1-1
12-111, Purpose.	1-1
12-112, Interpretation, relation to other ordinances.	1-1
Subchapter 1.2: Administration	1-2
12-120, Establishment of Planning Department.....	1-2
12-121, Planning Director.....	1-2
12-122, Establishment of Planning and Zoning Commission.....	1-2
12-123, Powers and duties of Commission.....	1-2
12-124, Election of chairman, meetings, quorum.....	1-3
12-125, Conduct of meetings, records, open to public.....	1-3
12-126, Establishment, appointment of Hearing Examiner.....	1-3
12-127, Power and duties of Hearing Examiner.....	1-3
12-128, Appeals from final decision of Hearing Examiner.	1-4
12-129, Conflict of Interest Prohibited.	1-4
Subchapter 1.3: Enforcement	1-4
12-130, Enforcement.	1-4
12-131, Complaints of violation.	1-4
12-132, Violations and penalties.	1-5
12-133, Authority, issuance of stop work order, unlawful continuance.	1-5

Chapter 2 Procedures 2-1

Subchapter 2.1: Title Amendments, Comprehensive Plan Amendments and Zone Changes.....	2-1
12-210, Purpose.	2-1
12-211, General.....	2-1
12-212, Applications, applicants for amendment to zoning or Comprehensive Plan map.....	2-1
12-213, Applications, applicants for amendments to this Title.	2-1
12-214, Procedures for amendments to this Title.	2-1
12-215, Applications for zone changes and Comprehensive Plan map amendments, contents.....	2-2
12-216, Evaluation of amendment proposals.....	2-2
12-217, Public hearings, notice of.	2-3
Subchapter 2.2: Conditional Use Permits	2-3
12-220, Purpose.	2-3
12-221, General provisions.	2-3
12-222, Application, contents.	2-3
12-223, Conditional use permits, standards for review of applications, procedures.....	2-4
12-224, Public hearings and notices.	2-5
12-225, Approval; disapproval, appeal of decision.....	2-5
12-226, Conditional use permits, conditions, expiration, revocation.	2-5

Subchapter 2.3: Variances.....	2-6
12-231, Purpose.	2-6
12-232, General provisions.	2-6
12-233, Application, contents.	2-6
12-234, Variances, standards for review of applications.....	2-6
12-235, Public hearing and ,notices.	2-7
12-236, Approval; disapproval, appeal of decision.....	2-7
Subchapter 2.4: Special Use Permits	2-7
12-240, Purpose.	2-7
12-241, Applicability.	2-7
12-242, General provisions.	2-8
12-243, Duration of permit.	2-8
12-244, Application for special use permit.	2-8
12-245, Standards for review of special use permits.	2-9
12-246, Conditions may be attached, special use permits.....	2-9
12-247, Procedure, for review of special review permit.	2-10
Subchapter 2.5: Planned Unit Developments (PUD)	2-11
12-250, Purpose.	2-11
12-250.1, Districts permitting planned unit developments.	2-11
12-251, Planned unit development classification and minimums.....	2-11
12-252, Uses permitted within planned unit developments.....	2-12
12-253.1, Planned unit development application requirements.	2-12
12-253.2, Pre-application meeting.....	2-12
12-253.3, Concurrent processing of planned unit development and subdivision applications.	2-13
12-254, "Large Scale" PUD, general provisions.....	2-13
12-255, Procedure for approval of planned unit developments.	2-13
12-256, Design standards for planned unit developments.....	2-13
12-257, Standards for review of applications for planned unit developments.....	2-17
12-258, Expiration and extension of planned unit development approval.	2-18
Subchapter 2.6: Abandonments, Appeals, Complaints, Exceptions, Fees, Modifications, Public Hearings, Application Processing	2-18
12-260, Abandonment of application.....	2-18
12-261, Administrative appeals.	2-18
12 262, Appeals from final decision of Commission.....	2-19
12-264, Administrative exceptions.....	2-20
12-265, Schedule of fees.....	2-20
12-266, Modification of terms and conditions of permit approval.....	2-21
12-267, Public hearings.....	2-21
12-268, Application process, general provisions.....	2-23
Chapter 3 Zoning Districts and Land Uses.....	3-1
12-300, Purposes.	3-1
Subchapter 3.1: Zoning Map and Interpretation	3-1
12-310, Official zoning district map.	3-1
12-311, Adoption of official zoning map, certification, amendments to be shown on.	3-1

12-312, Replacement of official zoning map, certification.....	3-2
12-313, Supplementary official zoning district maps.....	3-2
12-314, Application of district or zone regulations.....	3-2
12-315, Rules for interpretation of zoning district boundaries.....	3-3
Subchapter 3.2: Zoning Districts Established	3-3
12-320.1, Zoning districts and map designation, purpose.....	3-3
12-320.2, Zoning districts and map designations established.....	3-3
12-321, Forestry district.....	3-4
12-322, Agricultural/Forestry district.....	3-4
12-323, Rural district.....	3-5
12-324, Suburban district.....	3-6
12-325, Commercial district.....	3-7
12-326, Industrial district.....	3-7
12-327, Rural Service Center district.....	3-8
12-328, Recreation district.....	3-9
12-329, Alpine Village district.....	3-9
Subchapter 3.3: Use Provisions.....	3-10
12-330, Use tables described.....	3-10
12-331, Interpretation of use tables.....	3-10
12-332, Residential use table.....	3-11
12-333, Commercial use table.....	3-12
12-334, Industrial use table.....	3-16
12-335, Public use table.....	3-17
12-336, Resource-Based use table.....	3-19
12-337, Classification of new uses within zone districts.....	3-20
Subchapter 3.4: Non-Conforming Uses and Structures.....	3-20
12-340, Intent.....	3-20
12-341, General provisions for nonconforming uses and structures.....	3-20
12-342, Nonconforming lots of record.....	3-21
12-343, Nonconforming uses of lands.....	3-21
12-344, Nonconforming structures.....	3-22
12-345, Nonconforming uses of structures and premises in combination.....	3-22
12-346, Repairs and maintenance.....	3-23
Chapter 4 Development Standards.....	4-1
12-400, Purpose.....	4-1
Subchapter 4.1: Density and Dimensional Standards	4-1
12-410, Interpretation of tables.....	4-1
12-411, Density and Dimensional Standards – Forestry, Agricultural/Forestry, and Rural zones.....	4-1
12-412, Density and Dimensional Standards – Suburban, Commercial, Industrial, Rural Service Center, Recreation, and Alpine Village zones.....	4-3
12-413, Lot combination.....	4-4
Subchapter 4.2: General Standards	4-5
12-420, General standards.....	4-5
12-421, Performance standards for all uses.....	4-6

Subchapter 4.3: Parking Standards	4-7
12-430, Purpose.	4-7
12-431, Parking standards.	4-7
12-432, Minimum off-street parking requirements.....	4-7
12-433, Parking lot pathway standards.	4-10
12-434, Parking lot landscaping standards.	4-10
Subchapter 4.4: Sign Standards	4-10
12-440, Purpose.	4-10
12-441, General standards.	4-10
12-442, Illumination standards.	4-10
12-443, Sign standards for non-residential uses in the commercial, industrial, recreation, alpine village, and rural service center zone districts.....	4-11
Subchapter 4.5: Design Standards	4-12
12-450, Purpose.	4-12
12-451, Applicability.	4-12
12-452, Site and building plans.	4-12
12-453, Standards.	4-12
12-454, Completion of Required Improvements.....	4-18
Subchapter 4.6: Landscaping and Screening Standards.....	4-18
12-460, Purpose.	4-18
12-461, Applicability.	4-18
12-462, Landscaping plan, required.....	4-18
12-463, Landscaping standards and guidelines.....	4-19
12-464, Landscaping types.	4-19
12-465, Buffer requirements.....	4-23
12-466 , Maintenance.....	4-24
12-467, Completion of Required Improvements.....	4-24
Subchapter 4.7: Standards for Development in the Alpine Village District	4-24
12-470, Purpose.	4-24
12-471, Standards.	4-24
Subchapter 4.8: Standards for Specific Uses	4-25
12-480, Cottage housing.	4-25
12-481, Confined animal feeding operations.....	4-28
12-482, Mining.....	4-30
12-483, Art, performing arts, and recording studios.....	4-31
12-484, Vacation rentals.....	4-32
12-485, Mobile home parks.	4-32
12-486, Standards for rental warehouses/mini-storage/boat storage.	4-33
12-487, Provisions for unique land uses.	4-34
12-488, Communication towers.....	4-34
12-489, Home occupations I, II, and III.	4-35
12-490, Accessory Dwelling Units.....	4-38
12-491, Adult entertainment uses.....	4-39

Chapter 5 Overlay Districts	5-1
12-500, Overlay districts, purpose.....	5-1
12-501, Establishment of overlay districts.....	5-1
Subchapter 5.1: Area of City Impact Overlay District (reserved)	5-1
Subchapter 5.2: Airport Overlay District.....	5-1
12-520, Purpose of district.....	5-1
12-521, Airport overlay districts established.....	5-1
12-522, Airport zone height limitations.	5-2
12-523, Use restrictions.....	5-3
12-524, Nonconforming uses.	5-3
12-525, Variances.	5-4
Subchapter 5.3: Wellhead Protection Overlay District	5-4
12-530, Purpose of district.....	5-4
12-531, Establishment of overlay district, applicability.....	5-4
12-532, Eligibility for overlay district.	5-5
12-533, Applicants for overlay district.	5-5
12-534, Zone boundaries for scientifically established Wellhead Protection overlay district.	5-5
12-535, Use table.	5-5
12-536, Special requirements and restrictions within district.	5-7
12-537, Application for Wellhead Protection overlay district, contents.	5-8
12-538, Procedure.....	5-9
12-539, Standards.	5-9
12-540, Watershed Protection overlay (reserved).....	5-9
Chapter 6 Subdivisions	6-1
12-600, Purpose.	6-1
Subchapter 6.1: General Provisions and Exemptions	6-1
12-610, Applicability, qualifications.....	6-1
12-611, Subdivision defined, exemptions from definition.....	6-1
12-612, Replatting required, recorded survey required, divisions exempt from platting.	6-2
12-613, Notice of land division, procedure.	6-3
12-614, Prohibitions.....	6-3
12-615, Remedies.	6-4
12-616, Certificate of compliance, conditional certificate of compliance.....	6-4
Subchapter 6.2: Design Standards	6-6
12-620, General.....	6-6
12-621, Lot design.	6-6
12-622, Submerged lands.	6-6
12-623, Services and utilities.....	6-7
12-624, Roads and Access.	6-8
12-625, Trails and Parks.	6-8
12-626, Environmental Features.	6-9
12-627, Subdivisions in the Commercial and Rural Service Center districts.	6-10

Subchapter 6.3: Conservation Subdivisions	6-10
12-630, Purpose.	6-10
12-631, Description and definitions.	6-10
12-632, Applicability, procedures, and preapplication review.	6-11
12-633, Standards and guidelines for all conservation subdivisions.....	6-12
12-634, Standards for Conservation Subdivisions in the Agricultural/Forestry-20 district.	6-14
12-635, Standards for Conservation Subdivisions in the Agricultural/Forestry-10 and Rural districts.....	6-14
12-636, Standards for Conservation Subdivisions in the Suburban, Recreation, and Alpine Village districts.....	6-15
12-637, Density bonuses for conservation subdivisions.	6-15
Subchapter 6.4: Preliminary Plat Procedures	6-18
12-640, Processing of subdivision applications, general.	6-18
12-641, Subdivisions, preapplication review.	6-18
12-642, Preliminary plat, contents of application.....	6-19
12-643, Subdivisions, procedure for processing preliminary plat.....	6-20
12-644, Improvement plan required, contents.....	6-21
12-645, Standards for review of applications for preliminary plats of all subdivisions.	6-22
12-646, Final plat, contents.	6-23
12-647, Endorsements to be shown on final plat.	6-24
12-648, Procedure for final plat review and approval.....	6-24
Subchapter 6.5: Short Plats, Procedures.....	6-25
12-650, Short plat procedure available for minor subdivisions.	6-25
12-651, Applications for short plat procedure.....	6-25
12-652, Contents of preliminary plats for short plat procedure.	6-25
12-653, Short plat, procedure for approval of preliminary plat.	6-25
12-654, Short plat, contents of final plat, procedure for approval of final plat.....	6-27
Subchapter 6.6: Lot Line Adjustments	6-27
12-660, Readjustment of lot lines within platted subdivision.....	6-27
12-661, Applications for adjustment of lot lines, minor notational changes.	6-28
12-662, Procedure for administrative review and approval of adjustments of lot lines, minor notational changes.	6-28
12-663, Final plat for lot line adjustments/notational changes to be drawn, time for filing, signing.	6-30
Subchapter 6.7: Condominium Projects	6-30
12-670, Applications for condominium projects.....	6-30
12-671, Procedure for administrative review and approval of condominium projects.....	6-31
12-672, Final condominium project to be drawn.	6-32
Chapter 7 Environmental Standards	7-1
12-700, Purpose.	7-1
Subchapter 7.1: Shorelines.....	7-1
12-710, Purpose.	7-1
12-711, Shoreline setbacks.	7-1
12-712, Fence restrictions near the water.....	7-2
12-713, Impervious surface standards near the water.....	7-2

12-714, Shoreline vegetative buffer.....	7-2
Subchapter 7.2: Grading, Stormwater Management and Erosion Control.....	7-4
12-720.1, Purpose.	7-4
12-720.2, Applicability.	7-4
12-720.3, Activities to which this subchapter is not applicable.	7-5
12-720.4, General provisions, violations.	7-6
12-721.1, Administration of chapter.....	7-6
12-721.2, Administrative exceptions.....	7-7
12-722.1, Procedures for new subdivisions.	7-7
12-722.2, Procedures for concurrent review of applications other than for new subdivisions or building location permits or building permits.	7-8
12-722.3, Procedures for processing of individual building location permit or building permit applications. (2422)	7-8
12-722.4, Procedures for review of public projects.	7-9
12-723.1, Grading standards.....	7-9
12-723.2, General requirements for stormwater management control.	7-10
12-724.1, Contents of grading/stormwater management plan.	7-11
12-724.12, Contents of a grading plan.	7-11
12-724.2, Contents of grading/erosion control plans.....	7-12
12-724.3, Contents of operation and maintenance plans.	7-12
12-725, Modifications of grading/stormwater management plans and erosion control plans during construction.	7-12
12-726, Performance standards.	7-13
12-727.1, Inspections.	7-13
12-727.2, Guarantee of installation.	7-14
12-728, Variances, application for, notification, procedure.	7-14
12-729, Investigation, violation, enforcement, remedies and penalties.	7-15
Subchapter 7.3: Wetlands.....	7-15
12-730, Purpose.	7-15
12-731, Wetlands reconnaissance, required.....	7-16
12-732, Wetlands delineation, required.....	7-16
12-733, Wetland buffers and setbacks.....	7-16
Subchapter 7.4: Wildlife	7-17
12-740, Purpose.	7-17
12-741, Wildlife protection standards for new subdivisions.	7-17
Subchapter 7.5: Flood Damage Prevention.....	7-17
12-750.1, Purpose of flood damage prevention chapter, objectives, methods of reducing flood losses.....	7-17
12-750.2, Definitions.....	7-18
12-751.1, Warning and disclaimer of liability.....	7-21
12-751.2, General provisions.	7-21
12-752, Development permit required, application.....	7-22
12-753, Designation of administrator, duties and responsibilities.	7-23
12-754.1, Flood hazard reduction general standards.....	7-24
12-754.2, Conditional uses (reserved).	7-25
12-754.3, Flood hazard reduction specific standards.....	7-25
12-755.1, Regulations for floodways.	7-28

12-755.2, Encroachment	7-28
12-755.3, Standards for shallow flooding areas (AO zones).....	7-28
12-755.4, Critical facilities.....	7-29
12-756.1, Variances, general provisions.....	7-29
12-756.2, Standards for review of variances.....	7-29
12-756.3, Process for consideration of variance.....	7-30
12-756.4, Approval, conditions; disapproval; appeal of decision.....	7-30
12-756.5, Administrative variance for wet flood-proofing.....	7-31
Subchapter 7.6: Hillsides	7-32
12-760, Purpose.....	7-32
12-761, Conceptual engineering plan, required.....	7-32
12-762, Geotechnical analysis, required.....	7-32
12-762, Hydrological analysis, required (reserved).....	7-32

Chapter 8 Definitions 8-1

12-801, Definitions – “A”	8-1
12-802, Definitions – “B”	8-3
12-803, Definitions – “C”	8-4
12-804, Definitions – “D”	8-6
12-805, Definitions – “E”	8-7
12-806, Definitions – “F”	8-8
12-807, Definitions – “G”	8-8
12-808, Definitions – “H”	8-9
12-809, Definitions – “I”	8-9
12-810, Definitions – “J”	8-10
12-811, Definitions – “K”	8-10
12-812, Definitions – “L”	8-10
12-813, Definitions – “M”	8-11
12-814, Definitions – “N”	8-13
12-815, Definitions – “O”	8-13
12-816, Definitions – “P”	8-14
12-817, Definitions – “Q”	8-15
12-818, Definitions – “R”	8-15
12-819, Definitions – “S”	8-16
12-820, Definitions – “T”	8-19
12-821, Definitions – “U”	8-19
12-822, Definitions – “V”	8-20
12-823, Definitions – “W”	8-20
12-824, Definitions – “X”	8-21
12-825, Definitions – “Y”	8-21
12-826, Definitions – “Z”	8-21

Appendices

- A. Private Road Standards Manual
- B. North Idaho Native and Beneficial Plant List

Chapter 1

General Provisions, Administration and Enforcement

Subchapter 1.1: General Provisions

12-110, Authority.

This Title is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code, and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified. This Title applies to all unincorporated areas of Bonner County.

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.

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.

Subchapter 1.2: Administration

12-120, Establishment of Planning Department.

Pursuant to the authority granted at Title 31, Chapter 8, of Idaho Code, the Board of County Commissioners has created a planning department to assist in the fulfillment of the duties prescribed by this ordinance and Idaho Code.

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.

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.

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.

12-124, Election of chairman, meetings, quorum.

- (a) The Commission shall elect a chairman 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 chairman 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.

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.

12-126, Establishment, appointment of Hearing Examiner.

The position of hearing examiner is established in accordance with the provisions of Idaho Code §67-6520., Hearing examiners shall meet the minimum qualifications set forth in Idaho Code §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.

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 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) Preliminary plats of four (4) or fewer lots not otherwise eligible for short platting;
- (2) Variances;
- (3) Tier III home occupations.

(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.

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 for appeals from final decisions of the Commission.

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.

Subchapter 1.3: Enforcement

12-130, Enforcement.

(a) The Planning Director, or designee, shall 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.

(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 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.

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 shall

properly register the complaint, investigate, and take actions on it as provided in this Title.

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 three hundred dollars (\$300.00), 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 the Idaho Code.

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 authorization of the Planning Director, or designee, shall be subject to the penalties as prescribed by this Title.

Chapter 2 Procedures

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).

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.

12-212, Applications, applicants for amendment to zoning or Comprehensive Plan map.

- (a) The owner or owners and/or contract buyers of any property may apply for a change in the zoning or Comprehensive Plan map. The Commission and Board shall conduct at least one public hearing when considering a proposed change in the zoning or Comprehensive Plan map.
- (b) The Commission or the Board of County Commissioners may initiate action to change the zoning or Comprehensive Plan map.

12-213, Applications, applicants for amendments to this Title.

An amendment to the text of this Title or Comprehensive Plan may be initiated by the Commission, or by the Board or 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 Title. The amendment shall be considered in accordance with the procedure specified in Section 67-6509 and Section 67-6511, of the Idaho Code.

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, provided however, that no action may be taken until after a public hearing by the Planning and Zoning Commission, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15)

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.

(b) The Commission shall transmit within thirty (30) working days of its decision, its findings and recommendations to the Board of County Commissioners. The Board of County Commissioners, prior to taking action on the amendment shall conduct at least one 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.

(c) 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.

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.

(c) A land capability report prepared by a person or firm qualified by training and experience to have expert knowledge of the subject. The report will identify the capability of the land to withstand disturbance without risk of substantial harmful consequences of floods, sewage, drainage, erosion, sedimentation, or geological or surface slippage.

(d) A legal description of the subject property prepared by an Idaho-licensed surveyor.

(e) A vicinity map, as defined, 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.

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.

12-217, Public hearings, notice of.

Notices and public hearings shall be provided pursuant to the procedural requirements of Section 67-6511, Idaho Code. 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.

Subchapter 2.2: Conditional Use Permits

12-220, Purpose.

This subchapter establishes criteria for conditional uses in a zoning district.

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 Title.
- (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.

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.
 - (j) A land capability report prepared by a person or firm qualified by training and experience to have expert knowledge of the subject. The report will identify the capability of the land to withstand disturbance without risk of substantial harmful consequences of floods, sewage, drainage, erosion, sedimentation, or geological or surface slippage. A land capability report shall not be required to be submitted for proposals in which all of the following apply:
 - (1) No additional impervious surface, as defined, is created;
 - (2) No additional site disturbance is proposed and no additional development will occur on slopes fifteen percent (15%) or greater;
 - (3) No additional sewage disposal services are associated with the proposal;
 - (4) The area in which the proposed use will occur is not located within a one hundred (100) year flood plain as determined from the FEMA flood insurance rate maps; or is not located within a mapped wetland as determined from the U.S. Fish and Wildlife Service national wetland inventory maps, or as determined in writing by the U.S. army corps of engineers;
 - (5) Existing structures or uses involved with the proposal have not had a detrimental effect on the subject land and adjacent lands with regard to floods, sewage, drainage, erosion, sedimentation, or geological or surface slippage.
 - (k) A vicinity map, as defined, 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.

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 (1) 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.

12-224, Public hearings and notices.

Notices and public hearings shall be provided pursuant to Section 67-6512, Idaho Code. 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.

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 Title.

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 the Idaho Code.

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.

12-232, General provisions.

A variance is a modification of the bulk and placement requirements of the ordinance 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.

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. See Section 12-222 of this Chapter.

12-234, Variances, standards for review of applications.

The staff, Commission and/or Board shall review the particular facts and circumstances of each proposal submitted. To grant a variance, staff and the governing body must find adequate evidence showing that:

(a) An undue hardship exists because of site characteristics, and special conditions and circumstances exist which are peculiar to the land, structure, or building involved.

(b) A literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title.

- (c) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Title to other lands, structures, or buildings in the same district.
- (d) Special conditions and circumstances do not result from the actions of the applicant.
- (e) The variance requested is the minimum necessary to alleviate the undue hardship.
- (f) The variance is not in conflict with the public interest.

12-235, Public hearing and notices.

Notices and public hearings shall be provided pursuant to Section 67-6512, Idaho Code. 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.

12-236, Approval; disapproval, appeal of decision.

- (a) Following the public hearing, the Commission shall consider the application and shall take action as provided at Section 12-267(a)(11) of this Title.
- (b) 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) The final decision of the Commission on a variance may be appealed to the Board as set forth at Section 12-262 of this Title.
- (d) 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.

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.

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.

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 insure 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 Title.

(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.

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.

(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.

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 Title. The Board may waive the fee for political subdivisions or public agencies.

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) That 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) That 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) That the design and management of the proposed special use will not pose a material risk to public health and safety.
- (d) That 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) That 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) That measures can and will be taken to mitigate any adverse effects that the proposed special use may have.

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, insure 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.

12-247, Procedure, for review of special review 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 Section 12-244 (e), 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, any comments received, the facts on the record and may:

- (1) Approve the special use permit, attaching any conditions that 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.

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.

12-250.1, Districts permitting planned unit developments.

Planned Unit Developments (PUDs) are permitted: all districts.

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.

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 for in Sections 12-411 and 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 above 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.

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.
- (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.
- (c) Land capability report.
- (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.

12-253.2, Pre-application 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.

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.

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.

12-255, Procedure for approval of planned unit developments.

The procedures of Subchapter 2.2 of this Title 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.

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 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 (% 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%-19%	0%	0%
≥ 20%-29%	10%	Bonus percentage increase equal to percentage of common open space.
≥ 30%-39%	20%	
≥ 40% -49%	30%	
≥ 50%-79%	40%	
80% or more	50%	

Standards:

1. To qualify for the full bonus percentages here, the common open space must comply with applicable requirements of Section 12-256(a).
2. Common open space percentages may be rounded off to the nearest whole percentage.
3. Planned Unit Development subdivisions shall not exceed one hundred fifty percent (150%) 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 eight (8) lots] may qualify for up to twelve lots (12) lots via common open space and other bonus actions
4. Planned Unit Development subdivisions shall not exceed two hundred percent (200%) 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 eight (8) lots] may qualify for up to sixteen lots (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%
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%
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% if open only to subdivision residents 15% 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) below for examples and requirements. Improvements required to mitigate impacts shall not be used to earn bonus lots.	Up to 25%
5. Bonus for urban sewer (where not required to achieve given density (i.e. Suburban using "urban sewer" to get to smaller acres)	25%

(e) 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, 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 non-native 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) 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 times the cost of proposed improvements (2xY) 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) 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), then the applicant qualifies for up to two (2) additional lots (provided the extra lots does not exceed twenty-five percent (25%) of the total density of the subdivision).

(g) Design standards. Minimum development standards set forth in Chapter 4 of 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 Subchapter 6.3 of this Title (notably the standards set forth in Sections 12-633).

(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 right-of-way shall be separated from adjacent properties or right-of-way by a minimum buffer strip of one hundred (100) feet. 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 (6) feet 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.

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.

12-258, Expiration and extension of planned unit development approval.

- (a) 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) 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) 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.

**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.

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 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 Board's decision shall be final, and further recourse of

the appellant shall be to the courts as provided by law. If no appeal to the Board is filed, the Planning Director's decision shall be deemed final.

(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.

12 262, Appeals from final decision of Commission.

(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.

(b) Any affected person may file an appeal of the final decision of the Commission with the Planning Director within twenty eight (28) days after the final written decision of the Commission 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, provide the grounds for the appeal and set forth the issues of the appeal. The grounds for appeal shall be that the decision of the Commission was at a minimum one of the following:

- (1) In violation of constitutional or statutory provisions;
- (2) In excess of the statutory authority of the Commission;
- (3) Made upon unlawful procedure;
- (4) Arbitrary, capricious, or an abuse of discretion; or
- (5) Not supported by substantial evidence on the record as a whole.

(d) Procedures for consideration of appeal.

(1) Within ten (10) working days of the appeal filing, an estimate of the cost of preparing the file record, including all audio recordings, shall be provided to the appellant by the Planning Department. The appellant shall pay the cost of preparing the file record.

(2) On receipt of the fees for file record preparation costs by the appellant, the Planning Director shall transmit a copy of the file record within ten (10) working days to the Board.

(3) The Planning Director shall schedule and the Board shall conduct a public meeting within thirty (30) days of the receipt of the file record fees. Notice of the meeting shall be provided consistent with Idaho open meeting law for public meetings.

(4) At the public meeting, the Board shall consider the issues on appeal based on the file record. No additional public testimony shall be taken.

(5) At the conclusion of its review, the Board may:

((a)) Order a public hearing to be conducted before the Board in the same manner as if it had original jurisdiction to hear the application upon a finding that the decision of the Commission was in violation of constitutional or statutory provisions; in excess of the statutory authority of the Commission; made upon

unlawful procedure; not supported by substantial evidence on the record as a whole or arbitrary, capricious, or an abuse of discretion.

((b)) Uphold the decision of the Commission upon a finding that the decision was not in violation of constitutional or statutory provisions; not in excess of the statutory authority of the Commission; not made upon unlawful procedure; supported by substantial evidence on the record as a whole; or not arbitrary, capricious, or an abuse of discretion;

(6) The decision of the Board shall be final, and any further recourse shall be to the courts as provided by law.

(e) 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.

12-264, Administrative exceptions.

An administrative exception, not to exceed one foot (1') of any dimensional requirement applicable to waterfront, front, side, rear and flanking streets setbacks, and a two percent (2%) exception to subdivision design depth to width standards, may be granted by administrative action of the Planning Director without public notice and without public hearing.

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 Section 67-6509, Idaho Code.

(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.

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.
- (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.

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 section(s) 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.

(8) Following any questions, the chairperson shall afford the applicant or a designated representative an opportunity to speak in 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.

(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.

(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 may be submitted for the record at any time prior to the close of the public testimony portion of the hearing, or until the time set when the chairperson extends the time allowed pursuant to Subsection 12-267 (b)(3).

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.

(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 agencies shall have thirty (30) days to comment on the application.

(e) When the agency comment period is complete, the Planning Director shall advise the applicant in writing that the comment period is complete and shall forward to the applicant the agency comments or a summary of the comments. The Planning Director shall advise the applicant if additional agency information is necessary in order to provide adequate evidence that the proposal meets the standards of this Title. If additional agency information is required, the application shall be considered incomplete at the agency level, pending the receipt of the additional information.

(f) On completion of the public agency review, the Planning Director shall schedule the application to the next available public hearing before the governing body authorized to consider the application, as provided in this Title, allowing sufficient time for public hearing notice.

(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.

(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 by first class mail within five (5) working days of the date of the decision.

Chapter 3

Zoning Districts and Land Uses

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.

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 Chairman of the Board of County Commissioners, attested by the County Clerk or deputy, and the adoption date of the enacting ordinance.

12-311, Adoption of official zoning map, certification, amendments to be shown on.

- (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 chairman 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) 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) 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 12-122 and 12-123.

(d) 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.

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 chairman 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.

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 chapter and shall be amended or replaced following the procedures set forth at Section 12-312 of this chapter.

(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.

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 Title, 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.

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 center lines.
- (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 shore lines and legally established meander lines. In the event of change in the shore line, boundaries shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow those center lines.
- (f) Boundaries indicated as parallel to, or extensions of features indicated in subsections (a) through (e) above 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) above, 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.

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.

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

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.

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 30 percent; 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.

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) or Appendix A (private roads) 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.

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 area-wide 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.

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.

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, urban-like 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 non-industrial 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.

(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 Bonner County Revised 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 to the courts as provided by law.

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.
- (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 public sewers, 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.

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.

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.

Subchapter 3.3: Use Provisions

12-330, Use tables described.

In the Use Tables in Sections 12-332 through 12-336, 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 Subchapter 2.2 in 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.

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 at Section 12-337 of this Title.
- (b) In the case of a conflict between the general description and the Use Table, the table shall prevail.

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 12-411, BCRC, and 12-412, BCRC 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		
Dwelling unit, temporary		P (9)	P (9)	P (9)	P (5, 9)		P (5, 9)	P (9)	P (9)
Farm labor housing (13)	P	P	P						
Guest house (10)	P	P	P	P	P (5)		P	P	P
Mobile home park (12)				C	C (5)		C		
Recreational vehicles (11)	P	P	P	P	P		P	P	P
Townhouse (2)				P	C (5, 7)		C	C (6)	C (6)

Standards:

1. Must be within a mobile home or 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 Table 4-1, Section 12-411, BCRC, and Table 4-2, Section 12-412, BCRC, 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, AV, the required acreage for a duplex shall be 15,000 square feet where all urban services are provided, one (1) acre where urban sewer is provided and two and one-half (2½) acres elsewhere.
3. Refer to Section 12-480 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 Table 4-1, Section 12-411, BCRC, and Table 4-2, Section 12-412, BCRC) and the use is authorized on the plat.
5. Ground floor residential uses are prohibited within one hundred (100) feet of a state highway or designated arterial.
6. One multi-family dwelling with a minimum of twelve thousand (12,000) square feet of lot area for the first unit plus three thousand (3,000) square feet for each additional unit, provided that all urban services are available.
7. See Section 12-627, BCRC, for standards related to subdivisions intended for residential uses in the Commercial district.
8. Refer to Section 12-490 for accessory dwelling unit provisions/standards.

9. A temporary dwelling unit for care of the aged or handicapped family member shall be permitted, subject to the issuance of a building permit or building location permit, provided that:
 - a. The property must contain a minimum of two (2) acres.
 - b. The temporary dwelling shall consist of an in house apartment or a mobile, modular or manufactured home, not placed on a permanent foundation.
 - c. The property owner shall complete a "temporary dwelling agreement" form provided by the Planning Department agreeing to comply with the provisions of this section and shall notify the Planning Department annually in writing of the status of the temporary occupancy.
 - d. As part of the agreement, the property owner shall provide a physician's certification that the handicapped or aged family member is incapable of adequately caring for himself or herself. "Incapable of adequately caring for himself or herself" is defined as the "inability to engage in any substantial gainful activity by reason of any medically determinable, physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months."
 - e. The use of the temporary dwelling where permitted in this Title as additional living quarters for the aged or handicapped family member shall expire and shall be removed after the qualified use has ceased.
10. A building location permit or building permit application for a guest house shall be accompanied by an accurately drawn and scaled site plan sufficient to determine compliance with the dimensional standards of this Title, and sewage disposal and water supply requirements. A guest home shall be limited to one per lot or parcel. A guesthouse shall: (1) Consisting of sleeping quarters with no kitchen facilities and a floor area of six hundred (600) square feet or less may be permitted on the same lot as the main dwelling without respect to lot density provided all dimensional and other title requirements are complied with. (2) Guesthouse with kitchen facilities and/or a floor area of more than six hundred (600) square feet--may be permitted on the same lot as the main dwelling provided the lot is of sufficient size and design to comply with the density requirements of the zone (1 dwelling unit/minimum lot size of the zone district) and will be designed and located on the lot to accommodate future or potential lot division in compliance with all dimensional and other title requirements.
11. Occupancy of a recreational vehicle on a lot or parcel shall not exceed one hundred twenty (120) days in any consecutive twelve (12) month period, not including recreational vehicle parks. Recreational vehicle occupancy is limited to one such vehicle per lot or parcel.
12. See Section 12-485, BCRC, for mobile home park standards.
13. 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 farm workers.

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				
Animal establishments (1, 2)		C (3)	C (3)		C		C	C	
Animal shelters (4, 2)		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
Convalescent center				C	P		C		
Equipment sales and service	C (31)	C (31)	C (31)		P	P	P		

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
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, 13)	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)
Child/adult nurseries and daycare centers (16)		C (2)	C (2)	C	P		C	C	C
Outdoor advertising structures									
Outdoor sales (17, 18)					C		C		
Outdoor recreational uses and amusement places (11, 17, 18, 19)					C			C	C
Professional offices, service facilities and public offices					P		P		
Racetracks (3, 10, 20)		C (13)	C						
Recreational facilities (8, 17)	C (2)	C (2)	C (2)	C	P		P	C	C
Recreational vehicle parks (8, 21)					C		C	C	C
Rental warehouses/mini-storage/boat storage (17) (33)					C	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)

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
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 foods, gas and sundries					P	P (25)	P (26)	C (15)	C (15)
Retreats (27)		C (13, 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 night time hours. All buildings and fenced running areas will be a minimum of three hundred feet (300') 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 the minimum International Fire Code standard for roads, 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 at Title 2 of this Code or Appendix A, 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 one inspection annually.
5. One on-premises sign, not in excess of six (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 five (5) or fewer rooms are available for rent for a period not to exceed two (2) weeks per guest, where meals are served from a central kitchen only to overnight guests. Guest rooms 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 five (5) acres. Target areas shall be at least six hundred feet (600') from any existing dwelling except that of the owner or caretaker.
13. Use not permitted in the A/F-20 district.
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 twenty (20) feet wide along the applicable property line.
20. Racetracks shall have a minimum area of twenty (20) acres and shall be a minimum of one thousand feet (1,000') from any Suburban district.
21. Site requirements for RV parks include at least twenty-five percent (25%) tree canopy coverage and a maximum of twenty-five percent (25%) impervious surface.
22. Commercial resorts on sites meeting the minimum lot size of the applicable zoning district, but no less than one 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 one 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 forty thousand (40,000) square feet or less.
25. Uses are limited to two thousand (2,000) square feet of floor area on each property, except for the hardware stores in the Industrial district, as noted in #24.
26. Food or retail stores shall have a maximum floor area of ten thousand (10,000) square feet or less. Commercial malls that feature more than one food or retail stores shall have a maximum floor area of twenty-five thousand (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 shall 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 a minimum International Fire Code standard, except where subject to the terms of an approved special use permit issued by a state or federal agency. 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 three hundred (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 two (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 12-489, BCRC.
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 mini-storage facilities on a single lot or parcel shall be: 10,000 square feet for the Rural Service Center district; 40,000 square feet for the Commercial district and unlimited within the Industrial district.

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
Industrial and manufacturing, fabricating or processing of products (1)						P (2)			
Industrial, light					P (3)	P	P (3)		
Junkyards/wrecking yards (5, 6)						C			
Manufacturing of explosives (7)						C			
Sawmills, shingle or planing mills, woodworking plants (8, 9)	C	C (4)	C (4)			P			
Slaughterhouses, meat processing or rendering plants (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 sewage or 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 ten thousand (10,000) square feet. Buildings larger than ten thousand (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 at Title 2 of this Code or Appendix A.
5. The site shall provide for adequate screening by using a sight-obscuring fence and a strip of Type A Landscaping at least twenty (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 ten (10) acres and shall be at least one thousand feet (1,000') 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. Slaughter house, meat processing, and rendering plants shall have a minimum area of five (5) acres and all facilities shall be at least six hundred feet (600') from any existing dwelling other than the owner's.

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		

Use	Zoning District								
	F	A/F	R	S	C	I	RSC	REC	AV
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 twenty (20) acres. The facilities must be located at least two thousand feet (2,000') 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 at Title 2 of this Code or Appendix A, 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 fifteen (15) acres and shall be at least five hundred feet (500') from any existing dwelling, except the dwelling of the owner or employee. No graves shall be located within thirty feet (30') of any public right of way. Buildings shall be located no less than one hundred feet (100') 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 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.
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 thirty five percent (35%) of the total lot area. 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 ten (10) or more residential dwelling units or designed with a capacity of twenty-five hundred (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: 1) have a minimum area of ten (10) acres; 2) conform to standards prescribed by the appropriate state and local health authorities; 3) conform to time limits for daily operation, as defined by the Board; 4) provide a bond, for privately owned sites, to ensure compliance with the provisions of the zoning approval; 5) provide for a paved street to the facility; 6) be supervised during the hours of operations; 7) provide for dust control measures that will limit the site's nuisance factor; and, 8) 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.

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
Agriculture	P	P	P	P (1)	P (1)	P (1)	P (1)	P (1)	P (1)
Confined animal feeding operation		C							
Fur farms, commercial (2)		C	C						
Keeping of equine animals	P	P	P	C (9)					
Mining (3, 4)	C (5)	C (5)	C (5)					C (10)	C (10)
Rock crushing operations	C (5)	C (5)	C (5)			C		C (10)	C (10)
Water bottling works at the source, spring and mineral, and wineries subordinate to vineyards (3, 4, 5, 7, 8)	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 ten (10) acres. All animals and runs will be housed in permanent buildings not less than one hundred feet (100') 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 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.
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 at Title 2 of this Code or Appendix A.
6. Temporary rock crushing operations located outside of city impact areas within an existing or approved gravel pit.
7. One on-premises sign, not in excess of thirty two (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 three (3) acres or more, provided that animal care and waste management meet all applicable state and health district regulations and provided that the number of animals not exceed two (2) equine animals on three (3) acres and one additional equine animal for each additional acre up to a maximum number of ten (10) equine animals.
10. Mining and rock crushing activities shall be temporary, and shall be limited in life time and scope by conditions established by the Commission.

12-337, 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.

Subchapter 3.4: Non-Conforming 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.

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 (1) above 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.

(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, it shall be concluded that the operator has permanently ceased surface mining operations as to a given affected land if no minerals, as defined, have been removed from the mine in question for a period of three (3) years or more.

(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.

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 both, of the lot shall conform to the regulations for the district or zone in which such lot is located.

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.

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).

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.

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.

Chapter 4

Development Standards

12-400, Purpose.

The purpose of this chapter is to establish basic development standards consistent with the goals and policies of the comprehensive plan.

Subchapter 4.1: Density and Dimensional Standards

12-410, Interpretation of tables.

(a) Sections 12-411 and 12-412 contain general density and dimension standards for the various zones and limitations specific to a particular zone(s). The minimum setbacks shall apply to all structures, as defined, 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 separate tables and are delineated into two 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.

12-411, Density and Dimensional Standards – Forestry, Agricultural/Forestry, and Rural zones.

(a) 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 size (acres) (1, 2)	40 (4)	20 (5)	10 (6)	10 (6)	5 (7)
Maximum residential density	1 dwelling unit per minimum lot size (3, 8)				
Minimum front yard setback (9, 10)	25'	25'	25'	25'	25'
Minimum rear yard setback (11, 12, 13, 14)	40'	40'	40'	25' (14)	25' (14)
Minimum side yard setback (11, 12, 13, 14)	40'	40'	40'	25' (14)	25' (14)

Standard	Zoning District				
	F	A/F-20	A/F-10	R-10	R-5
Minimum side yard setback flanking street ⁽⁹⁾	25'	25'	25'	25'	25'
On-premise sign front setback	25'	25'	25'	25'	25'
Maximum lot coverage	(15)	(15)	(15)	(15)	(15)

Requirements or Exceptions:

1. Building lots in conservation subdivisions can be smaller than the minimum lot size for each zone. See BCRC Subchapter 6.3 for more details.
2. For the purposes of subdividing or adjusting lots or parcel lines, acreages may be rounded off per the following: four and ninety-five-one-hundredths (4.95) acres and larger shall be considered five (5) acres; nine and ninety-five-one-hundredths (9.95) acres and larger shall be considered ten (10) acres; nineteen and ninety-five-one-hundredths (19.95) acres and larger shall be considered twenty (20) acres; thirty-nine and ninety-five-one-hundredths (39.95) acres and larger shall be considered forty (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 one-sixteenth (1/16) aliquot division of the section minimum site area.
5. Or one-thirty-second (1/32) aliquot division of the section minimum site area.
6. Or one-sixty-fourth (1/64) aliquot division of the section minimum site area.
7. Or one-one-hundred and twenty-eighth (1/128) aliquot division of the section minimum site area.
8. Dwellings, not to exceed a total of three (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, three (3) dwelling units may be permitted on a fifteen (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 farm workers.
 - 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 property line or from ingress/egress easement boundaries, whichever distance is greater.
10. Utility structures not exceeding thirty (30) square feet such as well houses may be permitted within the required front yard, when necessary per applicable utility company or property owner.
11. For legal non-conforming lots or parcels less than twenty thousand (20,000) square feet in size, the minimum side setback may be reduced to five feet (5') and the minimum rear yard setback may be reduced to ten feet (10') provided stormwater and snow storage are accommodated on the subject lot or parcel. For legal non-conforming lots or parcels less than five (5) acres in size but larger than twenty thousand (20,000) square feet, the minimum side setback may be reduced to ten feet (10') and the minimum rear yard may be reduced to twenty-five feet (25'), provided stormwater and snow storage are accommodated on site.
12. For detached residential accessory structures, the minimum side and rear setbacks shall be five feet (5') and the minimum side setback flanking a street shall be fifteen (15) feet.
13. The minimum side and rear setbacks for agricultural buildings and other non-residential structures shall be at least forty feet (40'), the minimum yard requirements may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening, approved by the Planning Director, is provided. Such screening shall be masonry or solid fence between four feet (4') and eight feet (8') 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 twenty feet (20') in width, planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet (4') in height at the time of planting. The yard requirement may be reduced to twenty five feet (25') from property line or ingress or egress easement when flanking a street or local road.
14. Minimum side and rear setbacks shall be increased to forty feet (40') where abutting land in the A/F district.
15. For legal non-conforming lots or parcels less than one (1) acre in size, the maximum lot coverage shall be thirty-five percent (35%).

12-412, Density and Dimensional Standards – Suburban, Commercial, Industrial, Rural Service Center, Recreation, and Alpine Village zones.

(a) Density and dimensional standards – Suburban, Commercial, Recreation, Alpine Village, Rural Service Center, and Industrial 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 sf (1, 2)	(3)	(3)	12,000 sf (1, 2)	12,000 sf (1, 2)	12,000 sf (1, 2)
Urban water only	2 (4)	2	2	2	2 (4)	2 (4)
Urban sewer only	20,000 sf (4)	20,000 sf	20,000 sf	20,000 sf	20,000 sf (4)	20,000 sf (4)
Community LSAS & Urban Water	1.5 (4)	1.5	1.5	1.5	1.5 (4)	1.5 (4)
Community Drainfield & Individual Well	2 (4)	2	2	2	2 (4)	2 (4)
Minimum lot size (acres) 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 front yard setback (7, 8)	25' (9)	25' (9, 10)	25' (9)	25' (9, 10)	25' (9, 10)	(11)
Minimum rear yard setback (12, 13, 18)	25' (14)	25' (14)	25' (14)	25' (14)	25' (14)	25'
Minimum side yard setback (15, 18)	5'	5'	5'	5'	5'	15' (16)
Minimum side yard setback flanking street (7)	15'	15' (10)	20'	15' (10)	15' (10)	
On-premise sign front setback (7, 17)	25'	25'	25'	25'	25'	25'
Maximum lot coverage	35%	35%	50%	35%	35%	35%
Maximum building height						

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, BCRC for more details.
5. Or one-two-hundred-fifty-sixth (1/256th) aliquot division of the section minimum site area.
6. Dwellings, not to exceed a total of three (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, three (3) dwelling units may be permitted on a thirty thousand (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 farm workers.*
 - 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 property line or from ingress/egress easement boundaries, whichever distance is greater.*
8. *Utility structures not exceeding thirty (30) square feet such as well houses may be permitted within the required front yard, when necessary per applicable utility company or property owner.*
9. *Front yard setbacks may be reduced where approved and indicated on the final plat of a conservation subdivision or PUD.*
10. *The minimum front yard or side yard flanking street setback may be reduced to zero for buildings containing ground floor commercial uses facing the street provided the following conditions are met:*
 - a. *A twelve-foot (12') wide sidewalk with street trees between the street and walkway is provided.*
 - b. *The street façade contains transparent windows and doors along at least fifty percent (50%) of the facade three feet (3') and eight feet (8') above the sidewalk grade.*
 - c. *There is a public building entrance off of the sidewalk.*
 - d. *Street façade features weather protection at least five feet (5') in width along at least fifty percent (50%) of the façade. Said weather protection could be a building overhang, permanent canopy or awning, or fabric awning, and must be at least eight feet (8') 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 thirty-five feet (35') from the centerline of a paved road but not closer than 5 feet (5') setback from the property line fronting the right-of-way.*
12. *Minimum side and rear yards shall be increased to forty feet (40') where abutting land in the A/F district.*
13. *Rear yard setback is five feet (5') for detached, residential accessory buildings or structures, except where abutting land in the A/F district.*
14. *The minimum rear yard for detached, residential accessory buildings shall be five feet (5').*
15. *Side yard setbacks may be reduced to zero (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 sixty percent (60%) of lot street frontage.*
17. *Signs mounted on buildings are subject to building setbacks.*
18. *The minimum side and rear setbacks for agricultural buildings and other non-residential structures shall be at least forty feet (40'), the minimum yard requirements may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening, approved by the Planning Director, is provided. Such screening shall be masonry or solid fence between four feet (4') and eight feet (8') 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 twenty feet (20') in width, planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet (4') in height at the time of planting. The yard requirement may be reduced to twenty five feet (25') from property line or ingress or egress easement when flanking a street or local road.*

12-413, Lot combination.

Where the owner of two (2) or more platted lots with a common lot line(s) 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(s), 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.

Subchapter 4.2: General Standards

12-420, General standards.

- (a) No building or other structure shall hereafter be erected or altered:
 - (1) To accommodate or house a greater number of families;
 - (2) To occupy a greater percentage of lot area;
 - (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) 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) 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 of this ordinance 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 Table 4-1 or 4-2, Sections 12-411 or 412 of this Title.

(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 (2¹/₂') 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.

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 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) Glare (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.

Subchapter 4.3: Parking Standards

12-430, Purpose.

The purpose of this subchapter is to provide adequate parking spaces for uses.

12-431, Parking standards.

- (a) Parking spaces required shall be exclusive of drives and access lanes and each space will be provided with adequate ingress and egress.
- (b) Parking spaces shall be no less than two hundred (200) square feet in area.
- (c) 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 shall be provided consistent with the Americans with Disabilities Act, where applicable.
- (e) Cooperative off-street parking. Any two 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 non-overlapping 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) 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.

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 on the following page, plus adequate stopping or parking areas for service vehicles, as specified in subsection (c) below. 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) • Studio • One-bedroom • Two or more bedrooms	1 space/dwelling unit 1.5 spaces/dwelling unit 2 spaces/dwelling unit	Within 300' of the principal use
Mobile home parks	1 space/home site	Within 200' of the home site
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' of the principal use
Bed and breakfast	2 spaces plus 1 space/room for rent	
Financial institutions	3 spaces/1000 sf floor area	
Hotels/motels/RV sites (3)	1.25 spaces/unit	Within 500' of the principal use
Racetrack	1 space/3 seats (4)	
Restaurants	8 spaces/1000 sf	
Retail (3)	1 space/250 gross sf (gsf) floor area	Within 500' of the principal use
Theaters (3)	1 space/4 fixed seats AND 1 space/100 sf of gross floor area without fixed seats for assembly purposes	Within 500' of the principal use

Use	Minimum Requirement	Proximity of Parking Spaces
Wholesale sales or service (3)	1 space/200 gsf floor area	Within 500' of the principal use
Industrial Uses		
Industrial or Institutional (3)	1 space/1,000 gsf floor area OR ½ space/employee, whichever is greater	Within 800' of the principal use
Warehouse	1 space/5,000 gsf floor area	Within 800' of the principal use.
Public Uses		
Assembly buildings (e.g. community halls) (3)	1 space/100 gsf floor area	Within 500' of the principal use
Churches, synagogues and temples	1 space/4 fixed seats AND 1 space/50 sf 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' of the principal use
Hospitals (3)	1 space/2 beds AND 1 space/employee	Within 500' of the principal use
Schools (daycare, preschool and kindergarten) (3)	1 space/10 students AND 1 space/employee or teacher	Within 500' of the principal use
Schools (elementary) (3)	1 space/5 students AND 1 space/employee or teacher	Within 500' of the principal use
Schools (secondary and vocational) (3)	1 space/3 students and 1 space/employee or teacher	Within 500' 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 forty eight (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: 1) Screened from public streets and adjacent residential uses by landscaping or architectural screening; 2) Located in clusters of not more than five (five) adjoining spaces; 3) Prohibited in required minimum front and interior side yards; and, 4) 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 twelve feet (12') 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. Twenty-five percent (25%) of parking spaces arranged as tandem spaces not less than ten feet by forty feet (10' x 40').

(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.

12-433, Parking lot pathway standards.

See Subchapter 12-453 (c) for applicable parking lot pathway standards.

12-434, Parking lot landscaping standards.

See Subchapter 4.6 for applicable parking lot landscaping standards.

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.

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.
- (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.
- (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.

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.

12-443, Sign standards for non-residential uses in the 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 below provides dimensional standards for freestanding signs.

Table 4-4. Dimensional standards for freestanding signs.

	Type of Frontage Road		
	<i>State highway with speed limit posted 55mph or more</i>	<i>All other state highways</i>	<i>All other roads</i>
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.		

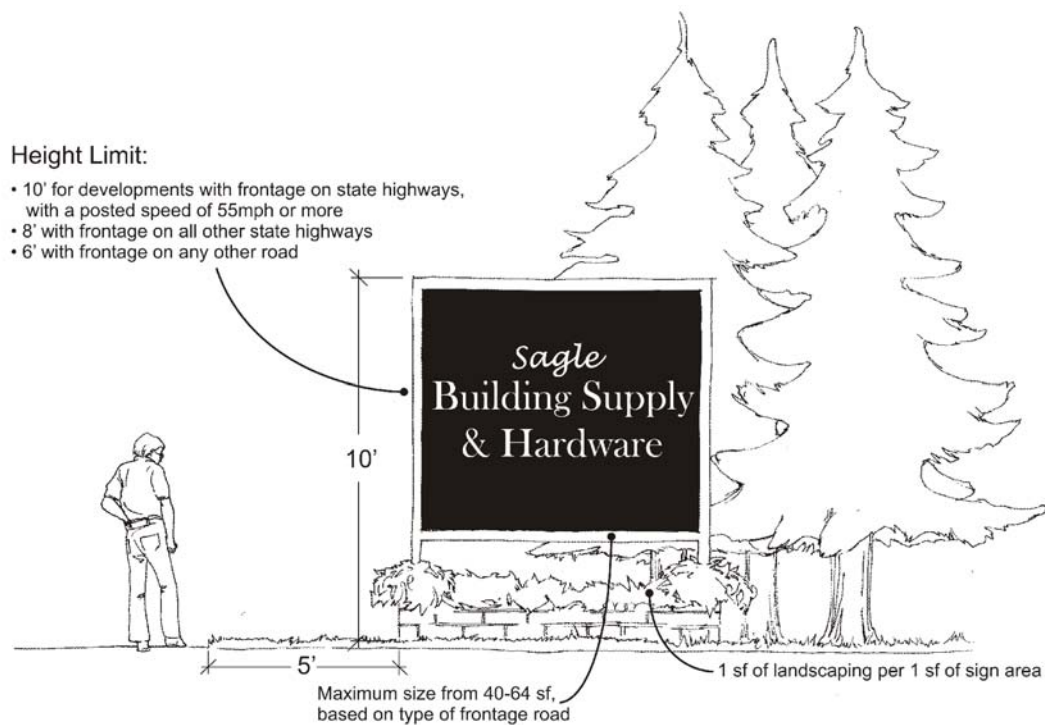


Figure 4-1. Standards for freestanding signs.

- (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 boards 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.

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.

12-451, Applicability.

The standards in Section 12-453 of this subchapter 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, and industrial development in other zoning districts unless otherwise noted.

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 subchapter have been met.

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(s) 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 buildings shall be required, but trail connections to the adjacent properties will not be required where subsection (1) above 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 (3), 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(s) and/or site improvements as determined by the Bonner County Assessors 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 rows and a maximum distance of 150' shall be maintained between paths. Parking lots less than one-hundred and 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 two (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 50 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.

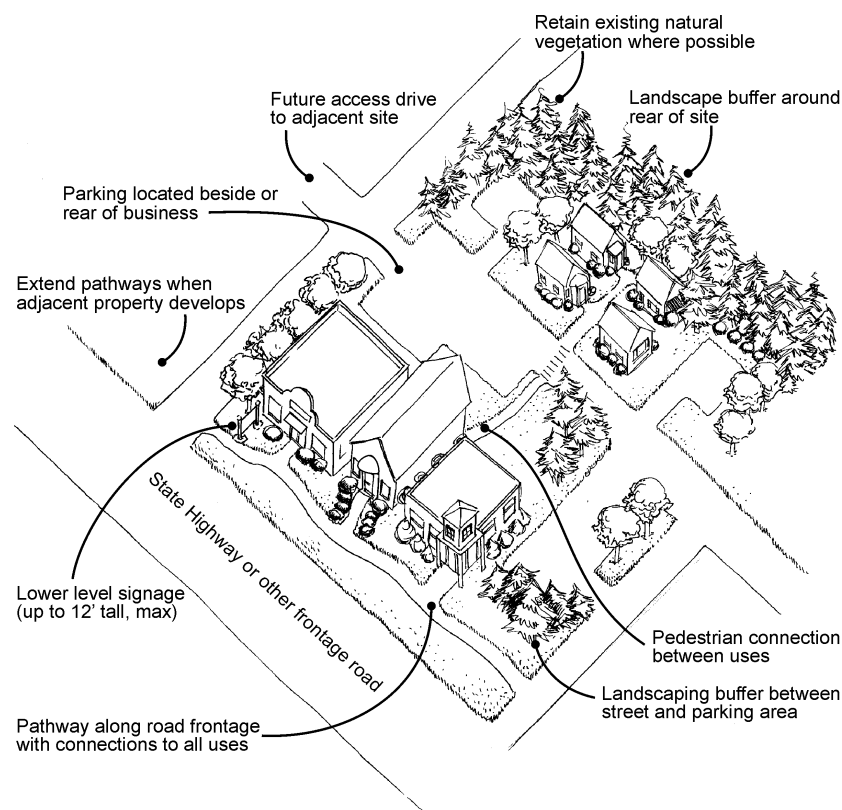


Figure 4-2. Illustrating design standards and guidelines for commercial and mixed-use development.

(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.

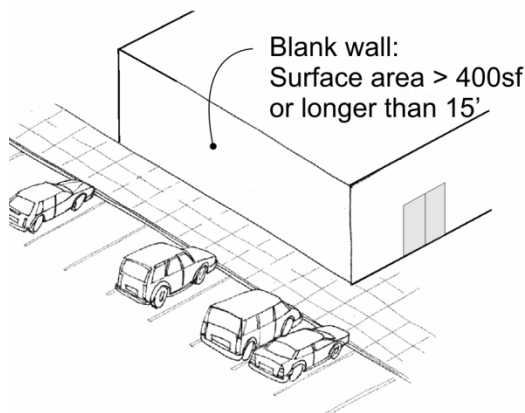
- (2) Freestanding light fixtures shall be limited to fourteen feet (14') in height.
- (3) Vehicular roadway and highway lighting shall be subject to the County requirements.
- (4) Mercury vapor light fixtures are prohibited.
- (5) When using decorative miniature lighting strings, bulbs larger than eleven (11) watts each shall not be used. Low-wattage, light-emitting diode devices and other lighting that reduces electrical use is encouraged.
- (6) Back-lit 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, BCRC) 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's 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's surface within three (3) years.
- (5) Special architectural design features and/or use of materials that adds 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 adds visual interest and mitigates 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.



Successful blank wall treatment

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 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 examples of how this is achieved is illustrated in Figure 4-4 below.

(2) Other treatments that successfully reduce the perceived scale of the building or make it appear that it is two 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.

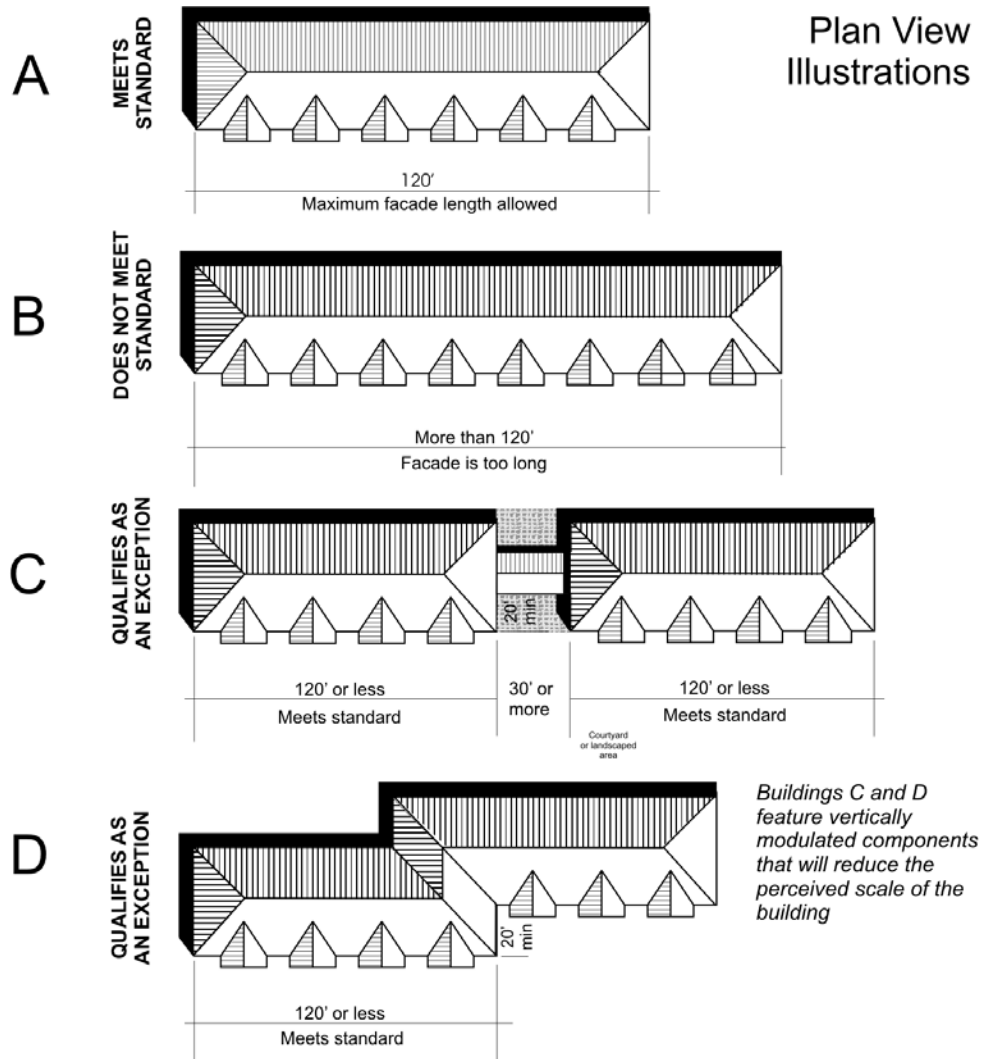


Figure 4-4. Maximum façade width standards and exceptions.

(i) 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 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 in this Title.
- (2) Will not be located in any front yard setback.

(k) 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 non-industrial 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. The use of chain link, plastic or wire fencing is prohibited.

(3) Shall be animal-proofed.

12-454, Completion of Required Improvements.

Completion of required improvements per Section 12-453 of this subchapter shall be required prior to occupancy.

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 storm water discharge and improve the quality of storm water discharge.

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, 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.

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.

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 subchapter. 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. Non-native 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.

12-464, Landscaping types.

- (a) Landscape Type A (evergreen screen) standards:
 - (1) For landscaping strips ten feet (10') to fifteen feet (15') wide, trees, shrubs, and groundcovers 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 and four feet (3'-4').

((d)) Ground cover.

(2) For landscaping strips wider than fifteen feet (15'), trees, shrubs, and groundcovers 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 and 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 (1) above.

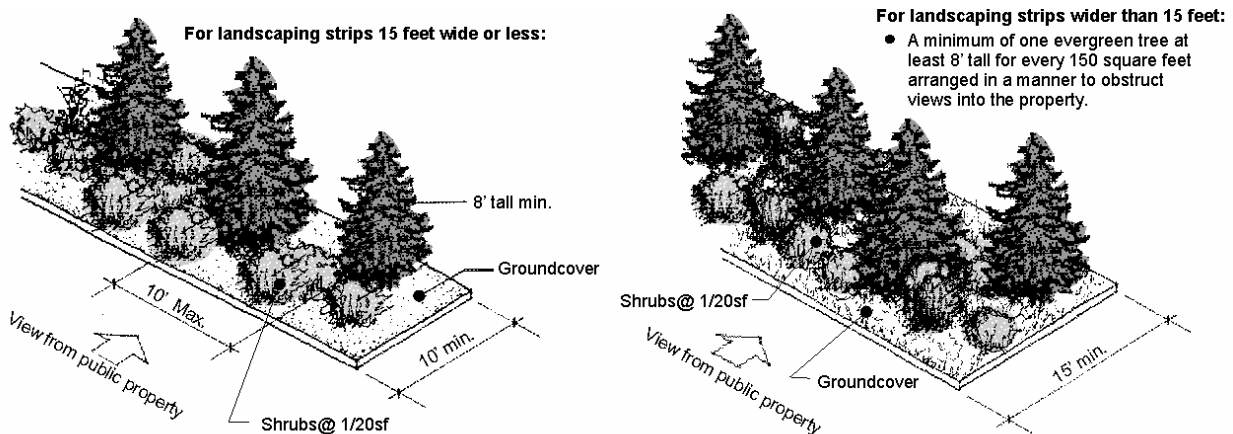


Figure 4-5. Landscape Type A: Maximum façade width standards and exceptions.

(b) Landscape Type B (mixed-buffer) standards:

(1) For landscaping strips less than fifteen feet (15') wide, trees, shrubs, and groundcovers per the standards below to result in a total covering of the landscape strip:

((a)) Informal groupings of evergreen (minimum six feet (6') 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 and four feet (3-4').

((d)) Ground cover.

(2) For landscaping strips wider than fifteen feet (15'), trees, shrubs, and groundcovers per the standards below to result in a total covering of the landscape strip:

((a)) At least one tree sized per subsection (1) above 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 (1) above.

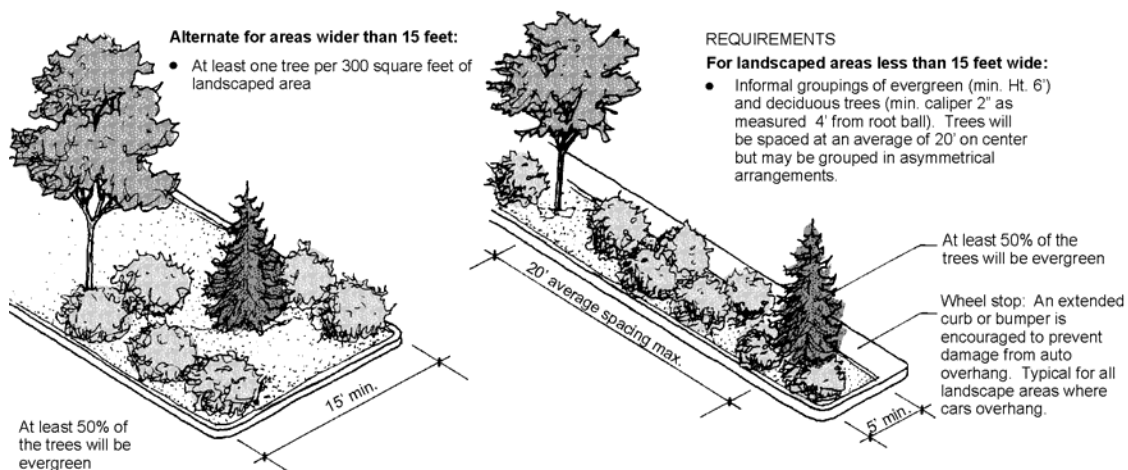


Figure 4-6. Landscape Type B: Maximum façade width standards and exceptions.

(c) Landscape Type C (see-through buffer) standards:

(1) For landscaping strips five to twenty feet (5-20') 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 (1) 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 and four feet (3-4').

((d)) Ground cover.

(2) For landscaping strips wider than 20 feet:

((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 (1) above.

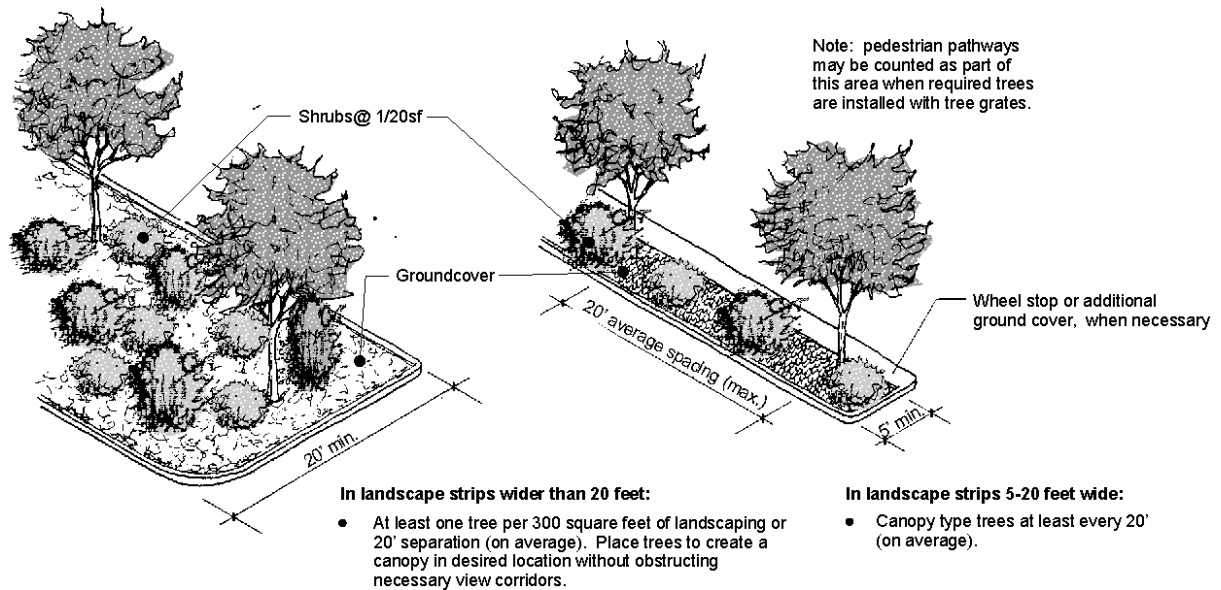


Figure 4-7. Landscape Type C: Maximum façade width standards and exceptions.

(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.

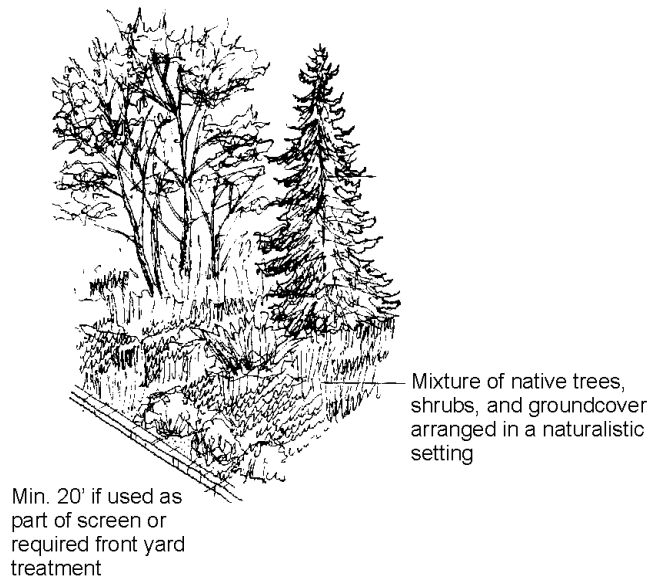


Figure 4-8. Landscape Type D: Maximum façade width standards and exceptions.

12-465, Buffer requirements.

(a) Developments shall conform to the landscaping buffer requirements in Table 4-5 below, 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 Type	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

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 12-263(a) 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 isn't 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

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.

12-467, Completion of Required Improvements.

Completion of required improvements specified in this subchapter shall be required prior to occupancy.

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.

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 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 (1) space per one-thousand (1,000) square feet of floor area (living space), whichever is more.

(e) Driveways that do not have a snow melt 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.

Subchapter 4.8: 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) Building location permit or building permit applicants for a cottage housing unit as approved per subsections (b) and (c) above 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 (1) 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 to Table 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 (e) below)
Minimum Private Open Space	200 square feet per dwelling unit (See (f) below)
Maximum Building Height for Cottages with Minimum Roof Slope of 6:12	25 feet subject to all parts of the roof above eighteen (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 one hundred feet (100') from the 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 four (4) and a maximum of twelve (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.

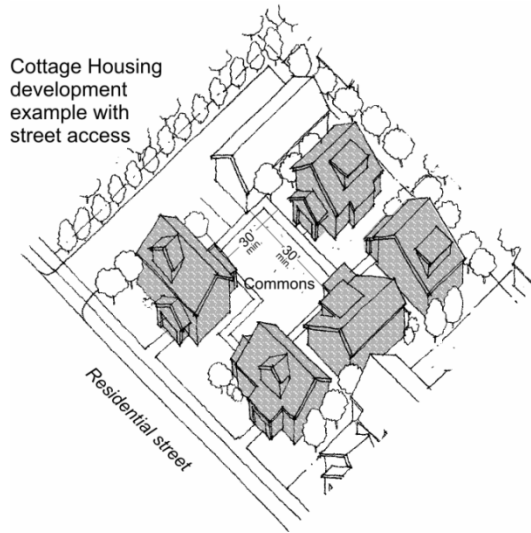


Figure 4-9. Desirable cottage housing configurations.

(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 (6) feet on any side.
- (5) Cottages shall be within sixty (60) feet 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 resident(s). 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 (10) feet.

- (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 intended for social, recreational, or other use by the residents of the development are acceptable.

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 Chapter control when other portions of the BCRC are inconsistent with provisions of this Chapter. Any action by Bonner County pursuant to this Chapter 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 Chapter 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 (300) feet 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 (1) 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

surfaces 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 (1) 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 12-2167(f) of this section.

(e) Required setbacks for a CAFO:

(1) All structures and animal confinement areas shall be a minimum of one-hundred (100) feet 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 (300) feet 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 (1,000) feet 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 (1,000) feet 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 (50) feet 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 (300) feet from any CAFO property line. Composting of animal waste shall be a minimum of one thousand (1,000) feet 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 one hundred (100) year flood zone.

(7) All distance requirements noted in subsections (e)(1) through (e)(6) in this section, shall apply equally to new CAFO construction or new residence construction. For example, subsection (e)(3) in this section, requires animal confinement areas to be a minimum of one-thousand (1,000) feet 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 (1,000) feet 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 (1) public hearing affording the public an opportunity to comment on each proposed CAFO site. Any affected person, as defined by §67-6520 of the Idaho Code, 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 §67-6512 of the Idaho Code with the exception that notices shall be mailed to all property owners within one thousand (1,000) feet 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.

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, non-paved 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 right-of-ways 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.

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 artist and their technical staff members who are actively engaged in recording music at the studio, 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 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) An adequate potable water supply and a sewage disposal method approved by the Panhandle Health District and/or the State of Idaho shall be provided.

(f) Accessory uses, such as pools and spas, shall conform to regulations set by the state of Idaho.

(g) Food service facilities shall conform to regulations set by the State of Idaho.

- (h) Health and safety requirements shall conform with uniform adopted codes based upon the occupancy and type of construction.
- (i) Liquor shall not be available for sale by the drink within the establishment,
- (j) Sufficient off-street parking for artists and their technical staff members shall be provided.

12-484, Vacation rentals.

- (a) 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 minimum international fire code standards, except where subject to the terms of an approved special use permit issued by a state or federal agency.
- (b) Health and safety requirements shall be based upon the occupancy and type of construction.
- (c) Adequate water supplies for fire suppression, as determined by the applicable fire district chief or agency providing fire protection, shall be provided.
- (d) An adequate potable water supply and a sewage disposal method approved by the Panhandle Health District and/or the state of Idaho shall be provided.
- (e) Accessory uses, such as pools and spas, shall conform to regulations set by the state of Idaho.
- (f) Overall occupancy of the vacation rental property shall be limited to the sleeping capacity of the structure available for vacation rental, including recreational vehicle and tent camping, and shall be subject to available parking.
- (g) One on premises sign, which may be lighted from the exterior, not in excess of six (6) square feet, shall be permitted.
- (h) 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.

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 12-453 (i).

12-486, Standards for rental warehouses/mini-storage/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 Title) 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 non-arterial 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 Title) 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/mini-storage/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.
- (h) Total square footage of all units combined shall not exceed ten thousand (10,000) square feet.
- (i) 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.

(j) 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.

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 shall be below ground and will be located at least three hundred feet (300') from a residential district and will meet the requirements of all local, State and Federal fire codes.
 - (2) 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.
 - (3) 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, 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) 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 an 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.

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 at Subchapter 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.

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, non-illuminated 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 ten (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 (1) of this section and per the standards set forth in subsection (2) 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 12-261 of this Title.

(2) Home Occupation II standards:

((a)) Is carried out by those residing in the dwelling and up to two 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, non-illuminated 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 6 a.m. and after 8 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 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 (1) for a nonresident (if applicable).

((2)) One (1) 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 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 a buffering for outdoor storage of equipment or materials shall be provided in accord with Table 4-5, BCRC 12-465.

((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 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.

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 may not exceed forty percent (40%) of the floor area of a primary dwelling unit or eight hundred (800) square feet, which ever is less.
- (2) One (1) 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 (1) 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. Entrances for accessory dwelling units shall not be visible from the street. Entrances on the side or rear of a structure are acceptable, where they are not visible from a street.
- (7) Accessory dwelling units are subject to the same setbacks as a regular dwelling unit.
- (8) An adequate potable water supply and a sewage disposal method approved by the Panhandle Health District and/or the state of Idaho shall be provided.

(9) Accessory dwelling units shall not be eligible for a condominium project. The purpose of this is to retain and expand the supply of affordable rental housing.

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 discernable 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 footcandle 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 500 feet 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.

Chapter 5 Overlay Districts

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.

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

Subchapter 5.1: Area of City Impact Overlay District (reserved)

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, 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.

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 degrees (90) angles to the runway centerline and the runway centerline extended at a slope of seven feet (7') horizontally for each foot (1') 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.

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) Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

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, or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than the hazard was on the effective date of this subchapter or any amendments thereto.

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 of this subchapter, 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 of this subchapter, 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.

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.

(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.

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.

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.

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.

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(s) 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 homeowner's association which is the primary user of any well as set forth at Section 12-532 of this subchapter.

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' 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

12-535, Use table.

The table on the following page 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 the table below 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 below ground (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

Use	Overlay District			
	IA	IB	II	III
Hospitals and clinics		C	C	C
Injection wells for waste disposal				
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 drainfields, 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 this Title.

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 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, 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.

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 Subsection 12-265 of this Title, and shall additionally include:

(a) The name(s) 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 below ground fuel storage tanks; and any existing land uses which may constitute a significant, potential contamination source for ground waters.

- (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 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 minimum, landowners within the Wellhead Protection overlay district.

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.

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.

12-540, Watershed Protection overlay (reserved).

Chapter 6 Subdivisions

12-600, Purpose.

- (a) To provide standards and procedures for subdivisions and other land divisions, lot line adjustments, and condominium projects.
- (b) To establish subdivision and land division standards consistent with the goals and policies of the comprehensive plan.

Subchapter 6.1: General Provisions and Exemptions

12-610, Applicability, qualifications.

- (a) The provisions of this chapter shall apply to subdivisions, as defined, lot line adjustments as set forth at Section 12-660 of this chapter, and all other permits 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 of this section shall retain individual status and eligibility for sale, lease, financing, gift, building, construction or other transfer of ownership, as so described.
- (c) Land which is uniquely described on any recorded plat or other legal instrument of conveyance as one lot or parcel shall be considered one lot or parcel even if there are roads, streets, road easements or rights of way, or railroad easements or rights of way within or through the lot or parcel.

12-611, Subdivision defined, exemptions from definition.

- (a) "Subdivision" shall mean any division of land into two (2) or more lots or parcels for the purpose of sale, lease, financing, gift or building construction, whether immediate or future. The term "subdivision" shall be deemed to include a "condominium project" or "stock cooperative" as defined in Chapter 8 of this Title.
- (b) The term "subdivision" shall not include:
 - (1) The lease of agricultural lands for agriculture or agricultural purposes.
 - (2) The lease or conveyance of land to a governmental agency, quasi-public or public entity or private or public utility for utility placement or right of way purposes.
 - (3) Mineral, oil or gas leases.
 - (4) A lot line adjustment.
 - (5) Land within a recognized cemetery which has been divided into lots or plats for the purpose of burial only.
 - (6) 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.

- (7) The financing or leasing of existing separate commercial or industrial buildings on a single lot or parcel.
- (8) 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.
- (9) Any division of land in which all parcels created have legal access and are not less than twenty (20) acres or a one-thirty-second ($1/32^{\text{nd}}$) aliquot division of a section, and where no parcel created pursuant to this section is reduced below twenty (20) acres or a one-thirty-second ($1/32^{\text{nd}}$) aliquot division of a section. Parcels created pursuant to this section that are reduced below twenty (20) acres or a one-thirty-second ($1/32^{\text{nd}}$) aliquot division of a section are subject to the provisions of this chapter. For any division of land in which a "designated remainder" exists having not less than twenty (20) acres or a one-thirty-second ($1/32^{\text{nd}}$) aliquot division of a section, platting of this "designated remainder" is not required.

12-612, Replatting required, recorded survey required, divisions exempt from platting.

- (a) Any division of land that has been platted shall not be divided again without replatting.
- (b) Any division of land created pursuant to paragraph (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) 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) The property was not created by 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(s);
 - (3) An individual may only receive one parcel by gift or sale created pursuant to this exemption ever within Bonner County. Examples:
 - ((a)) If a husband owns two (2) different parcels in Bonner County and wishes to divide both parcels under the provisions described in Section 12-612(c) herein, 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, 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 Sections 12-621, 12-623(a-c) 12-624, 12-625, and 12-626(a) and (c) of this chapter;
 - (6) A "Notice of Land Division" is recorded in accordance with the provisions set forth at Section 12-613 of this chapter for all parcels and remainder parcel created; and
 - (7) Parcels created pursuant to this subsection that are not retained by the grantee(s) for a period of four (4) years from the date of recording are subject to the platting standards contained within this Title. For any remaining parcel which has legal access and is not less than twenty (20) acres or a one-thirty-second ($1/32^{\text{nd}}$) aliquot division of a section, the four (4)-year holding period shall not apply.
- (d) 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) The following is exempt from platting: the reservation of a life estate provided that the single lot or parcel remains in one ownership.

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 12-612 (c) of this chapter. 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 chapter. 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.

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 are uniquely described on any recorded plat or legal instrument of conveyance as of the effective date of this section. 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.

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 chapter;
 - (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.

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 Bonner County 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 Bonner

County 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 Bonner County 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 Bonner County 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 Bonner County 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 Bonner County 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 Bonner County 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 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. 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.

(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 October 20, 1978;

- (2) Any lot or parcel for which a valid building permit or building location permit has been issued by Bonner County since October 20, 1978, whereon development has occurred and a use has been established in reliance on that permit;
 - (3) Any unplatted parcel which is described on a recorded legal instrument of conveyance prior to August 12, 1995, that met the minimum zoning district standards in effect at the time of conveyance;
 - (4) Any unplatted parcel which is described on a recorded legal instrument of conveyance prior to August 12, 1995, that meets current minimum zoning district standards.
- (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 to the courts as provided by law. 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.

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.

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.

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.

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, shall be provided. Lots in conservation subdivisions shall be exempt from this requirement provided all other requirements of this Title are met.

(b) An adequate potable water supply shall be provided per at least one of the following:

(1) Subdivisions 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) Subdivisions 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) Subdivisions 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) Subdivisions 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) An adequate sewage disposal method for all building sites, as approved by the Panhandle Health District and/or the state of Idaho, shall 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 (1) 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 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 herein after 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 man-made 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.”

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 (b) above.

(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.

12-625, Trails and Parks.

(a) Trails.

(1) Implementing the 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) 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: a) public lands, b) public streams, lakes, ponds, wetlands or similar areas, or c) 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 subchapter.

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 in this Title (Environmental Standards).

(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.

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 non-residential 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.

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.

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:

- (a) 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.
- (b) 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.
- (c) 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.

(d) Development reserve lot. 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.

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.

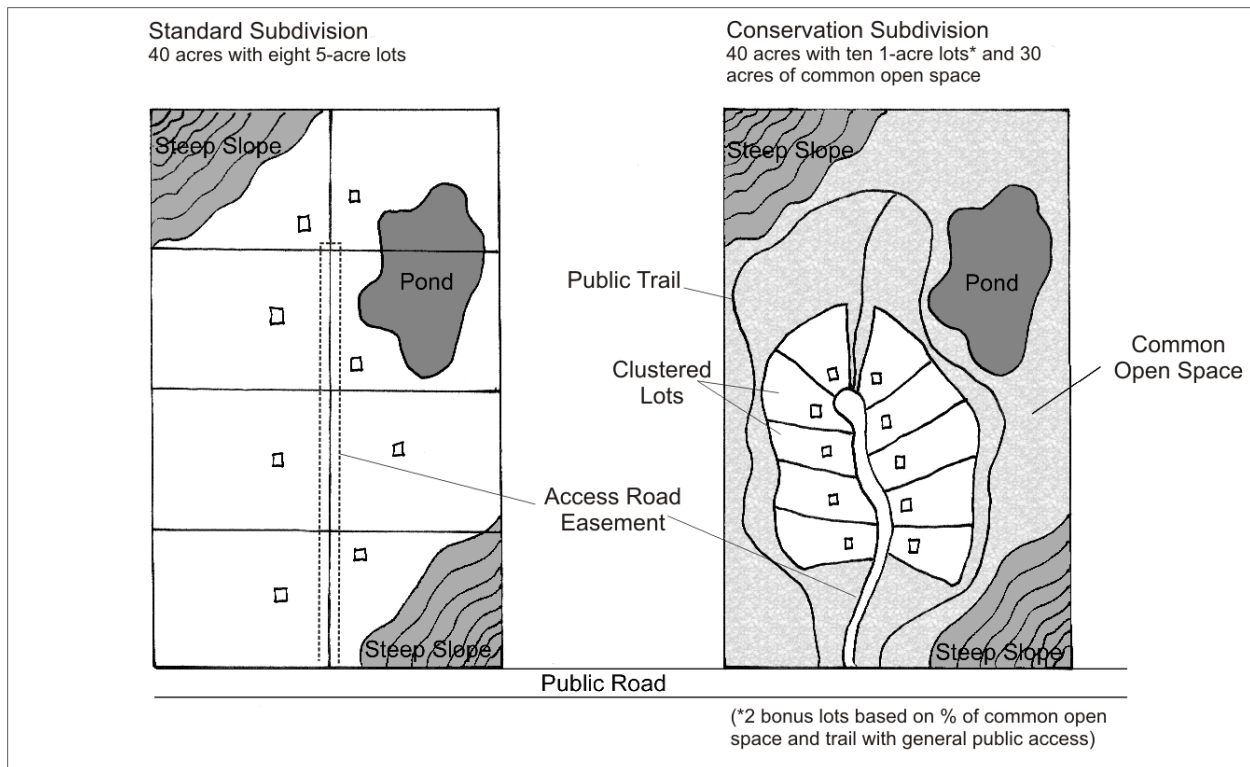


Figure 6-1. Comparing a standard subdivision to a conservation subdivision.

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 pre-application 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.

12-633, Standards and guidelines for all conservation subdivisions.

(a) All principal and accessory uses authorized in the applicable zoning district(s) 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 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) 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 (2-1/2) 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 (1) acre.

(3) Lots may be smaller than the minimum sizes in (1) and (2) above provided water and sewage disposal provisions are provided within common areas via utility easements.

(e) 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) Cluster lots in a conservation subdivision may not be further subdivided except where in compliance with Title 12. For example, if a forty (40) acre conservation subdivision in the R-10 zoning district contains four (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) 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) 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) 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 12-637(a)(2) 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) 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 (100) feet. 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 (6) feet 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.

12-634, Standards for Conservation Subdivisions in the 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 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 (1) 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').

12-635, Standards for Conservation Subdivisions in the 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.

12-636, Standards for Conservation Subdivisions in the 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) 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) 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 Subsections 12-633(i) for related development reserve lot requirements. See Subsection 12-637(a)(2) for related density bonus provisions.
- (c) 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 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.

12-637, Density bonuses for conservation subdivisions.

- (a) All conservation subdivisions shall qualify for bonuses, except:
 - (1) Sites within the F and I district.
 - (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 12-633(i) for requirements for development reserve lots and subsections (b) through (d) below.
 - ((b)) Dry-line sewer and water lines servicing all lots less than one (1) 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 (% 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%-19%	0%	0%
≥ 20%-29%	10%	Bonus percentage increase equal to percentage of common open space.
≥ 30%-39%	20%	
≥ 40% -49%	30%	
≥ 50%-79%	40%	
80% or more	50%	

Standards:

1. To qualify for the full bonus percentages here, the common open space must comply with applicable requirements of Section 12-256(a).
2. Common open space percentages may be rounded off to the nearest whole percentage.
3. Planned Unit Development subdivisions shall not exceed one hundred fifty percent (150%) 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. For example, an applicant with 40 acres in the R-5 district [normally allowed a maximum of eight (8) lots] may qualify for up to twelve lots (12) lots via common open space and other bonus actions
4. Planned Unit Development subdivisions shall not exceed two hundred percent (200%) 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. For example, an applicant with 40 acres in the R-5 district [normally allowed a maximum of eight (8) lots] may qualify for up to sixteen lots (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 Title.	5%
2. Provide general public with usable access to common open space, adjacent lakes, streams, or public lands. <i>(Note: This option is in lieu of, not in addition to Action 1)</i> The access must meet the minimum trail/pathway design standards specified in Section 12-625 of this Title.	15%
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% if open only to subdivision residents 15% 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) below for examples and requirements. Improvements required to mitigate impacts shall not be used to earn bonus lots.	Up to 25%
5. Bonus for urban sewer (where not required to achieve given density (i.e. Suburban using "urban sewer" to get to smaller acres)	25%

(d) 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, 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 non-native 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.

(e) 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 times the cost of proposed improvements (2xY) 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) 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), then the applicant qualifies for up to two (2) additional lots (provided the extra lots does not exceed twenty-five percent (25%) of the total density of the subdivision).

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 chapter 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 12-650 of this chapter), or for processing as lot line adjustments (as set forth in Subchapter 6.6 of this chapter), or for processing condominium projects (as set forth in Subchapter 12-6.7 of this Title).

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 pre-application 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.

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, 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.

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 chapter. 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 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.

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, street lighting, 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 A. M. 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.

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.

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 §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 the Idaho Code.
- (d) Street lines of all existing or recorded streets, principal property lines, patent lines, township lines, or section lines, intersection, 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 "The Corner Perpetuation and Filing Act", Title 55, Chapter 16, Idaho Code.
- (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 50-1304, Idaho Code. Unique block numbers shall be assigned for lot(s) 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 the 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 of Idaho 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 setbacks as set forth in Subchapter 7.3 of this Title and any proposed easements or easements of record for drainage, channels, overhead and underground utility lines, sanitary sewers, and water systems within the tract.

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.

(e) A place for board's 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 lien holder's approval.

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 Section 50-1304, Idaho Code, bearing the endorsement certificates as required at Section 12-647 of this chapter and Chapter 13 of Title 50 of the Idaho Code.

(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 Section 50-1305, Idaho Code. 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.

Subchapter 6.5: Short Plats, Procedures

12-650, Short plat procedure available for minor subdivisions.

Applications for subdivisions which contain four (4) or fewer contiguous lots under common ownership may be processed as "short plats" as set forth in Sections 12-651 through 12-654 in this subchapter provided that no zone district change is required, or a planned unit development requested, to accommodate the proposed lot sizes. Lands under single, contiguous ownership at the effective date of this section shall be eligible for only one short plat and further divisions under such ownership shall be processed as a regular subdivision.

12-651, Applications for short plat procedure.

The application for a subdivision to be processed as a short plat shall include all of the items set forth in Subchapter 6.2 of this chapter.

12-652, Contents of preliminary plats for short plat procedure.

The contents of the preliminary plat for a subdivision to be processed as a short plat shall include all of the items set forth in Subchapter 6.2 of this chapter.

12-653, Short plat, procedure for approval of preliminary 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.
- (2) Provide notice of the proposed subdivision by first class mail to all property owners of record within 300 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 subdivision and the general location of the property. The notice shall advise of a 30 (thirty)-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.

(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 subdivision 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 subdivision 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, 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 a single extension of the preliminary short plat for a period up to two (2) years. The Planning Director 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.
- (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.

12-654, Short plat, contents of final plat, procedure for approval of final plat.

- (a) The contents of the final plat for minor subdivisions 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 minor subdivisions utilizing the short plat procedure shall be as set forth in Section 12-648 of this chapter.

Subchapter 6.6: Lot Line Adjustments

12-660, Readjustment of lot lines within platted subdivision.

- (a) The procedures set forth in Sections 12-661 through 12-663 of this subchapter shall be used to process applications for minor notational changes as defined 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.

12-661, 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 12-642(b)(3) and Sections 12-646 and 12-647 of this chapter, the requirements for plats set forth in Chapter 13, Title 50 of Idaho Code and depicting the location of existing structures and wells.

(2) A letter from the Panhandle Health District or applicable sewer and/or water district stating the requirements for the sanitary restriction as set forth in Chapter 13 of Title 50, Idaho Code, have been met, or are not affected by a readjustment of lot lines.

(3) Additional information reasonably required for a thorough review of the application as may be requested by the Planning Director.

(4) 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 chapter 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 12-624(b), (c) and (d).

12-662, 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 12-661 of this chapter. 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, Chapter 13, Title 50.

12-663, 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 Title 50, Chapter 13, Idaho Code, and the requirements for final plats set forth in this chapter. The chairman 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.

Subchapter 6.7: Condominium Projects

12-670, 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, 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.

12-671, 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 12-670 of this chapter. 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 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.

12-672, 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.

Chapter 7

Environmental Standards

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.

Subchapter 7.1: Shorelines

12-710, Purpose.

The purpose of this subchapter is to:

- (a) To preserve both the quality and quantity of Bonner County's water resources.
- (b) To reduce erosion and sedimentation into waterways.

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 paragraph (a) (1) above, no structure shall be located closer than 75' (seventy-five feet) 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, 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') foot 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') feet 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 feet (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.

12-712, Fence restrictions near the 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 12-712(a) above, 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.

12-713, Impervious surface standards near the water.

The maximum impervious surface (as defined in Section 12-809 of this Title) within shoreland 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 as follows:

- (a) Fifteen percent (15%) for all lots greater than one (1) acre (excluding submerged lands).
- (b) Twenty-five percent (25%) for lots or parcels 10,000 square feet to one (1) acre.
- (c) Thirty-five percent (35%) for all lots less than ten thousand (10,000) square feet.
- (d) 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, for a lot less than ten thousand (10,000) square feet, the maximum percentage of impervious area may be increased from thirty-five percent (35%) of the shoreland area to fifty-two and one-half percent (52-1/2%) of the shoreland area provided all structures are not closer than seventy-five feet (75') from the shoreline.

12-714, Shoreline vegetative buffer

- (a) Vegetation buffer management areas include all lands within forty feet (40') from shorelines.
- (b) Shoreline vegetation buffer management areas shall be delineated on the final plat of any subdivision. Applicants for shoreland 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) 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:* Non-invasive 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 non-native beneficial forbs, reeds, sedges, grasses, vines, shrubs, trees, ferns, perennials or ground cover listed in Appendix B of this Title.

(2) *Alternative option:* Non-invasive vegetation shall be established and maintained within the shoreline vegetative buffer. The vegetative buffer strip shall consist of any combination of native and non-native 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) 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 (40) feet of the ordinary high water mark on each side of all perennial streams, in the following minimum numbers of standing trees per one thousand (1000) feet of stream on each side:

Table 7-1. Tree retention standards for stream corridors.

Tree Diameter Breast Height (DBH) (measured at four and one-half (4.5) feet 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 ½) 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 (1/3) of their height in order to maintain optimum tree health. If defensible space is a high priority, up to one-half (½) of the tree height may be pruned.

(2) Exceptions. The shoreline vegetation standards shall not apply to the following:

((a)) 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.

((b)) Replacement of lawn areas with native vegetation.

((c)) Removal of trees infected by a pathogen or attacked by insects that threaten the surrounding trees.

((d)) 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 non-man-made, natural-caused injury, such as weather- or animal-related damage.

((e)) Shoreline property owners are encouraged to plant native vegetation where none exists, in areas that contain cultivatable soils.

((f)) Exceptions may be made for areas that contain no cultivatable soil, such as pebble beach areas or rock outcroppings.

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 ground water 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.

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 Subchapter 2.5 of this Title, as amended, except as provided for at Subsection 12-720.3(j) 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, except as provided for at Subsection 12-720.3(k) 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 Title 11 or Title 12 of this Code, as amended;

(d) New building construction which occurs within three hundred feet (300') of any surface water shown on the applicable seven and a half (7.5) minute Quadrangle Map

published by the United States Geological Service or by actual survey, and which is subject to the provisions of Title 11 of this Code, as amended;

(e) New building construction which occurs on a slope with fifteen percent (15%) or greater incline as determined from the applicable seven and a half (7.5) minute Quadrangle Map published by the United States Geological Service or by actual survey, and which is subject to the provisions of Title 11 of this Code, as amended;

(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 720.3 in this subchapter.

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, Title 38, Chapter 13, Idaho Code;

(b) Agricultural activities and practices specifically exempted from the Local Planning Act at 67-6529, Idaho Code, 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 Title 40, Idaho Code;

(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 Title 42, Chapter 38, Idaho Code;

(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, etc;

(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, 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.

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.

12-721.1, Administration of chapter.

(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.

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 allow for minor variations to the standards set forth herein 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 12-720.2(b) 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 12-720.2(d) 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.

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 and 12-272.1 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.

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.

12-722.3, Procedures for processing of individual building location permit or building permit applications. (2422)

Unless an administrative exception has been issued, all 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 all building location permits or building permits subject to Section 12-720.2 of this subchapter which will result in land disturbing activities on or within 300 (three hundred feet) of an area where slopes are fifteen percent (15%) or greater or on sites greater than four thousand (4,000) square feet in area the applicant for a building location permit or building permit shall submit a grading/ stormwater management plan at the time of application for a building location permit or building permit.
- (b) For building location permits or building permits which would result in less than four thousand (4,000) square feet of land disturbing activities at the site and for single family dwellings and accessory structures, the applicant for a building location permit or building permit shall submit a grading/erosion control plan.
- (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.

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.

(c) Public projects which do not require zoning review and which do not require building location permits or building permits shall conform to the procedures set forth in this section:

(1) A grading/stormwater management plan shall be prepared 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 plan and shall prepare a report for the Board containing a determination as to whether the plan meets the standards of this subchapter, and what, if any, changes are necessary to bring the plan into conformance with this subchapter.

(3) The Planning Director shall present the report to the Board at any regular or special meeting, and the Board may act to approve or deny the grading/stormwater management plan. If the plan is approved, the Planning Director shall keep a copy of the plan in a permanent file. If the plan is denied, the Board shall cause notice to be given to the applicant of what changes in the plan or the project could be made in order to obtain approval.

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%) (two and one-half (2.5) horizontal to one (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 eight foot (8') cut is planned, the toe of the uphill fill slope shall not be closer than eight feet

(8') 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 95 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 of the height of the slope with a minimum of five (5) feet and a maximum of twenty (20) feet, 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(s) shall be determined by a design professional.

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.

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 Title 42, Chapter 39, Idaho Code, 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 Title 42, Chapter 38, Idaho Code, that a permit for such alterations has been obtained from the Idaho Department of Water Resources.

(i) The operation and maintenance plan.

12-724.12, Contents of a 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.

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 area(s) 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.

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.

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.

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 ($\frac{1}{2}$ ") 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 ($\frac{1}{2}$) of runoff. Within project boundaries, sufficient retention capacity shall be constructed to retain stormwater flow from the first one-half inch ($\frac{1}{2}$ ").
- (e) 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 (200) feet of the shoreline.
- (f) Use of weed-free and pesticide-free materials is encouraged when natural materials are called for in stormwater/erosion control plans.

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 (1) 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.

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 A. M. 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.

(1) 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.

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.

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.

Subchapter 7.3: Wetlands

12-730, Purpose.

The purpose of this subchapter is to provide measures to protect and maintain wetlands.

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 or Title 12 of this Code within a mapped wetland as determined from the U.S. Fish and Wildlife Service national wetland inventory maps.

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:

(1) 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.

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 the low levels of functions 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 in this subchapter.

(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.

Subchapter 7.4: Wildlife

12-740, Purpose.

The purpose of this subchapter is to provide measures to provide measures to protect and maintain wildlife and fisheries habitat.

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 Subchapter 6.3 in 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.

Subchapter 7.5: Flood Damage Prevention

12-750.1, Purpose of flood damage prevention chapter, objectives, methods of reducing flood losses.

(a) The purpose of the flood damage prevention ordinance is to guide development in the floodway and flood fringe areas of any watercourse that floods and; to minimize adverse effects to adjacent property and; to maximize the safety of the public.

(b) It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
 - (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
 - (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (c) In order to accomplish its purposes, this chapter includes methods and provisions for:
- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters
 - (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
 - (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas.

12-750.2, Definitions.

For the purposes of the administration of this subchapter, Flood Damage Prevention, the following definitions shall apply:

- (a) **APPEAL.** A request for a review of the interpretation of any provision of this ordinance.
- (b) **AREA OF SHALLOW FLOODING.** An area designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
- (c) **AREA OF SPECIAL FLOOD HAZARD.** The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
- (d) **BASE FLOOD.** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.
- (e) **BASEMENT.** Any area of the building having its floor subgrade (below ground level) on all sides. (REVISED)
- (f) **CRITICAL FACILITY.** A structure or location vital to flood response efforts or a structure or location which if flooded could create secondary disasters due to hazardous materials, the need for evacuation of concentrated populations or the need to rescue

critical records or public goods. Critical facilities include, but are not limited, to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste, communication centers, day-care centers, orphanages or penal institutions.

(g) **DEVELOPMENT.** Any manmade 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 located within the area of special flood hazard.

(h) **ELEVATED BUILDING.** A building, for insurance purposes, which is a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

(i) **FLOOD OR FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

(j) **FLOOD INSURANCE RATE MAP (FIRM).** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(k) **FLOOD INSURANCE STUDY.** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary--Floodway Map, and the water surface elevation of the base flood.

(l) **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 more than one foot (1').

(m) **LOWEST FLOOR.** Lowest floor means 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 Section 12-885 of this chapter.

(n) **MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" shall also include park model trailers, but does not include a "recreational vehicle."

(o) **MANUFACTURE HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which 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 either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

(p) **MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING.** A manufactured home park or subdivision for which 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 either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

(q) **MANUFACTURED HOME PARK OR SUBDIVISION, EXPANSION TO EXISTING.** The preparation of additional sites by the construction of facilities for serving 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).

(r) **MANUFACTURED HOME PARK OR SUBDIVISION, NEW.** A manufactured home park or subdivision for which the construction of the 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 either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

(s) **NEW CONSTRUCTION.** A structure for which the “start of construction” commenced on or after the effective date of this ordinance.

(t) **RECREATIONAL VEHICLE.** A vehicle which is:

- (1) Built on a single chassis;
- (2) 320 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal uses.

(u) **START OF CONSTRUCTION.** Includes substantial improvement, and means the date the building location permit or building permit was issued, provided the actual start of construction, repair, reconstruction, 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 footing, 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 the excavation for a basement, footings, piers, or foundation 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.

(v) **STRUCTURE.** A walled and roofed building including a gas or liquid storage tank that is principally above ground.

(w) **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 50 percent (50%) of the market value of the structure before the damage occurred.

(x) **SUBSTANTIAL IMPROVEMENT**. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either: 1) Before the improvement or repair is started, or 2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either 1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or 2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. The basis for determining the cost of improvements shall be determined by a professional construction estimator, registered general contractor, engineer or architect and shall include, but is not limited to, costs for all structural elements, interior finishing elements, utility and service equipment, costs of altering building components to accommodate improvements or additions and labor.

(y) **VARIANCE**. A grant of relief from the requirements of this ordinance which permits construction in a manner what would otherwise be prohibited by this ordinance.

(z) **WATER DEPENDENT**. A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(aa) **WET FLOOD-PROOFING**. Permanent or contingent measures applied to a structure and/or its contents that prevent or provide resistance to damage from flooding by allowing flood waters to enter the structure.

12-751.1, Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Bonner County, any officer or employee thereof, or the Federal Insurance Administration (FIA), for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

12-751.2, General provisions.

(a) This chapter shall apply to all areas of special flood hazards within the unincorporated areas of Bonner County.

(b) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) in a scientific and

engineering report entitled, "The Flood Insurance Study for the County of Bonner," dated February 1, 1984, and any revisions thereto, with accompanying flood insurance maps, and any revisions thereto, is hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the office of the Bonner County Planning Department.

(c) Penalties for noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than three hundred dollars (\$300.00) or imprisoned for not more than six (6) months, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the county of Bonner from taking such other lawful action as is necessary to prevent or remedy any violation.

(d) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation and application of this chapter, 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.

12-752. Development permit required, application.

(a) A development permit shall be obtained before construction or development begins within any area of mapped special flood hazard established in Section 12-751.2(b) of this chapter. The permit shall be for all structures including manufactured homes, as defined by this chapter, and for all development including fill and other activities as set forth in this chapter.

(b) Application for a development permit shall be made on forms furnished by the Planning Department and may include but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation in relation to mean sea level to which any structure has been flood proofed;

- (3) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 12-754.3(b) of this chapter; and
- (4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

12-753, Designation of administrator, duties and responsibilities.

The Planning Director or his or her designee is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. The duties of the Planning Director include, but are not limited to, the following. The Planning Director shall:

- (a) Development Permit review
 - (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.
 - (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 12-755.1 of this chapter are met.
- (b) Determining elevations:
 - (1) Obtain from the applicant and keep a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement, where base flood elevation data is provided through the flood insurance study or required as in subsection (2) of this section.
 - (2) Review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 12-754.3 and 12-755.1 of this chapter, when base flood elevation has not been provided in accordance with Section 12-751.2(b) of this chapter.
- (c) Record keeping:
 - (1) Maintain for public inspection all records pertaining to the provisions of this chapter.
 - (2) Verify and keep a record of the actual elevation (in relation to mean sea level) for all new or substantially improved flood-proofed structures.
 - (3) Maintain the flood-proofing certificates required in Section 12-752(b)(3) for all new or substantially improved flood-proofed structures.
 - (4) Maintain all records of appeal actions and report any variances to the Federal Insurance Administration upon request.

- (d) Alteration of water courses:
 - (1) Notify adjacent communities and the Idaho Department of Water Resources, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (e) Interpretation of FIRM Boundaries. The Planning Director shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

12-754.1, Flood hazard reduction general standards.

In all areas of special flood hazard, the following standards apply:

- (a) Anchoring.
 - (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (2) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)
- (b) Construction materials and methods.
 - (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage
 - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) Utilities.
 - (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
 - (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- (4) Sewer and water systems shall be flood-proofed and approved by the Panhandle Health District and/or the Idaho Department of Environmental Quality.
- (d) Subdivision proposals.
 - (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
 - (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).
- (e) Review of building permits or building location permits.
 - (1) Where elevation data is not available either through the flood insurance study or from another authoritative source (Subsection 12-753(b)(2) of this chapter), applications for building permits or building location permits shall be reviewed to assure that the proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes the use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet (2') above grade in these zones may result in higher insurance rates. Where base flood elevation information, historical data, or photographs of past flooding do not exist the structure shall be elevated a minimum of two feet (2') above the existing or natural grade.
 - (2) Plans detailing compliance with the standards of this chapter shall be submitted prior to the start of any construction with the special flood hazard area. No basement shall be constructed below the elevation of the main floor. Below grade crawl spaces constructed in accordance with the requirements listed in this chapter shall not be considered basements. All footings and foundations shall be designed to withstand maximum flood conditions. No structure shall increase the flood related damages on other property.

12-754.2, Conditional uses (reserved).

12-754.3, Flood hazard reduction specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 12-751.2(b) or Subsection 12-753(b)(2) of this chapter, the following provisions shall apply.

- (a) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at a minimum of one foot (1') above the base flood elevation 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:

- (1) A minimum of two (2) openings located on different walls of the structure, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot (1') above grade.
- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) In unnumbered A zones where a base flood elevation has not established, plans shall be provided demonstrating the structure shall be elevated at minimum two feet (2') above the existing or natural grade.

(b) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at a minimum of one foot (1') above the base flood elevation except as provided in this section; or, together with attendant utility and sanitary facilities, shall:

- (1) Be floodproofed so that below one foot (1') above base flood level the structure is watertight with walls substantially impermeable to the passage of water.
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) Be certified by an Idaho-licensed engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, plans and specifications. Such certifications shall be provided to the Planning Director as set forth in Subsection 12-753(c) of this chapter.
- (4) Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in subsection (a) of this section.
- (5) Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot (1') below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as 1 foot below that level).

(c) 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:

- (1) 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.
- (2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) All structural and nonstructural building materials at or below the base flood elevation shall be flood resistant. A "flood 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.

(7) 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.

(d) Manufactured homes.

(1) All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites that are:

((a)) Outside of a manufactured home park or subdivision,

((b)) In a new manufactured home park or subdivision,

((c)) In an expansion to an existing manufactured home park or subdivision,

or

((d)) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood:

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot (1') above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of Subsection 12-754.1(a)(2) of this chapter.

(2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions shall be elevated so that either:

((a)) The lowest floor of the manufactured home is elevated one foot (1') above the base flood elevation, or

((b)) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and shall be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

(e) Recreational Vehicles. Recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either must:

(1) Be on site fewer than 120 days in any consecutive twelve (12) month period and be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions, or

(2) Meet the standards for recreational vehicles pursuant to 12-332 and meet the requirements for manufactured home standards at 12- 754.3-(d) and the elevation and anchoring requirements for manufactured homes.

12-755.1, Regulations for floodways.

Located within areas of special flood hazard established in this chapter are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(a) All encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited. Exceptions for construction, fill or other substantial improvement or development may be granted provided the development or structure is water dependent or is necessary for public or quasi-public entities or public or private utilities or is necessary to comply with lawful requirements. These improvements shall provide certification by an Idaho-licensed engineer demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge and shall be subject to the review and approval of FEMA.

(b) If subsection (a) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable general and specific flood hazard reduction provisions of this chapter.

12-755.2, Encroachment.

The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot (1') at any point.

12-755.3, Standards for shallow flooding areas (AO zones).

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 foot (1') to 3 feet (3') above ground where clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

(a) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot (1') or more above the depth number specified on the FIRM (at least two feet (2') if no depth number is specified).

(b) New construction and substantial improvements of non-residential structures within AO zones shall either:

- (1) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot (1') or more above the depth number specified on the FIRM (at least two feet (2') if no depth number is specified); or
- (2) Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level so that any space below that level is 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. If this method is used, compliance shall be certified by an Idaho-licensed engineer or architect as provided in Section 12- 754.3(b)(3) of this chapter.

12-755.4, 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. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Ingress and egress routes elevated to or above the base flood elevation shall be provided to all critical facilities to the extent possible.

12-756.1, Variances, general provisions.

A floodplain variance is a modification of the requirements of the ordinance relating to floodplain regulation. Variances shall pertain to a specific piece of property and shall not be personal in nature and shall not pertain to the structure, its inhabitants, economical or financial circumstances.

12-756.2, Standards for review of variances.

Staff and/or the governing body shall review the particular facts, all technical evaluations, standards specified in other sections of this chapter and of this Title and shall consider the following:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger to life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to cause flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;

- (e) The necessity to the facility of a waterfront location, where applicable;
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of Bonner County;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (k) The cost 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.

12-756.3, Process for consideration of variance.

With the exception of wet flood-proofing variances provided at Section 12-756.5 of this chapter, variances to the standards of this chapter shall be considered by the governing body authorized by Subchapter 2.3 of this Title to consider variances. Notice of public hearing shall be provided consistent with Subchapter 2.3 of this Title.

12-756.4, Approval, conditions; disapproval; appeal of decision.

- (a) A variance shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 12-756.2 or conflict with existing local laws or ordinances;
 - (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (b) The governing body may attach such conditions to the granting of the variances as it deems necessary to further the purposes of this ordinance.
- (c) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. The applicant shall also be notified that such construction below base flood elevation increases risks to life and property.
- (d) Variances may be issued administratively by the Planning Director for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

- (e) Variances shall not be issued for residential development within a designated floodway or if any increase in flood levels during the base flood discharge would result.
- (f) The final decision of the governing body may be appealed to the Board of County Commissioners as set forth at Section 12-262.

12-756.5, Administrative variance for wet flood-proofing.

Upon application to the Planning Department, an administrative variance to the provisions of this chapter may be issued by the Planning Director or his/her designee to allow for wet flood-proofing of certain new or substantially improved non-residential, agricultural and residential accessory structures meeting at least one of the following provisions:

- (a) Water dependent. Structures such as boat houses, docking facilities or freshwater food processing facilities that are functionally dependent on water or close proximity to water. The variance may be issued upon a showing that the structure or development is protected by methods that minimize flood damage and that it will not create an additional threat to public safety.
- (b) Historic buildings. Any structure that is listed on the National Register of Historic Places, certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district, listed on a state or local inventory of historic places in communities with historic preservation programs. A variance may be granted upon a showing the repair or rehabilitation will not preclude the continued historic designation and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (c) Low-cost, small accessory structures. Structures not exceeding 400 square feet that represent a minimal investment and have low-damage potential with respect to the structure and contents. Accessory structures may include detached garages, garden or wood sheds, well houses, small buildings used solely for agricultural purposes in connection with harvesting, storage, drying, production or raising of livestock. The accessory structure shall:
 - (1) Be anchored to resist flotation, collapse and lateral movement;
 - (2) Be constructed of flood-resistant materials for all portions of the structure located below base flood elevation;
 - (3) Be designed to allow for the automatic entry of flood waters;
 - (4) Have mechanical and utility equipment elevated or flood-proofed one foot (1') above the base flood elevation or two feet (2') above the highest adjacent grade where base flood elevation has not been established;
 - (5) Comply with the floodway encroachment provisions of the National Flood Insurance Program regulations; and
 - (6) Must be limited to parking and/or limited storage.

Subchapter 7.6: Hillsides

12-760, Purpose.

The purpose of this subchapter is to protect its community from the loss of lives and property and to reduce public and private financial losses due to slope slippage.

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 earth work required for site preparation and construction.

12-762, Geotechnical analysis, required.

A geotechnical analysis shall be required for proposed building sites, roads, driveways or other development, where the following conditions apply:

- (a) Where the natural slope equals or exceeds thirty percent (30%);
- (b) 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;
- (c) Where there is historic knowledge of sloughing, landslides, slumps or other hazardous geological features.

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.

12-762, Hydrological analysis, required (reserved).

Chapter 8

Definitions

12-801, Definitions – “A”.

ACCESS. See definition of Street, Legal Access.

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. A second, subordinate dwelling unit for use a complete, independent dwelling with permanent provisions for living, sleeping, eating, cooking, and sanitation.

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.

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, animal and poultry husbandry, grazing or pasturing of livestock, general farming and agribusiness activities.

AIRPORT. Any runway, land area, or other facility designed or used either publicly or privately by any person for landing and takeoff of aircraft, including all necessary taxiways. "Airport" is further defined as aircraft storage and tie-down areas, hangars, and other necessary buildings appurtenant to a public airport. Aircraft storage and tie-down areas, hangars, and other necessary buildings or uses appurtenant to a private airport are deemed accessory buildings or uses.

AIRPORT ELEVATION. The highest point of the Sandpoint airport's usable landing area measured in feet from mean sea level.

AIRPORT HAZARD. Any structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing and takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.

AIRPORT HAZARD AREA. Any area of land or water upon which an airport hazard might be established.

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 the 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 when, in the case of dairy cows, beef cattle, horse, ponies, mules, llamas, goats, and sheep, their primary source of food, other than during the winter months, is from grazing in the pasture where they are kept.

ANIMAL FEEDING OPERATION (AFO). The use of a lot, parcel, or facility where the following conditions are met:

- (a) 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;
- (b) Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot, parcel, or facility; and,
- (c) The lot, parcel, or facility is designed to confine or actually does confine an equivalent of one thousand (1,000) animal units or fewer with no discharge of pollution into the waters of the United States.

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 non-profit 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, dairy, mature	1.40
Cattle, dairy, young	0.60
Cattle, slaughter and feeder, 12 months of age or older	1.00
Cattle, slaughter and feeder, less than 12 months of age	0.60
Chickens	0.01
Horses	2.00
Sheep	0.10
Swine, weighing over 25 kilograms	0.40
Swine, weaned, weighing under 25 kilograms	0.10

APARTMENT. A single living unit or suite of more than one room in a multi-family structure, occupied on a permanent basis as distinguished from a transient occupancy basis.

APPOINTIVE MEMBERS. All members of the Commission.

ART. Visual creations of unique, "one of a kind" works of art or reproductions of "one of a kind" art. This may include paintings, sculptures, pottery, quilts, photography and other unique objects created by artisans, not intended for mass production or not mass-produced.

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 health care 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.

12-802, Definitions – “B”.

BASEMENT. That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

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.

BOARDING HOUSE. See definition of Group Housing.

BOUNDARY LINE ADJUSTMENT. a change in location of the property line between two 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 a greater number of parcels than originally existed is not 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 the parcel

is already below the minimum parcel size, the parcel shall not be further reduced in size.

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.

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 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.

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 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 antenna(s) used for residential purposes; amateur radio towers, CB radio and radio transmitters for personal use with a tower height less than seventy five feet (75'); and VHF and UHF receive-only residential television antenna(s).

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.

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.

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.

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). The use of a lot, parcel, or facility where the following conditions are met:

- (a) 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;
- (b) Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot, parcel, or facility; and,
- (c) 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,
- (d) 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.

Two (2) or more confined animal feeding operations under common ownership are considered, for the purposes of this ordinance, 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. The conservation lot is 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.

12-804, Definitions – “D”.

DAYCARE CENTER. A home or place providing care to a group of six (6) or more unrelated children or adults for all or part of the twenty four (24) hour day. The care of less than six (6) unrelated children or adults during any part of a twenty four (24) hour day, for the purposes of this Title, shall be classified as a home occupation. "Daycare center" is further defined to include group homes and foster homes as provided for in the childcare licensing act, Sections 39-1202, Idaho Code, adult assisted living caring for up to sixteen (16) residents and meeting the standards for such care as defined by the state of Idaho.

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) Twenty-five (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) One hundred (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.

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.

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.

DISTRICTS. See definition of Zones or Districts.

DORMITORY. See definition of Group Housing and Guest Room.

DOUBLE FRONTAGE LOT. See definition of Lot Types.

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, SINGLE-FAMILY. A detached residential building, designed exclusively for and occupied exclusively by one (1) 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, but not a mobile home, 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, with a separate entrance.

DWELLING UNIT, TEMPORARY. One in-house apartment or mobile, modular or manufactured home, as a second dwelling on a property and not on a permanent foundation.

12-805, Definitions – “E”.

EROSION CONTROL. Any temporary or permanent measure taken to reduce erosion; control siltation and sedimentation; or insure 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.

12-806, Definitions – “F”.

FAÇADE. 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.

FEED LOT. See definition for Confined Animal Feeding Operation.

FLOOD PLAIN. 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 flood plain 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 (100) 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 flood plain adjoining the channel which are reasonably required to carry and discharge the flood water of any watercourse.
- (e) "Floodway Fringe". That part of the flood plain which is beyond the floodway. Such area will include those portions of the flood plain 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.

12-807, Definitions – “G”.

GARAGE. A building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile flammable liquid in its tank, is stored, repaired, or kept.

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.

GROUND WATER. Waters in a subterranean saturated zone or stratum.

GUEST. Any person hiring or occupying a room for living or sleeping purposes.

GUEST ROOM. 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 guest room.

GUEST HOUSE. An accessory building located on the same lot as the main building consisting of sleeping quarters with no kitchen facilities and a floor area of six hundred (600) square feet or less for the use by temporary guests or family members of the occupants of the main structure, not rented or otherwise used as a separate dwelling.

12-808, Definitions – “H”.

HEIGHT. For the purpose of determining the height limits in all zones set forth in this Chapter 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.

HELIPORT. Any land area, pad or other facility designed or used either publicly or privately by any person for the exclusive purpose of landing and taking-off of helicopters or nonfixed winged aircraft. A heliport may also include storage and tie-down areas and other necessary storage buildings.

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 pre-packaged offerings to cafeterias to full-service dining for lodging guests only.

HOTEL. A building in which there are guest rooms where lodging, with or without meals, is provided for compensation, and where no provisions are made for cooking in any individual room or suite, but shall not include motels, jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed and detained under restraint.

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.

12-810, Definitions – “J”.

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.

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. 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.

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 large soil absorption system is 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 three 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 pickups 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 FRONTAGE. That part of a lot (a lot line) abutting on a street; except that the ends of incomplete streets shall not be considered frontage.

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 considered the horizontal distance between the side lot lines, measured at the required front yard setback.

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 TYPES.

(a) Corner lot, defined as 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 (135°).

(b) Flag lot, defined as 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, defined as a lot other than a corner lot with only one frontage on a street.

(d) Through lot, defined as 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, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than one hundred thirty-five (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.

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.

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.

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.

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 action(s) to restore natural functions and values lost through development and human alterations.

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.

12-814, Definitions – “N”.

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.

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.

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.

NONPRECISION INSTRUMENT RUNWAY. Any runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in nonprecision approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

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. 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.

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.

(a) "Outdoor Advertising Display". 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.

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 non-commercial facility designed to serve the recreational needs of the residents of the community.

PARKING SPACE. 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.

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.

PRIMARY SURFACE. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at the end of that runway. The width of the primary surface of a runway will be that width prescribed in part 77 of the federal aviation regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL ARTERIAL. See definition of Street.

PRIVATE SCHOOL. See definition of Schools, Public or Private.

PROHIBITED USES. See definitions of Use and Use, Prohibited.

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 Section 40-204A, Idaho Code, 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.

12-817, Definitions – “Q”.

12-818, Definitions – “R”.

REAR YARD. See definition of Yard, Rear.

RECONNAISSANCE. An inspection or exploration of an area.

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. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, travel or other use, which either has its own mode of power or is mounted on or drawn by another vehicle. The definition shall include, but is not limited to, travel trailer, camping trailer, truck camper, fifth-wheel trailer, and motor home.

RECREATIONAL VEHICLE (RV) PARK. Any premises designed for the rental of two (2) or more recreational vehicle parking stalls or spaces.

RESIDENTIAL CARE OR ASSISTED LIVING FACILITY. A facility with one or more buildings constituting a facility or residence, however named, operated on either a profit

or nonprofit basis, for the purpose of providing twenty-four (24)-hour non-medical care for three (3) or more persons, not related to the owner, eighteen (18) years of age or older, who need personal care or assistance and supervision essential for sustaining activities of daily living or for the protection of the individual.

RESORT, COMMERCIAL. An area privately owned, devoted primarily to outdoor recreational uses conducted for profit, which may include, but are not limited to, such as: 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.

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 and by its nature needs to be located in a quiet, sparsely populated, natural environment. A retreat provides an opportunity for small groups of people 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. Retreats shall not be used for general tourist trade such as motels, resorts or other such uses.

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 definition of Street, Local Roads.

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, 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.

RUNWAY. A defined area of an airport prepared for landing and takeoff of aircraft along its length.

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.

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

SERVICE CENTER FACILITIES. Including, but not limited to, utilities, postal, medical and dental clinics.

SETBACK. The minimum distance by which a building or structure must be separated from a street right-of-way, easement or property line.

SHORELINE. The applicable natural or ordinary water mark, or the applicable artificial high water mark, as defined, of any lake, river, stream, channel, or other body of public water.

SHORELAND. 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, 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. 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.

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.

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. **TO UPDATE**

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.

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 which provides vehicular and pedestrian access to adjacent properties, including the following:

- (a) **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.
- (b) **Principal Arterial.** A public thoroughfare that connects a network of continuous routes. Serves large inter-county population concentrations and is designed to carry heavy traffic loads. Frontage and access is limited.
- (c) **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.
- (d) **Major Collector.** A public thoroughfare that links minor collectors and local access routes with routes of higher classification. 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) **Local Roads.** A public or recorded private 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.
- (g) **Legal Access.** A public or recorded private thoroughfare which affords a primary means of access to adjoining properties. A recorded private thoroughfare may be a recorded easement for ingress or egress or a platted street right of way used as a private thoroughfare for access to abutting property, but for which the County assumes no responsibility for maintenance. A private thoroughfare not recorded with the County Recorder shall not be considered legal access.

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 ($\frac{1}{2}$) of such basement height is above the established curb level or above the finished lot grade where curb level has not been established.

STRUCTURAL ALTERATION. Any change in the supporting members of a building such as foundations, bearing walls, columns, beams, 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 paragraph (a) of 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.

12-820, Definitions – “T”.

TEMPORARY DWELLING UNIT. A residence that is either:

(a) For the purpose of providing adequate housing and care for the physician-certified aged or handicapped family member who is incapable of adequately caring for himself or herself. ("Incapable of adequately caring for himself or herself" is defined as the "inability to engage in any substantial gainful activity by reason of any medically determinable, physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months".)

(b) Located on a non-residential 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 reach a height of 15 feet or more.

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 BCRC.

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.

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.

UTILITY RUNWAY. A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

12-822, Definitions – “V”.

VACATION RENTAL. A single-family, duplex or multi-family residence, or condominium unit, rented for periods of up to one month per visit.

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 the ordinance 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 (1)-mile radius of the site.

VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures with no straight in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military services' approved military airport layout plan or by any planning document submitted to the FAA by competent authority.

12-823, Definitions – “W”.

WATERCOURSE. A natural channel carrying waters on an intermittent or infrequent basis.

WATERS. All the accumulations of water, surface and groundwater, 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 groundwater 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)

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.

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.

YARD, FRONT. A yard extending across the full width of the lot along a street. Where the lot fronts on two (2) intersecting streets, the yard fronting on the street providing primary vehicular access to the principal use shall be deemed the front yard. A lot fronting on two non-intersecting streets shall be deemed to have two front yards.

YARD, REAR. A yard extending across the full width of the lot along the rear property line. This is typically on the opposite side of the lot as the front yard.

YARD, SIDE. A yard extending from the front yard to the rear yard along each side of a lot.

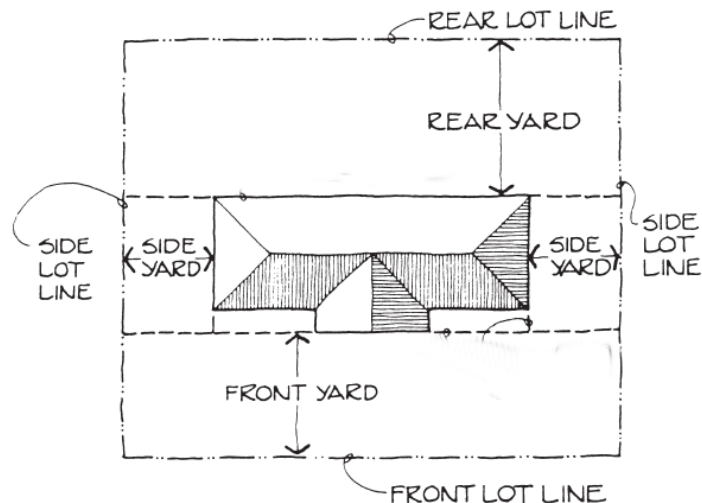


Figure 8-1. Illustrating the front, side, and rear yards of a typical lot.

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.

APPENDIX A of TITLE 12
Private Road Standards Manual
Bonner County, Idaho

Section 0: Purpose and Authority	2
Section 1: General Provisions and Requirements.....	2
Definitions	2
1.1 Applicability	2
Section 2: Standards for New Private Road Construction.....	3
2.1 General Requirements.....	3
2.2 Design and Layout	3
2.3 Specifications for Drawings.....	3
2.4 Width of Right-of-Way/Easement Required	4
2.5 Road Design	5
2.6 Road Intersections	6
2.7 Visibility at Intersections.....	6
Section 3: Road Construction Practices.....	6
3.1 Clearing and Grubbing.....	6
3.2 Erosion Control	7
3.3 Subgrade	7
3.4 Ballast	7
3.5 Top Course	9
3.6 Road Signage	10
3.7 Standards for New Bridge Construction.....	10
3.8 Engineering Requirements	10
3.9 Final Report and As-Built Drawings	10
REQUIRED INSPECTION & INFORMATION CHECKLIST	11

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.

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 four-plex or smaller multi-family dwelling or two 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 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 semi-tangent 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 storm water management specifications.
 - (12) Horizontal Scale: 1" = 50' and a Vertical Scale of 1" = 10'. However, 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 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 30 feet 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 herein after 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 10%*
Horizontal curvature on centerline	Minimum radius 50 ft
Roadway Width	22 ft. Minimum**
Travelway Width	20 ft. Minimum **

* Variation to grades steeper than 10% (ten 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 (fourteen) 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 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 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			
A. High Density Private Road	26 feet	20 feet	yes
B. Standard Private Road	22 feet	20 feet	yes
C. 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 26 feet. This may be accomplished by construction of a turnout providing an overall travelway width of 26 feet and 40 feet 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 (100) degrees, and as close to 90 (ninety) degrees as is possible. The edge of the road surfaces shall be connected with a curve having a minimum radius of twenty eight (28) feet. 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 Storm water 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 Chapter 24 of Title 12, 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 sub-base 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 6 inches 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 geo-synthetic 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 insuring 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 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 insuring 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 78,000 pound fire apparatus.

SOILS DESCRIPTIONS/DEFINITIONS

Major Divisions			Letter Symbol	Typical Descriptions
COARSE GRAINED SOILS More than 50% of material is larger No. 200 sieve size	GRAVEL AND GRAVELLY SOILS More than 50% of coarse fraction retained no. 4 sieve	CLEAN GRAVELS Little or no fines	GW	Well-graded gravels, gravel - sand mixtures, little or no fines
			GP	Poorly - graded gravels, gravel - sand mixtures, little or no fines
		GRAVELS WITH FINES Appreciable amount of fines	GM	Silty gravels, gravel - sand silt mixtures
			GC	Clayey gravels, gravel – sand clay mixtures
	SAND AND SANDY SOILS More than 50% 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% of material is smaller than No. 200 sieve size	SILTS AND CLAYS Liquid limit less than 50	ML	Inorganic silts & very fine sands, rock flour silty or clayey fine sands & clayey silts w/slight plasticity	
		CL	Gravelly, clays, sandy clays, silty clays, lean clays	
		OL	Organic silts and organic silty clays of low plasticity	
	SILTS AND CLAYS Liquid limit greater than 50	MH	Inorganic silts, micaceous 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 & 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	% Passing
1"	100
3/4"	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 (1) 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 per cent (35%) and the sand equivalent not less than 30.

(d) The material shall be placed in loose lifts not to exceed 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 insuring 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 $\frac{3}{4}$ " minus
- ☐ Verify the gradation of $\frac{3}{4}$ " 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, $\frac{3}{4}$ " 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:

Project Engineer Name PRINTED

Seal

APPENDIX B of TITLE 12
North Idaho Native and Beneficial Plant List

PART I - NATIVE PLANT LANDSCAPING LIST	2
TREES	2
SHRUBS	3
PERENNIALS	6
FERNS	11
GRASSES, RUSHES, SEDGES, REEDS	12
GROUND COVER	15
VINES	16
 PART II - ADDITIONAL PLANT LIST	 17
TREES	17
SHRUBS	18
PERENNIALS	19
GRASSES, RUSHES, SEDGES, REEDS	20

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 ft		M/W	S/PS		Fixes nitrogen in the soil; catkins
Alder, Sitka*	<i>Alnus viridis</i>	30 ft.		M/W	S	Interior Rain Forest/ Riparian	Improves soil by adding organic matter and nitrogen; catkins
Aspen*, Quaking	<i>Populus tremuloides</i>	90 ft.		M/D	S	Aspen Grove	Golden fall color; spreads by root runners; gray-white smooth bark
Birch, Paper*	<i>Betula papyrifera</i>	50-70 ft.		M	S	Wetland	Yellow fall foliage; white peeling bark
Birch, Water*	<i>Betula occidentalis</i>	13-26 ft.		W	S/PS	Wetland	Streambank stabilization; pinkish, non-peeling bark
Cottonwood*, Black	<i>Populus trichocarpa</i>	150-180 ft.		M/W	S		Sticky, red seed cases; good for erosion control on banks; attracts birds
Fir, Douglas; Red	<i>Pseudotsuga menziesii</i>	150 ft.		D/M	S/PS		Shade tolerant; well drained soil; pyramidal shape
Fir, Grand; White	<i>Abies grandis</i>	100 ft.		M/D	S/PS		Fragile erect cones at top of tree; fragrant foliage
Fir, Subalpine	<i>Abies lasiocarpa</i>	60-105 ft.		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 ft.		M	Sh	Interior rain forest	Needs shade when young; thick, acidic, humus soil
Larch, Western; Tamarack	<i>Larix occidentalis</i>	100-200 ft.		D/M	S	Young Forest	Golden fall color; deciduous, erect, slender

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Maple, Rocky Mountain	<i>Acer glabrum</i>	20 - 30 ft.		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 ft.		D/M	S	Young Forest	3 needles per sheaf; dry open sites; fire resistant
Pine, Western White	<i>Pinus monticola</i>	230 ft.		D/M	S	Young Forest	Idaho State Tree; five needles per sheaf; good specimen tree
Redcedar, Western	<i>Thuja plicata</i>	100-120 ft.		M	PS/Sh	Moist Forest	Evergreen-scale-like leaves; aromatic; red-brown bark; rich, moist soil
Spruce, Engelmann	<i>Picea engelmannii</i>	75-120 ft.		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</i> ssp. <i>Sinuata</i>	10 ft.	May-July	M	S/PS		Forms thicket; fast growing; fixes nitrogen
Birch, Bog, Scrub*	<i>Betula nana</i>	3-10 ft.	Feb-June	W	S/PS		Deep orange in the fall; acidic soil; spreading
Buffalo Berry	<i>Shepherdia canadensis</i>	3-13 ft.	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 ft.	Jun-July	M/W	Sh		Small, yellow flower clusters; black fruit; silvery gray bark; deciduous
Ceanothus, Shiny Leafed	<i>Ceanothus velutinus</i> var.	2 ft.		D/M	S		Small white flowers in pyramidal clusters; good browses
Chokecherry, Common	<i>Prunus virginiana</i>	3-12 ft.	Apr-May	D	S	Meadow/Medicinal	White flowers; grows in rocky soil; fast growing; showy fruit; attracts birds
Cranberry, Highbush	<i>Viburnum edule</i>	1.5 to 10 ft		M/W	PS/Sh		Clusters of white flowers., red berries, likes rich organic soil
Devil's club	<i>Oplopanax horridus</i>	3-10 ft.	May-June	M	Sh	Interior Rain Forest	Creamy white flowers; beautiful red berries in fall; very spiny
Dogwood, Red Osier	<i>Cornus sericea</i>	3-6 ft.	May-July	M/W	S/PS	Interior Rain Forest	Greenish-white flower clusters; white berries; red twigs

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Elderberry, Blue	<i>Sambucus nigra</i> var. <i>cerulea</i>	6-12 ft.		M	S	Riparian	Clusters of white flowers; grows along watercourses; powdery blue edible fruit; fast growing
Hawthorn, Black	<i>Crataegus douglasii</i> var.	6 to 25 ft.	May-June	D/W	S		White flower cluster; small black fruit; thorny; soil & stream stabilization
Hazelnut, Beaked	<i>Corylus cornuta</i>	3-12 ft.		M	S/Sh		Edible nuts; yellow, fall color; stream banks; well-drained soil
Huckleberry, Fool's; False Azalea	<i>Menziesia ferruginea</i>	up to 9 ft.		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 ft		M/W	S	Subalpine	White to pink flowers; edible blue-black berries; red fall foliage
Huckleberry, Thinleaf	<i>Vaccinium membranaceum</i>	to 4.5 ft		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 ft.		D	S		Grayish-green; gray-blue berries; knotty, twisted trunk; rocky sites
Kinnikinnick	<i>Arctostaphylos uva-ursi</i>	6-10 in.		D	S/PS	Paths	Urn-shaped flowers, red berries; evergreen shiny leaves
Maple, Rocky Mountain	<i>Acer glabrum</i> var.	20-30 ft.		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 ft.	June-July	M	S/PS		White flower clusters; grows on slopes; excellent fall color-leaves & berries
Mountain Ash, Western	<i>Sorbus scopulina</i> var. <i>scopulina</i>	3-13 ft.	May-July	D/M	S/PS		White flower clusters; grows on slopes; excellent fall color-leaves & berries
Mountain Lover, Myrtle Boxwood, False Boxwood	<i>Pachistima myrsinites</i>	1-2 ft.	May-June	M	PS	Berm	Tiny maroon flowers; good deer browse; evergreen;
Ninebark, Mallow	<i>Physocarpus malvaceus</i>	to 6 ft	May-June	D/M	S	Dry Rock	White flowers; leaves hairy on both sides; peeling bark; rocky soil

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Ocean Spray	<i>Holodiscus discolor</i>	3-10 ft.	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 in.	Spring	D/M	PS/Sh	Path	Yellow flowers; shiny leaves; evergreen; dark berries
Oregon Grape, Creeping	<i>Mahonia repens</i>	6-12 in.	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 in.	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 in.	June-Aug	D	S	Dry Rock	Flowers blue-lavender to purple, rocky soil
Rose, Baldhip	<i>Rosa gymnocarpa</i> var.	1-4 ft.	June-July	D/M	S		Small pink flowers; small scarlet hips
Rose, Nootka	<i>Rosa nutkana</i> var.	3-6 ft.	May-July	M	S	Dry Rock	Large pastel pink flowers; large, red hips
Rose, Pearhip	<i>Rosa woodsii</i> var.	3-6 ft.	May-July	D	S	Dry Rock/ Medicinals	Pink flowers; large, dark red hips; spreads well.
Rose, Prickly	<i>Rosa acicularis</i> var.	3-6 ft.	June-Aug	M	S		Pink flowers; very spiny
Service Berry; Saskatoon	<i>Amelanchier alnifolia</i> var.	6-30 ft.	May-June	M/D	S	Young Forest	White flowers; dark blue berries; attracts birds
Snowberry	<i>Symphoricarpos albus</i>	4 ft.	May-Aug	D	S	Path	Pink flowers, white berries (poisonous) persist through winter;
Spiraea, Birch-Leaved	<i>Spiraea betulifolia</i> var.	10"-24"	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 ft.	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 ft.	June-July	D	S	Dry Rock	White flower clusters; grows on slopes; excellent fall color-leaves & berries
Syringa, Mockorange	<i>Philadelphus lewisii</i>	3-9 ft.	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 ft.	May-July	D/M	PS/Sh	Dry Rock	White flowers; edible fruit; spreads by rhizomes

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Twinberry, Black; Bearberry	<i>Lonicera involucrata</i>	3-9 ft.	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 ft.	May- July	M	S/PS	Moist Forest	Twin, yellow flowers. followed by twin red berries
Willow, Bebb's*	<i>Salix bebbiana</i>	1-15 ft.		W	S/PS		White catkins; grows in seeps
Willow, Drummond*	<i>Salix drummondiana</i>	6-12 ft.		M	S/PS		Long, oval-shaped leaves; tolerates poor soil; moist, water's edge
Willow, Geyer's*	<i>Salix geyeriana</i>	4-15 ft.		M	S		Catkins; holds shorelines
Willow, Pacific*	<i>Salix lasiandra</i>	3-27 ft.		W	S		Pale yellow catkins; medium shrub or small tree; holds shorelines
Willow, Sandbar*	<i>Salix exigua</i>	to 12ft.	May- June	W	S		Grows on sandbars
Willow, Sculer*	<i>Salix scouleriana</i>	7-33 ft.		D/M	S	Young Forest	Erect, clumped growth

PERENNIALS

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Alumroot, Round-Leafed	<i>Heuchera cylindrica</i> var.	6-20 in.	May- Aug.	D	S	Dry Rock/ Meadow	Cream flowers on spike- like clusters
Arnica, Broadleaf	<i>Arnica latifolia</i> var.	3-20 in.	All Summer	M	S/PS	Medicinal Garden	Bright yellow ray flowers
Arnica, Heart- Leaved	<i>Arnica cordifolia</i>	3-20 in.	May- Aug	M	S/PS	Medicinal Garden	Yellow, daisy-like flowers; leaves similar to trail plant
Aster, Showy	<i>Eurybia conspicua</i>	1-3 ft.	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 in.	July- Sept	D/M	S		Rose-purple to blue or violet, yellow center
Balsamroot, Arrowleaf	<i>Balsamorhiza sagittata</i>	12-18 in.	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 ft	May- Aug	M	S	Subalpine	Creamy flower cluster on tall stem; grass-like leaves in clumps; lily family

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Bedstraw, Fragrant	<i>Galium triflorum</i>	8-39 in.	May- June	M/W	PS/Sh		Tiny white flowers; reseeds; peat soil
Bergamot, Wild Beebalm	<i>Monarda fistulosa</i>	8-28 in.	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 ft.	Apr- June	D	S/PS		Yellow or purple flowers; rocky soil
Biscuitroot, Nine-leaf	<i>Lomatium tritermum</i>	8-32 in.	Spring	D	S		Yellow flowers; likes rocky soil
Biscuitroot, Salt & Pepper; Gorman's Desert-Parsley	<i>Lomatium gormanii</i>	4-10 in.	Early Spring	D/M	PS		Small white flowers (salt) w purple anthers (pepper); east exposure
Bitterroot	<i>Lewisia rediviva</i>	2-3 in.	Apr- July	D/M	S		Showy pink flower; well drained rocky soil
Blanketflower	<i>Gaillardia aristata</i>	8-27 in.	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 in.	Apr/ June	M	S/PS		Pink, clustered, bell shaped flowers turn blue
Bluebells	<i>Campanula rotundifolia</i>	6-20 in.	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 in.	May- Aug	D	S		Creamy white flower cluster; mat-forming, gray-green leaves
Buckwheat, Sulphur	<i>Eriogonum umbellatum</i>	2-12 in.	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 in.	Early Summer	M/W	S/Sh		Small pale yellow flowers
Buttercup, Sagebrush	<i>Ranunculus glaberrimus</i> var.	2-8 in.	Early Spring	D/M	S/PS		Yellow flowers; coniferous forests; vanishes in mid-summer
Camas, Common	<i>Camassia quamash</i>	12 in.	Apr/ July	M	S/PS	Riparian	Several blue-purple flowers per stem; like coarse grass; wet spring & dry summer soil
Cattail, Common	<i>Typha latifolia</i>	stems to 6 ft		W	S	Riparian	Dark brown blossoms become cottony when mature; organic soil; wet feet; rhizomes

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Cinquefoil, Graceful	<i>Potentilla gracilis</i> var.	1-2 ft.	Late Spring	D	S/PS		Yellow flowers; 5-fingered leaves; looks like "marijuana leaf"
Cinquefoil, Sticky	<i>Potentilla glandulosa</i> var.	6-16 in.	June-Aug	D/M	S/PS		Pale yellow flowers; 5-fingered leaves.
Clarkia, Pink Fairies	<i>Clarkia pulchella</i>	2-8 in.	May-June	M/D	S		Pink flowers; well-drained soil; annual; reseeds
Collomia, Narrow-leaved	<i>Collomia linearis</i>	4-15 in.	May-Aug	D/M	S		Small tubular pink flowers in dense cluster
Columbine, Red	<i>Aquilegia formosa</i>	8-28 in.	May-Aug	D/M	S/PS	Dry Rock	Drooping red sepals, yellow petals
Columbine, Yellow	<i>Aquilegia flavescens</i>	8-30 in.	June-Aug	M	S/PS		Yellow petals, yellow sepals may be tinged with pink; mountain meadows
Cow Parsnip	<i>Heracleum maximum</i>	3-7 ft.	June	M/W	S/Sh	Wetland	White flower clusters 4-12 in. across; maple-like, showy leaves
Fireweed	<i>Chamerion angustifolium</i> ssp. <i>angustifolium</i>	1-7 ft.	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 ft/	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 in	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 in.	June-July	W/M	Sh/PSH		Tiny, delicate white flowers on wiry stalks
Geranium, Cranesbill	<i>Geranium richardsonii</i>	16-35 in.	May-Sept	M	PS/Sh		White to pinkish flowers
Geranium, Sticky	<i>Geranium viscosissimum</i>	16-35 in.	May-Sept	D	S/Sh		Pinkish-purple flowers; grassy meadows
Goldenrod	<i>Solidago canadensis</i> var. <i>salebrosa</i>	12-70 in.	July-Oct	D/M	S/PS	Meadow	Dense clusters of showy yellow flowers
Grass Widow	<i>Olsynium douglasii</i> var. <i>inflatum</i>	6-10 in.	Early Spring	M	S/PS		Purple-blue flowers; iris-like leaves
Groundsel, Arrowleaf	<i>Senecio triangularis</i>	1-5 ft.	June-Sept	W	S/PS		Yellow composite flowers in flat topped heads

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Hollyhock, Mountain	<i>Iliamna rivularis</i>	3-6 ft.	June-Aug	M	S		Showy spikes of pink to white flowers; large, maple-like leaves; well-drained soil
Hooker's Fairbells	<i>Disporum hookeri</i>	1-3 ft.	Late Spring	M/W	S/Sh	Moist Forest	2-3 creamy flowers hang from stem ends; red berries in fall
Hyacinth, Wild	<i>Brodiaea douglasii</i>	6-10 in.	Apr-June	D	S/PS		Blue flowers clumped at the end of a long stem
Jacob's ladder	<i>Polemonium pulcherrimum</i>	2-15 in.	May-Aug	D/M	S		Blue flowers; in the Phlox family; reseeds readily
Larkspur, Montana	<i>Delphinium bicolor</i>	3-15 in./ 6-24 in.	Apr-July	D/M	S		Stalk of blue/purple, showy flowers; grassy prairies, coniferous forests
Larkspur, Nuttall's	<i>Delphinium nuttallianum</i>	6-16 in.		D	S/PS		Showy blue to violet flowers; open forest
Lily, Columbia; Tiger lily	<i>Lilium columbianum</i>	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	<i>Fritillaria lanceolata</i>	2 1/2 ft	April-June	M	S-PS		Purple-brown flowers mottled with green. Purchase corms
Lupine, Silky	<i>Lupinus sericeus</i>	8-24 in.	Spring	D	S	Meadow	Deep blue/purple flowers on erect stems
Lupine, Silvery	<i>Lupinus argenteus</i>	4-16 in.	Spring	D/M	S/PS	Meadow	Violet/blue flowers on erect stems; clumps
Meadowrue, Western	<i>Thalictrum occidentale</i>	1-3 ft.		M	S		Small white flowers in loose clusters at top of stems
Miner's Lettuce	<i>Claytonia perfoliata</i> (<i>Montia perfoliata</i>)	2-12 in.	Apr-July	M	PS/Sh		White to pink nodding flowers in a cluster above leaf disk
Miner's lettuce, Heart-leaved	<i>Claytonia cordifolia</i>	4-12 in.	May-Sept	W	PS	Moist Forest	Small white flowers with pink veins; grows along streams
Monkey Flower, Yellow	<i>Mimulus guttatus</i>	3 -36 in.	Summer	W	S/Sh		Yellow flowers; grows along streams
Nightshade, Dwarf Enchanter's	<i>Circaea alpina</i>	4-20 in.		M/W	Sh		Tiny flowers: showy leaves; cool, damp forest or wetland sites
Onion, Pink nodding	<i>Allium cernuum</i>	4 - 20 in.	June-July	D	S/PS	Medicinal	Pink to rose purple flowers; spreads by clumping

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Pearly Everlasting	<i>Anaphalis margaritacea</i>	1-3 ft.	July-Oct	D/M	S	Dry Rock	White flowers in dense clustered heads; good dried flower
Phalicia, Threadleaf	<i>Phacelia linearis</i>	3-20 in.	May-July	D	S		Lavender-blue flowers; annual; reseeds
Prairie Smoke	<i>Geum triflorum</i>	4-12 in.	May-July	D/M	S/Sh	Dry Rock	Pink to red flowers, lacy leaves; plumed seed pods; gravelly soil
Prince's Pine	<i>Chimaphila umbellata</i>	1 ft.	June-Aug	M	S/PS		Pink flowers on top of long stem; evergreen, rosette leaves
Shooting star, Woodland	<i>Dodecatheon pulchellum</i>	6-16 in.	Apr-Aug	M	S/Sh		2-15 pink flowers per stem; likes moist humus-rich soil
Skunk Cabbage	<i>Lysichiton americanus</i>	1-3 ft.	Apr-July	W	PS/Sh	Wetland	Spike of tiny yellow flowers surrounded by a yellow hood; bogs
Solomon's-Seal, False	<i>Maianthemum racemosum</i>	1-3 ft.	Apr-July	M	PS/Sh		White flowers; red berries; spreads by rhizomes
Solomon's-Seal, Star-flowered	<i>Maianthemum stellatum</i>	8-24 in.	May-June	M	S/PS		Small white flowers; rhizomes; moist, open forest
Stonecrop	<i>Sedum stenopetalum</i>	2-8 in.	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 in.	Apr-July	M	Sh		Yellow or white flowers in groups; black, needle-shaped seeds; licorice aroma; rich soil
Trailplant, Pathfinder	<i>Adenocaulon bicolor</i>	Up to 3 ft.	June-Sept	M	Sh		Tiny white flowers on multiple wispy stems; leaves light color underneath
Trillium	<i>Trillium ovatum</i>	1 ft.	Mar-June	M/W	Sh/PSH	Moist Forest	Three broad white petals on showy flower; three leaves
Twisted Stalk	<i>Streptopus amplexifolius</i>	1-3 ft.	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 ft.	June-Aug	M	S/PS		Pale pink fading to white flowers; feathery seed plumes; rhizomes
Violet, Early Blue	<i>Viola adunca</i> var.	4 in	Apr-Aug	D/M	S/PS	Dry Rock	Blue or purple flower

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Violet, Round-leaf	<i>Viola orbiculata</i>	to 2 in.	Apr-July	M	S/PS	Moist Forest	Yellow flower
Violet, Stream or Pioneer	<i>Viola glabella</i>	2 to 7.5 in.	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 in.	Summer	W	S/Sh		Large, yellow flowers and large leaves float on the surface of ponds 2-10 ft. deep or slow streams
Woodland Star; Prairie Star	<i>Lithophragma parviflorum</i> var.	8-20 in.	Apr-June	M	S/PS		Small, white flower
Yarrow	<i>Achillea millefolium</i>	6 - 24 in.	Aug - Oct	D/M	S		White flowers; leaves fern-like; re-seeds aggressively; fragrant
Yellow Bell	<i>Fritillaria pudica</i>	3-12 in.	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>Cryptopteris fragilis</i>	4-12 in.		D	S		Rocky sites; foothills to alpine
Cliff Fern	<i>Woodsia scopulina</i>	to 10 in.		D	PS		Rocky soil; dry cliffs; talus slopes
Crested Shieldfern	<i>Dryopteris cristata</i>	12-25 in.		M/W	PS/Sh	Interior Rain Forest	Wet woods; evergreen
Lady Fern	<i>Athyrium filix-femina</i>	2-5 ft.		M	PS/Sh	Interior Rain Forest	Leaves in vase-like clusters; spreads well by rhizomes
Oak Fern	<i>Gymnocarpium dryopteris</i>	3-14 in.		M	Sh		Spreads well by rhizomes; well-drained, acidic soil
Oregon Woodsia; Western Cliff Fern	<i>Woodsia oregana</i>	to 7.5 in.		D	PS		Rocky soil; dry cliffs; rocky slopes; clusters of leaves
Parsley Fern, Rockbreak	<i>Cryptogramma acrostichoides</i>	4-12 in.		M	S		Open, well-drained, rocky sites; parsley-like leaf clusters; evergreen
Sword Fern, Common	<i>Polystichum munitum</i>	2-4 ft.		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
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 ft.		D	S		Perennial bunch grass, leaves hairy above; drought tolerant
Blue Wildrye	<i>Elymus glaucus</i>	2-3 ft.	June-Aug	M/D	S	Meadow	Blue-green blades in small clumps; deciduous forest; wildlife forage
Bulrush, Hardstem	<i>Scirpus acutus</i>	2-10 ft.	June-Sept	W	S		Grayish-brown spiklets and stems; rhizomes; grows in water
Bulrush, Small-flowered	<i>Scirpus microcarpus</i>	to 4 ft.	Late summer	W	S		Wetland - roots need to be in water; triangular stems; forage for waterfowl
Bulrush, Softstem	<i>Schoenoplectus tabernaemontani</i>	2-4 ft.	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 ft	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 US; grows in all Canadian provinces) low to high elevations in wetlands

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Cusick's bluegrass	<i>Poa cusickii</i>						Widespread at low to high elevations in grasslands and alpine meadows
Fringed brome	<i>Bromus ciliatus</i>						Loosly tufted perennial common in mid to sub alpine 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 ft.		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 cernuum</i>						Moist forests, clearings and stream banks from low to sub alpine 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 ft.	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 sub alpine 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. <i>major</i> common at low to mid elevations in dry to moist forests and grasslands (county level not avail on USDA)

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
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 in.		W	S		Large clumps; rhizomes; wet feet
Sedge, Water	<i>Carex aquatilis</i>	3 ft.		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 in.		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 - 2ft.	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 in.	June	D/M	S		White flowers; ground hugging trailing shrub; edible berries; prickles
Bunchberry	<i>Cornus canadensis</i>	2-8 in.	Spring	M	PS	Moist Forest	White flowers; bright red berries; evergreen; cool acidic soils; spreads by rhizomes
Ginger, Wild	<i>Asarum caudatum</i>	2-4 in.	Apr.- July	M	Sh	Moist Forest	Hidden maroon flowers; fragrant; moist, rich, organic soil
Kinnikinnick	<i>Arctostaphylos uva-ursi</i>	6-10 in.		D	S/PS	Paths	Urn-shaped pink flowers, red berries; evergreen
Oregon Grape, Creeping	<i>Mahonia repens</i>	6-12 in.	Apr/ June	D/M	S	Path	Yellow flower clusters; blue berries; red leaves in fall; evergreen
Pussytoes, Rosy	<i>Antennaria microphylla</i>	2-18 in	June-Aug	M	PS	Subalpine	Pink/white flowers in tight heads; gray-green leaves form mats; moist forest
Pussytoes, Woods	<i>Antennaria racemosa</i>	4-24 in.	May-Aug	D/M	PS/Sh		White flowers; gray-green leaves form a mat; rhizomes
Self-Heal, Heal-All	<i>Prunella vulgaris</i>	4-20 in.	May-Sept.	M	PS/Sh		Pink to purple flowers in a dense head on short stems; spreads
Strawberry, Wild	<i>Fragaria virginiana</i> and <i>F. vesca</i>	2-6 in.	May-August	D/M	Sh-PS		White flowers; tasty, edible fruit; spreads easily by runners
Sweet-scented bedstraw	<i>Galium triflorum</i>	1-4 in.			PS	Low-subalpine	Vanilla fragrance. Small flowers.
Twinflower	<i>Linnaea borealis</i>	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	<i>Clematis columbiana</i>	2-15 ft. long	May- July	M	Sh	Moist Forest	Blue to lavender flowers; feathery, plumed seed pods; plant seed in fall
Clematis, White Virgin's Bower	<i>Clematis ligusticifolia</i>	up to 60 ft. 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	<i>Lonicera ciliosa</i>	6-18 ft.	May- July	D/M	PS	Arbor	Orange-yellow flowers; climbs; orange-red berries
Peavine, Creamy	<i>Lathyrus ochroleucus</i>	12-40 in	May- July	M/D	S/PS		Cream colored flowers; rhizomes; rocky, open forests; fixes nitrogen; deciduous

PART II - ADDITIONAL PLANT LIST

Non-native plants considered beneficial because they are: non-invasive, 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	<i>Pinus nigra</i>						
Bristlecone Pine	<i>Pinus aristata</i>						
Burr oak	<i>Quercus macrocarpa</i>						
Colorado blue spruce	<i>Picea pungens</i>						
Common hackberry	<i>Celtis occidentalis</i>						
Ginkgo tree	<i>Ginkgo biloba</i>						
Goldenrain Tree	<i>Koelreuteria paniculata</i>						
Green Ash	<i>Fraxinus pennsylvanica</i>						
Hawthorn	<i>Crataegus douglasii</i>						
Limber Pine	<i>Pinus flexilis</i>						
Narrowleaf Cottonwood	<i>Populus angustifolia</i>						
Oak	<i>Quercus sp.</i>						
Parrotia	<i>Parrotia persica</i>						
Plains Cottonwood	<i>P. deltoides</i>						
Red Maple	<i>Acer rubrum</i>						

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
Scotch Pine	<i>Pinus sylvestris</i>						

SHRUBS

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
American Cranberry Bush	<i>Viburnum sp.</i>						
American Plum	<i>Prunus americana</i>						
Blue Mist	<i>Caryopteris sp.</i>						
Chokeberry	<i>Aronia sp</i>						
Common juniper	<i>Juniperus communis</i>						
Common lilac	<i>Syringa vulgaris</i>						
Fothergilla	<i>Fothergilla sp.</i>						
Juniper	<i>Juniperus sp.</i>						
Oakleaf sumac	<i>Rhus trilobata</i>						
Pine	<i>Pine sp.</i>						
Redstem ceanothos	<i>Ceanothus sanguinus</i>						
Shrubby cinquefoil	<i>Dasiphora floribunda</i>						
Silver buffalo berry	<i>Sheperdia argentea</i>						
Staghorn sumac	<i>Rhus typhina</i>						
Virginia Sweetspire	<i>Itea virginica</i>						
Western sandcherry	<i>Prunus pumila</i>						

PERENNIALS

Common Name	Scientific Name	Height	Bloom	Moisture	Light	Arboretum	Notes
American vetch	<i>Vicia americana</i>						
Beardtongue	<i>Penstemon sp.</i>						
Black-eyed Susan	<i>Rudbeckia fulgida</i>						
Blanket Flower	<i>Gaillardia grandiflora</i>						
Blazing Star	<i>Liatrus sp.</i>						
Bluestar	<i>Amsonia sp.</i>						
Butterfly Weed	<i>Asclepias tuberosa</i>						
Coastal strawberry	<i>Fragaria chiloensis</i>						
Cone Flower	<i>Echinacea</i>						
Hyssop	<i>Agastache rupestris</i>						
Indian paintbrush	<i>Castilleja angustifolia</i>						
Larkspur	<i>Delphinium sp.</i>						
Lupine	<i>Lupinus sp.</i>						
Maximilian's Sunflower	<i>Helianthus maximiliana</i>						
Oregon Iris	<i>Iris tenax</i>						
Prairie Coneflower	<i>Ratibida columnifera</i>						
Yarrow	<i>Achillea sp.</i>						
Yucca	<i>Yucca glauca</i>						

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	<i>Juncus balticus</i>						
Beaked Sedge	<i>Carex utriculata</i>						
Big-leaf Sedge	<i>Carex amplifolia</i>						
Common or Soft Rush	<i>Juncus effusus</i>						
Green needle grass	<i>Nassella viridula</i>						
Hard fescue	<i>Festuca trachyphylla</i>						
Inflated Sedge	<i>Carex vesicaria</i>						
Jointed Rush	<i>Juncus articulatis</i>						
Nebraska Sedge	<i>Carex nebraskensis</i>						
Prairie june grass	<i>Koeleria macrantha</i>						
Sheep fescue	<i>Festuca ovina</i>						
Small-winged Sedge	<i>Carex microptera</i>						
Softstem Bulrush	<i>Scirpus validus</i>						
Thickspike wheatgrass	<i>Elmus lanceolatus</i>						
Three-square Bulrush	<i>Scirpus pungens</i>						
Western wheatgrass	<i>Pascopyrum smithii</i>						
Woolgrass	<i>Scirpus cyperinus</i>						
Wooly Sedge	<i>Carex lanuginosa</i>						