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CHAPTER I - PURPOSE, AUTHORITY, AND GENERAL PROVISIONS

A. What This Chapter Does. This chapter briefly states the purpose of this ordinance, identifies the enabling statute pursuant to which it is adopted, repeals conflicting ordinances, establishes vested rights for certain developments approved prior to its adoption, and establishes rules for the continuation of existing uses and buildings that do not conform to its requirements. This chapter also establishes rules for the interpretation of this ordinance.

Division 1 - Purpose and Authority

B. Purpose. The purpose of this ordinance shall be to promote the health, safety, and general welfare of the people of the City of Hauser and the surrounding area of city impact by fulfilling the purposes and requirements of the Local Planning Act of 1975 and implementing the *Hauser Lake Comprehensive Plan*. Specific statements of purpose accompany selected provisions of this ordinance, but the policy basis for its requirements is found in the comprehensive plan.

C. Authority. This ordinance is adopted pursuant to the authority granted by the Local Planning Act of 1975, as subsequently amended. It includes the zoning ordinance required by I.C. 67-6511 and the subdivision ordinance required by I.C. 67-6513. It also fulfills other requirements of the Local Planning Act, including the provision for variances required by I.C. 67-6516, the adoption of procedures for processing permits required by I.C. 6519, and the adoption of a hearing procedure required by I.C. 67-6534.

Division 2 - Transition from Previous Regulations

D. Conflicting Ordinances. All prior ordinances are repealed to the full extent of their inconsistency with this ordinance.

E. Vested Rights. Vested rights insulate developments from the potentially adverse impacts of changing regulations.

1. A vested right to proceed with development initiated prior to the adoption of this ordinance may be established by:

a. having obtained a building permit in compliance with all provisions of the previous regulations (such vested rights expire with the permit or, where construction has not been diligently pursued, two years after the effective date of this ordinance); or

b. having recorded a final plat or obtained final approval of a preliminary plat in compliance with all provisions of the previous regulations. Prior recording of a final plat establishes a vested right to develop and sell lots precisely as they are described on that plat. The development or subsequent division of the lots must comply with this ordinance. Prior approval of a preliminary plat establishes a vested right to proceed with final platting and development of the subdivision precisely as it was approved. Such vested rights expire with the preliminary plat approval or, if a final plat has not been recorded, two years after the effective date of this ordinance. The development or subsequent division of the lots must comply with this ordinance.

2. Vested rights to proceed with development initiated in compliance with this ordinance (which may, of course, be amended) may be established only by obtaining a Class I or Class II permit in compliance with its requirements. Such vested rights expire with the permit or, where such an agreement is approved, the development agreement. Vested rights are established for a development precisely as it was approved. Any change

from the approved plans must be in compliance with the current version of this ordinance.

F. Nonconforming Uses and Buildings. A nonconforming use or building complied with the regulations that existed at the time of its development, but would not comply with this ordinance, if submitted for approval after its effective date. Nonconforming uses and buildings may continue subject to the requirements established here.

1. There shall be no limit on the maintenance and repair of nonconforming uses or buildings, provided that no such activity increases the degree of nonconformity. No repair or maintenance activity that has the potential to increase sewage flows will be permitted until the existing sewage disposal facilities are brought into compliance with current design standards.

Comment: These rules allow substantial flexibility for proprietors of nonconforming uses, but emphasize water quality by conditioning the exercise of that flexibility on compliance with current standards for sewage disposal. Successful enforcement of this sub-paragraph will be possible only if the city/county also enforces the UBC, which requires a permit for major repairs or remodelings, thus allowing the city/county to catch repair and remodeling work that will potentially increase sewage flows.

2. The use of a nonconforming commercial or industrial building or site may be changed, but only where: a. the new use is no more intense (with intensity measured by anticipated traffic generation, anticipated noise generation, the number of parking spaces required, the number and size of signs proposed, and similar factors) than the existing, b. the degree of nonconformity is in no way increased, and c. the existing sewage disposal facilities are brought into compliance with current design standards. Requests for changes in nonconforming uses shall be processed as applications for Class II permits, with compliance with a., b., and c. of this sub-paragraph added to the determinations made on the Class II permit checklist.

3. Nonconforming buildings may be replaced, but only where: a. the degree of nonconformity is in no way increased and b. the existing sewage disposal facilities are in compliance with applicable Panhandle Health District and DEQ regulations and policies. Nonconforming buildings that have been destroyed by fire or other catastrophe may be replaced upon approval of a Class I permit, with compliance with a. and b. of this sub-paragraph added to the determinations made by the administrator in determining whether or not to approve the application for such a permit. Other requests for the replacement of nonconforming buildings shall be processed as applications for Class II permits, with compliance with a. and b. of this sub-paragraph added to the determinations made on the Class II permit checklist. Any repair, rehabilitation, replacement, or demolition must meet the requirements of all other adopted codes and ordinances.

Comment: A permit cannot be issued unless the proposed development is in full compliance with this ordinance. So, replacement of a home on a nonconforming lot (which would be, by far, the most common situation in the Hauser Lake Planning Area) must either comply with the setback, clear vision, and other relevant performance standards, OR obtain a variance. [Amended by Ordinance No. 107.]

G. Private Agreements. Adoption of this ordinance does not nullify easements, covenants, and similar private agreements, but where any such agreement imposes requirements less restrictive than those adopted here, the requirements of this ordinance shall apply.

Division 3 - Interpretation

H. Most Restrictive Standards. If future ordinances, or state or federal law, impose additional requirements on activities governed by this ordinance, the most restrictive shall apply.

I. Burden of Proof. The burden of demonstrating compliance with this ordinance rests with the developer.

J. These Requirements Minimum. All requirements of this ordinance shall be interpreted as the minimum necessary to protect the public health, safety, and general welfare, and implement the Local Planning Act and the *Hauser Lake Comprehensive Plan*. This ordinance is designed for consistency with the comprehensive plan and should be liberally construed to achieve the purposes and intent of that plan.

K. Severability. If any requirement of this ordinance, or the application of this ordinance to particular circumstances, is held to be invalid by a court of competent jurisdiction, the remaining requirements, or the application of the ordinance to other circumstances, shall remain unaffected.

L. Effective Date. This ordinance will become effective upon adoption and publication, as required by I.C. 50-901 and 902.

CHAPTER II - PLANNING AND ZONING COMMISSION/ADMINISTRATOR

A. What This Chapter Does. This chapter establishes a city planning and zoning commission and provides for the appointment of a planning and zoning administrator.

B. Planning and Zoning Commission. A planning and zoning commission is established, as authorized by I.C. 67-6504. I.C. 67-6504(a) requires that all commission members shall have resided in Kootenai County, Idaho for at least two years prior to their appointment.

1. The commission shall consist of 7 members appointed by the mayor, with the consent of the council.

2. As required by I.C. 67-6526(f), the number of commission members residing within the city and within the area of city impact shall be proportional to the total population residing within the city and within the area of city impact.

Housing counts resulting from the current land use survey conducted as part of the city's planning effort suggest that the proper proportional shares in 1992 are one-third, city, two-thirds, area of city impact. It is noted that the number of commission members from outside the city limits may change as annexation occurs.

3. Commission members shall serve terms of three years, except those members initially appointed, who shall serve staggered terms, as set by lottery, in order to provide for the annual appointment of at least one member.

C. Duties of Commission. The commission shall, as required by I.C. 67-6508, "conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan" for the city. The commission shall exercise all powers granted it by the Local Planning Act and fulfill all duties assigned by this ordinance.

D. Administrator. The mayor shall, with the consent of the council, appoint a planning and zoning administrator, who shall perform the following duties:

1. assist members of the public in understanding the applicability and requirements of this ordinance;

2. receive applications for permits required by this ordinance, accepting only complete applications, as required by III.F.;

3. review applications for Class I permits for compliance with this ordinance and approve or disapprove such applications following the procedure established in III.I.;

4. prepare reports on, or arrange for the professional review of, applications for Class II permits, following the procedure established by III.J.;

5. assist the commission, council, and BOCC in setting meeting agendas and provide proper notice of all public hearings required by this ordinance;

6. issue certificates of compliance, based on site inspections, enforce the provisions of development agreements, and investigate possible violations of this ordinance;

7. properly account for all fees collected in the administration of this ordinance and prepare monthly and annual reports of development activity in the Hauser Lake Planning Area; and

8. perform all other duties assigned by this ordinance, and assist the commission in the execution of its duties.

This ordinance will not work without a competent administrator. Hausers best strategy is probably to retain a part-time administrator. Contracting with a larger local government for administrative services would have some appeal, if an agency with the competence to administer an ordinance of this sophistication can be found.

E. Individual Liability. No commission or council member, mayor, or city employee or contractor who acts in good faith and without malice in a role established by this ordinance shall be held liable for errors or omissions in its administration. Any suit brought against such an individual shall be defended by the city, and any judgment resulting from such a suit shall be a liability of the city.

CHAPTER III - ADMINISTRATIVE PROCEDURES

A. What This Chapter Does. This chapter requires a permit for all land development and building activity in the city and the surrounding area of city impact and establishes the procedures necessary for the administration of this ordinance.

Division I - Permits Required

B. Permit Required. A permit shall be required for any division of land; any clearing, grading, construction, reconstruction, development, or re-development; and any change in land use, except as specifically exempted by III.C., D., and E.

1. A Class I permit shall be required for: a. any lot split or land division not exempted by III.D.; b. the construction of a single family dwelling; c. the establishment of a home occupation; d. the construction or installation of any accessory building or fence not exempted by III.E.; e. any minor change of use in an existing commercial or industrial site or building; f. any other development activity that is not exempted by III.C., D., or E., but does not require a Class II permit, and g. any clearing, grading, or excavation in preparation for any of the activities listed in a. through f. of this sub-paragraph. The Class I permit procedure is found at III.I.

2. A Class I permit shall also be required for certain activities that would otherwise be exempted by III.E., but are located within a lakeshore or stream corridor established by this ordinance. See III.E.6. and 7.

3. A Class II permit shall be required for: a. any division of land not exempted by III.D.; b. any modification of a stream or lakeshore corridor established by this ordinance, except those limited modifications that are exempt, or for which a Class I permit is acceptable (see III.B.2.), including any clearing, grading, or excavation, and shoreline or channel stabilization; c. the construction of any high density residential development, including attached dwellings and manufactured home parks; d. the construction or establishment of any commercial or industrial development, including any major change in use in an existing commercial or industrial site or structure, and e. any clearing, grading, or excavation in preparation for any of the activities listed in a. through e. of this sub-paragraph. The Class II permit procedure is found at III.J.

C. Statutory Exemptions.

1. As provided by I.C. 38-1302(3), forest practices are exempt from the requirements of this ordinance.

2. As provided by I.C. 67-6529, the production of crops and livestock on agricultural lands in the area of city impact is exempt from the requirements of this ordinance. As also provided by I.C. 67-6529, the term "agricultural lands" shall be defined to encompass all lands in the Rathdrum Prairie Zoning District established in IV.B. The comprehensive plan encourages continued agricultural production in that zoning district. Other agricultural lands are defined at Chapter VI, Section N. [Amended by Ordinance No. 107.]

D. Exemptions for Land Divisions. Exemption of a land division does not exempt the development of the parcel created from compliance with this ordinance. No permit shall be required for:

1. land divisions resulting from condemnation proceedings, voluntary sales or gifts of land for a public purpose, or court decrees ordering the creation of a specific parcel;

2. any land division in which all resulting parcels are 160 or more acres in size, or

Comment: Given the change in the density factor for the Upper Watershed, it is consistent to require public review of all land divisions of 160 acres or less in size. It should be noted that this requirement can be enforced only by regular review of all property transactions recorded in the planning area.

3. any adjustment of property boundaries in which no new parcel is created and from which no nonconforming lot, parcel, use, or building results.

E. Exemptions for Development Activity. The activities listed here are not exempt from any applicable requirement of this ordinance, except the requirement for a permit. No permit shall be required for:

1. the production of agricultural commodities (III.C.2. exempts agricultural production from all requirements of this ordinance in a portion of the area of city impact);

2. clearing, grading, or excavation for the installation or maintenance of residential grounds and gardens;

3. repairs or remodeling that does not alter the exterior dimensions of the structure involved by more than six inches (note that the UBC and/or state electrical and plumbing codes may require a permit for such activities);

4. the construction or installation of fences of eight feet or less in height (note that fences must comply with the requirements of this ordinance for clear sight triangles at points of access to public roads);

5. certain signs, as provided in Appendix A.

6. the construction or installation of accessory buildings that are exempt from review for compliance with the UBC and agricultural outbuildings, including silos, granaries, and similar farm structures, except where such buildings or structures are within a lakeshore or stream corridor established by this ordinance; and

7. minor utility installations, except where such installations are within a lakeshore or stream corridor established by this ordinance.

8. A demolition permit may be required at the discretion of the Uniform Building Code compliance official in accordance with the standards of the Uniform Building Code. [Added by Ordinance No. 107.]

F. Application Forms. Applications for permits shall be submitted on forms provided by the city, and all applications shall include a site plan (see IX. BBB. for the contents of a site plan). All information, including the site plan, and other maps, plans, drawings, tabulations, and calculations, and all agency and government signatures called for on those forms shall be required for a complete application, and no incomplete application shall be accepted. The administrator may require submission of multiple copies of application forms and supporting materials.

G. Application Fees. Application fees for each type of permit established by this ordinance shall be established by resolution of the council.

H. Site Inspection. The filing of an application for a permit constitutes permission for the city to conduct inspections of the proposed development site during its consideration of the application. The administrator may delay consideration of any application when inclement weather or a snowpack prevents a useful site inspection.

Division 2 - Permit Procedures

I. Class I Permit Procedure. The Class I permit procedure provides for the prompt review of minor developments, while ensuring that they have no significant adverse impact on environmental quality, neighboring uses, or public facilities and services. The Class I permit procedure shall be as follows.

1. The developer shall file a properly completed permit application form, the required supporting materials, and the required application fee with the administrator.

2. The administrator shall determine whether the proposed development is in compliance with this ordinance. If the proposed development complies, the application for a permit shall be approved. Conditions may be attached to the approval of any permit, as provided in III.K. If the proposed development does not comply, the application for a permit shall be rejected. Where the proposed development is part of a larger development for which a Class II permit was previously approved, the administrator shall also determine whether it is in compliance with the previously approved development plan and all conditions attached to that plan's approval.

3. The administrator shall notify the developer of the decision within 10 days.

4. The administrator's decision may be appealed to the commission using the procedure of III.N. To initiate appeal proceedings, a notice of appeal must be filed with the administrator within 10 days after notice of the decision has been issued. Developers proceed at their risk during the appeal period.

J. Class II Permit Procedure. The purpose of the Class II permit procedure is to assure effective regulation of developments that could have significant impacts on environmental quality, neighboring uses, or public facilities and services. The Class II permit procedure, which incorporates both the special use permit procedures authorized by I.C. 67-6512 and the review of proposed subdivisions authorized by I.C. 67-6513, shall be as follows.

1. The developer shall file a request for sketch plan review with the administrator (see IX.CCC. for the contents of a sketch plan).

a. The administrator shall place the sketch plan on the agenda of the next regular commission meeting at which time will permit its proper review.

b. The commission shall conduct a sketch plan review. A sketch plan review is not a regulatory proceeding, but an opportunity for the commission to be made aware of the impending proposal, and for the developer to be made aware of possible questions and the applicable requirements of this ordinance.

2. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.

3. The administrator shall place a hearing on the application on the agenda of the next regular commission meeting for which the notice requirements of III.J.5. can be met, and at which time will permit its proper review.

4. The administrator may contract for professional review of the application, with the cost of that review to be paid by the developer in

addition to the application fee. Such reviews shall be prepared in the form of a written report submitted to the administrator for use at the hearing. The administrator shall, upon its receipt, provide a copy of this report to the developer and place it on file for public review with the other application materials. [Amended by Ordinance No. 107.]

5. The content of all hearing notices shall comply with the requirements of III.L. Notice for a Class II permit hearing shall be provided as follows:

a. by certified mail, at least 15 days prior to the hearing: to all owners of real property within 300 feet of the site, except as provided in III.J.5.e.;

b. by newspaper publication: one legal notice shall appear in the city's official newspaper at least 15 days prior to the hearing;

c. by first class mail, at least 15 days prior to the hearing: to all potentially affected public agencies, specifically including the potentially affected fire department and school district; and to other interested parties who have requested, in writing, that the administrator provide them with notice of all hearings required by this ordinance (the city may elect to charge a fee for this service); and

d. by posting: a sign shall be placed on the site at least seven days before the hearing. Where the administrator determines that so doing will provide more effective notice, the sign may be placed at a point of access to the site.

e. Where more than 200 certified mail notices would be required, the administrator may limit certified mail notice to the nearest 199 property owners, while providing all other forms of notice required by this ordinance.

6. The commission shall conduct a hearing on the application following the procedure established in III.P. No application shall be reviewed if the developer or a representative is not present.

7. The commission shall determine whether the proposed development is in compliance with the comprehensive plan and this ordinance. If the proposed development complies, the application for a permit shall be approved. Conditions may be attached to the approval of any permit, as provided in III.K. If the proposed development does not comply, the application for a permit shall be rejected. Where the proposed development is part of a larger development for which another Class II permit was previously approved, the commission shall also determine whether it is in compliance with the previously approved development plan and all conditions attached to that plan's approval.

8. The administrator shall notify the developer and interested parties of the commission's decision within 10 days.

9. The commission's decision may be appealed as follows:

a. within the city limits: to the council, using the appeals procedure of III.N., or

b. within the area of city impact or within one mile of the city limits if no area of city impact has been negotiated: to the city council or to the entity or entities designated in a negotiated and duly adopted area of city impact ordinance, using the appeals procedure of III.N.
[Amended by Ordinance No. 107.]

c. To initiate appeal proceedings, a notice of a appeal must be filed with the administrator within 10 days after notice of the decision has been issued. Developers proceed at their own risk during the appeal period.

10. The developer of a subdivision may file a final plat with the administrator at any time after the Class II permit is approved. Phased final platting may be permitted by a development agreement: see Chapter VII.

a. The administrator shall place the final plat on the agenda of the next commission meeting.

b. No public notice or hearing is required before approval of a final plat, but no final plat shall be reviewed if the developer or a representative is not present.

c. The commission shall review the final plat and determine whether it is in compliance with the Class II permit, the comprehensive plan, and this ordinance. If it finds that the final plat complies, the commission shall recommend that it be approved by the council. If it finds that the final plat fails to comply, it shall recommend that it not be approved by the council. For subdivisions located within an area of city impact whose boundaries were negotiated with Kootenai County and adopted by ordinance, the recommendations shall be made to the entity or entities designated in the area of city impact ordinance. Conditions may be attached to approval of a final plat, as provided in III.K. [Amended by Ordinance No. 107.]

d. Unless it is withdrawn by the developer, the administrator shall place review of the final plat on the agenda of the next regular council meeting at which time will allow its proper consideration.

e. The council shall take due notice of the commission's recommendation in determining whether the final plat is in compliance with the Class II permit, the comprehensive plan, and this ordinance. If the council finds that the final plat complies, it shall approve that plat. Conditions may be attached to approval of a final plat, as provided in III.K. If the council finds that the final plat fails to comply, it shall reject that plat.

f. The administrator shall notify the developer and interested parties of the council's decision within 10 days.

g. Plats within one mile of the city limits if no area of city impact has been negotiated with Kootenai County, must also be approved by the BOCC. The council and BOCC may choose to conduct joint proceedings on a final plat. For subdivisions located within a area of city impact whose boundaries were negotiated with Kootenai county and adopted by ordinance, approval shall be as designated in the area of city impact ordinance. [Amended by Ordinance No. 107.]

K. Conditions. Conditions may be imposed on the approval of any permit or variance, provided that:

1. those conditions are clearly designed to assure compliance with one or more specific requirements of this ordinance; and

2. a list of the conditions imposed is provided to the developer with notification of the decision. That list shall specifically identify the provision of this ordinance the condition is designed to implement.

L. Hearing Notices. All required notices shall provide the following information (for model notices, see Appendix B): 1. name and mailing address of the developer; 2. legal description of the development site; 3. address of the development site, or another general description by which the public can locate it; 4. present land use at the site; 5. proposed use and, for subdivisions, the proposed number of lots and average lot size; 6. body (commission, council, or BOCC) that will conduct the hearing; 7. date, time, and place of the hearing; 8. when and where application materials are available for review, and 9. "PUBLIC COMMENT IS ENCOURAGED."

M. Approvals Valid for 180 Days. Permits shall be valid as prescribed in the current edition of the Uniform Building Code or, if there is no provision therein for the particular permit issued, for 180 days from the date of approval, with one maximum 180 day extension available for commencement of development at the discretion of the Code Administrator, and additional extension available for completion of development timely commenced upon a showing of good cause for inability to complete. The time period may be modified by a development agreement, as provided in Chapter VII. [Amended by Ordinance No. 100, effective February 14, 1994.]

Division 3 - Appeals and Variances

N. Appeals. Any decision of the administrator or commission may be appealed using the procedure described here. Appeals from decisions of the administrator are heard by the commission. Appeals from decisions of the commission are heard by the council. Appeals concerning development which is located within an area of city impact negotiated with Kootenai County shall be in accordance with the negotiated and duly adopted area of city impact ordinance. [Amended by Ordinance No. 107.]

1. The appellant shall file a properly completed notice of appeal, the required supporting materials, and the required appeal fee with the administrator.

2. The administrator shall place a hearing on the appeal on the agenda of the next regular commission, council, or BOCC meeting for which the notice requirements can be met, and at which time will permit its proper consideration. Notice requirements for an appeal shall be the same as for the original permit application.

3. The commission, council, or BOCC shall conduct a hearing on the appeal following the procedure established in III.P. No appeal shall be heard if the appellant or a representative and, when the appellant is not the developer, the developer or a representative is not present.

4. The commission, council, or BOCC shall determine whether the decision being appealed was correct, as measured by its compliance with the comprehensive plan and this ordinance, and affirm, modify, or overturn that decision accordingly.

5. The administrator shall notify the appellant and interested parties, including the developer, if the developer was not the appellant, of the decision within 10 days.

O. Variances. Variances provide relief for owners who, due to some unique physical limitation on the use of their land, would have no beneficial use of that property if this ordinance is strictly applied. Applications for variances shall follow the procedure described here. Applications for variances may be combined and processed with applications for Class II permits, with the items included in sub-paragraph 4. of this paragraph added to the list of determinations on the Class II permit checklist. Where such a combination is made, the hearing notice must describe the proposed variance and cite the section of this ordinance from which the variance is requested.

1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator. The administrator may contract for professional review of the application, with the cost of that review to be paid by the developer in addition to the application fee. [Amended by Ordinance No. 107.]

2. The administrator shall place a hearing on the variance on the agenda of the next regular commission meeting for which the notice requirements can be met and at which time will allow its proper consideration. Notice requirements for a variance hearing shall be the same as for a Class II permit hearing.

3. The commission shall conduct a hearing on the proposed variance following the procedure established in III.P. No application for a variance shall be reviewed if the developer or a representative is not present.

4. The commission may approve a variance only upon finding that:

a. the need for the variance results from physical limitations unique to the lot or parcel on which it is requested;

b. failure to approve the variance will result in undue hardship because no reasonable conforming use of the lot or parcel is possible without a variance

c. the alleged hardship has not been created by action of the owner or occupants;

d. approval of the variance will not create a nuisance, harm adjoining properties or the neighborhood, or have an adverse affect on implementation of the comprehensive plan; and

e. the variance approved is the minimum relief from the requirements of this ordinance necessary to permit a reasonable conforming use.

f. Conditions may be attached to the approval of a variance, as provided in III.K.

5. The administrator shall notify the developer and interested parties of the commission's decision within 10 days.

6. The commission's decision may be appealed to the council using the procedure of III.N. or, within an area of city impact that has been negotiated with Kootenai County, in accordance with the duly adopted Area of Impact Ordinance. To initiate appeal proceedings, a notice of appeal shall be filed with the administrator within 10 days after notice of the decision has been issued. Developers proceed at their own risk during the appeal period. [Amended by Ordinance No. 107.]

Division 4 - Hearing Procedures

P. Hearing Procedure. This procedure shall be followed in all hearings before the commission, council, or BOCC. [Amended by Ordinance No. 107.]

1. The presiding officer shall announce the purpose and subject of the hearing.

2. The presiding officer shall determine whether proper notice of the hearing has been provided. If proper notice has not been provided, the hearing shall be re-scheduled.

3. The presiding officer shall ask if any member wishes to declare a conflict of interest, as defined by I.C. 67-6506, in the matter to be heard, and excuse anyone who declares such a conflict from participation in the hearing.

4. The presiding officer shall ask the administrator to present a report on the proposal being considered.

5. The presiding officer shall direct questions from members to the administrator. Questions asked at this time shall be solely for the purpose of clarifying the location and nature of the proposed development.

6. The presiding officer shall remind those present that all statements given must address the merits of the proposed development as measured by its compliance or lack of compliance with the comprehensive plan and this ordinance.

7. The presiding officer shall request a statement from the developer or his/her representative, or in the case of appeals hearings, the appellant or his/her representative. Members may ask questions following this statement, with all questions and replies directed through the presiding officer.

8. Following the statement of the developer or appellant, the presiding officer shall ask for statements from the public. Anyone giving a statement shall begin by stating his or her name and mailing address. Members may ask questions following this statement, with all questions and replies being through the presiding officer.

9. When all statements have been given, the presiding officer shall ask if anyone who gave a statement wishes to speak in rebuttal to other statements or to clarify his or her statement. Questions from members may follow each rebuttal or clarification.

10. The presiding officer shall close the public hearing and call for discussion, resulting in action, as provided by this ordinance.

11. Written statements, plans, photographs, and other materials offered in support of statements at a hearing are part of the hearing record and shall be retained by the city.

Q. Additional Hearing Procedures. These procedures may be used, without prior notice, to facilitate the conduct of large or controversial hearings.

1. In order to allow everyone an opportunity to speak, and to ensure completion of the agenda, time limits may be imposed on the statements given.

2. Anyone who wishes to make a statement may be required to register his or her intention to do so with the administrator before the hearing. The presiding officer shall then use the register to call upon persons to present their statements.

R. Hearings To Be Taped. As required by I.C. 67-6536, the administrator shall keep a tape record of all hearings on file for at least six months after the final hearing, including appeals hearings, on the development.

S. Decision Record. All decisions shall be reported in the form of findings of fact and conclusions of law, as required by I.C. 67-6535. Findings of fact may be established by reference to the application materials, the report prepared by the administrator, and testimony from the hearing. Conclusions of law shall be reported in the form of a performance checklist.

T. Decision Deadline. As required by I.C. 67-6519, this section establishes a "reasonable time" for deliberation on applications by the commission. The commission shall make a decision on any application for a permit within 35 days after the hearing or, when no hearing is required, the meeting at which the application first appeared on the commission's agenda. Submission of an incomplete application requires no action. Applications for which a large-scale development study is required are not complete and subject to action until that study is complete.

Division 5 - Enforcement

U. Failure to Obtain a Permit. When the administrator becomes aware of an activity for which a permit is required by this ordinance, but for which no permit has been approved, he or she shall order the occupant (and owner, if they are not the same) to immediately cease the unpermitted activity. Notice of this order shall be given by delivery to the site and/or certified mail. If the unpermitted activity does not cease, the administrator shall direct the city attorney to take action, as authorized by I.C. 67-6527, to end the unpermitted activity and, if a permit is not subsequently issued, to require restoration of the site to its original condition. Required restoration shall include restoration of vegetative cover where sites have been cleared or graded in violation of this ordinance.

V. Certificate of Compliance. A certificate of compliance is issued when a site inspection finds that the development complies with this ordinance and any conditions imposed upon its approval. Issuance of a certificate of compliance shall not be construed as approval of any violation of this ordinance that was not discovered during the inspection.

1. A certificate of compliance shall be issued before any land division is offered for sale, lease, or occupancy; sold, leased, or occupied; or occupied in any way. Offering lots for sale, lease, or occupancy, or selling, leasing or occupying a lot or building without a certificate of compliance shall be a violation of this ordinance.

2. A temporary certificate of compliance may be issued to permit temporary use of a building when weather prevents the completion of landscaping or similar improvements. No temporary certificate of compliance shall be valid for more than 180 days.

W. Enforcement Actions. The procedure for enforcement of this ordinance shall be as follows:

1. The administrator shall notify the occupant (and owner, if they are not the same) of the violation by certified mail and/or delivery to the site. The notice shall describe the violation, cite the section of this ordinance being violated, and order the occupant and/or owner to attain compliance within 30 days.

2. Any person who receives a notice of violation may request inspection by the administrator to show that compliance has been attained within the 30 days allowed or: a. file a written request with the administrator for an extension of time to attain compliance, with such extensions limited to a maximum of 60 days and culminated by an inspection to show that compliance has been attained; or b. file an appeal of the administrator's notice, following the procedure of III.N.

3. The administrator, after City Council approval, shall direct the city attorney to commence legal action, as authorized by I.C. 67-6527, against any occupant or owner who fails to attain compliance within the specified time, or to show, on appeal, that a violation has not occurred. [Amended Ordinance No. 107.]

X. Public Endangerment. The enforcement procedure provided by III.W. may be accelerated when the administrator finds that public health and safety are potentially endangered by a violation. In such cases, the administrator shall direct the city attorney to take immediate action to end the danger to public health and safety.

Y. Penalties. Violations of this ordinance shall be a misdemeanor, punishable by a fine in any amount not exceeding \$300.00, or by imprisonment for a period of not longer than 30 days, or by both fine and imprisonment. Each day in which a violation continues may be considered a separate offense.

Division 6 - Amendments

Z. Amendments. Any person may petition for the amendment of the comprehensive plan or this ordinance. Amendment proceedings may also be initiated by the commission, on its own motion, or at the direction of the council. The amendment procedure shall be as described here.

1. The developer shall file a properly completed application form, the required supporting materials, and the required application fee with the administrator.

2. The administrator shall place a hearing on the application on the agenda of the next regular commission meeting for which the notice requirements can be met and at which time will allow its proper consideration. Notice requirements shall be as follows:

a. for amendments to the text of the comprehensive plan or this ordinance: as required by I.C. 67-6509, and

b. for zoning map amendments: the same as for a Class II permit (see III.J.5.).

3. The administrator may contract for professional review of the application, with the cost of that review to be borne by the developer in addition to the application fee. Such reviews shall be prepared in the form of a written report submitted to the administrator for use at the hearing. The administrator shall, upon its receipt, provide a copy of this report to the developer and place it on file for public review with the other application materials. [Amended by Ordinance No. 107.]

4. The commission shall conduct a hearing on the proposed amendment following the procedure established in III.P. No application for an amendment shall be reviewed if the developer or a representative is not present. At the hearing:

a. for comprehensive plan amendments: the commission shall determine whether the proposed amendment is consistent with the public interest, and recommend that the council and BOCC approve or disapprove it accordingly, or

b. for amendments of this ordinance: the commission shall determine whether the proposed amendment is consistent with the comprehensive plan, and recommend that the council, or entities as specified in a negotiated and duly adopted area of city impact ordinance, approve or disapprove it accordingly. [Amended by Ordinance No. 107.]

5. The administrator shall convey the commission's recommendation to the council and, unless the application is withdrawn, place a hearing on the application on the agenda of the next regular council meeting for which the notice requirements can be met and at which time will allow its proper consideration. Notice shall be provided in the same manner as for the hearing before the commission.

6. The council shall conduct a hearing on the proposed amendment following the procedure established in III.P. No application for an amendment shall be reviewed if the developer or a representative is not present. At the hearing the council shall take due notice of the commission's recommendations and

a. for comprehensive plan amendments: determine whether the proposed amendment is consistent with the public interest and approve or disapprove it accordingly, and

b. for amendments to this ordinance: determine whether the proposed amendment is consistent with the comprehensive plan and approve or disapprove it accordingly.

7. The administrator shall notify the developer and interested parties of the council's decision within 10 days, but no amendment to this ordinance becomes effective until it has been adopted as an ordinance and published, as required by law.

8. Amendments affecting, or potentially affecting the area of city impact, must be approved following the procedure established in sub-paragraphs 5 through 7 of this paragraph, or as specified in a negotiated and duly adopted area of city impact ordinance. [Amended by Ordinance No. 107.]

Division 7 - Vacation of Subdivisions

AA. Vacation of Subdivisions. Requests for the vacation of subdivision plats shall follow the procedure provided in I.C. 50-1306A, except that, prior to conducting the required public hearing, the council or BOCC shall refer the proposed vacation to the commission for its review and recommendation.

CHAPTER IV - ZONING DISTRICTS AND MAP - FUTURE ACQUISITIONS MAP

A. What This Chapter Does. This chapter establishes zoning districts in the City of Hauser and the surrounding area of city impact, adopts an official zoning map, and provides a procedure for the interpretation of zoning district boundaries. It also establishes a future acquisitions map, as permitted by I.C. 67-6517.

Division 1 - Zoning Districts and Map

B. Zoning Districts. The following zoning districts and their boundaries, as shown on the *Zoning Map of the Hauser Lake Planning Area*, are hereby established: 1. the Upper Watershed Zoning District, 2. the Lake Village Zoning District, 3. the Hauser Hills Zoning District, 4. the Highway Corridor Zoning District, and 5. the Rathdrum Prairie Zoning District.

C. Zoning Map. The *Zoning Map of the Hauser Lake Planning Area* is hereby adopted, by reference, as part of this ordinance. A copy of that map shall be maintained for public inspection at the office of the administrator.

D. Zoning District Boundaries. Any person who disputes the location of a zoning district boundary, as interpreted by the administrator, may appeal the administrator's decision using the procedure of III.N.

Division 2 - Future Acquisitions Map

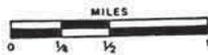
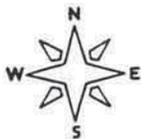
The city should not adopt this language, however, unless it seriously intends to establish and fund an open space acquisition program.

E. Future Acquisitions Map Adopted. I.C. 67-6517 authorizes cities and counties to adopt a future acquisitions map and specifically authorizes the use of such a map to facilitate acquisition of "proposed parks or other open spaces". Given that authority, the *Future Acquisitions Map of the Hauser Lake Planning Area* is hereby adopted, by reference, as part of this ordinance. A copy of that map shall be maintained for public inspection at the office of the administrator.

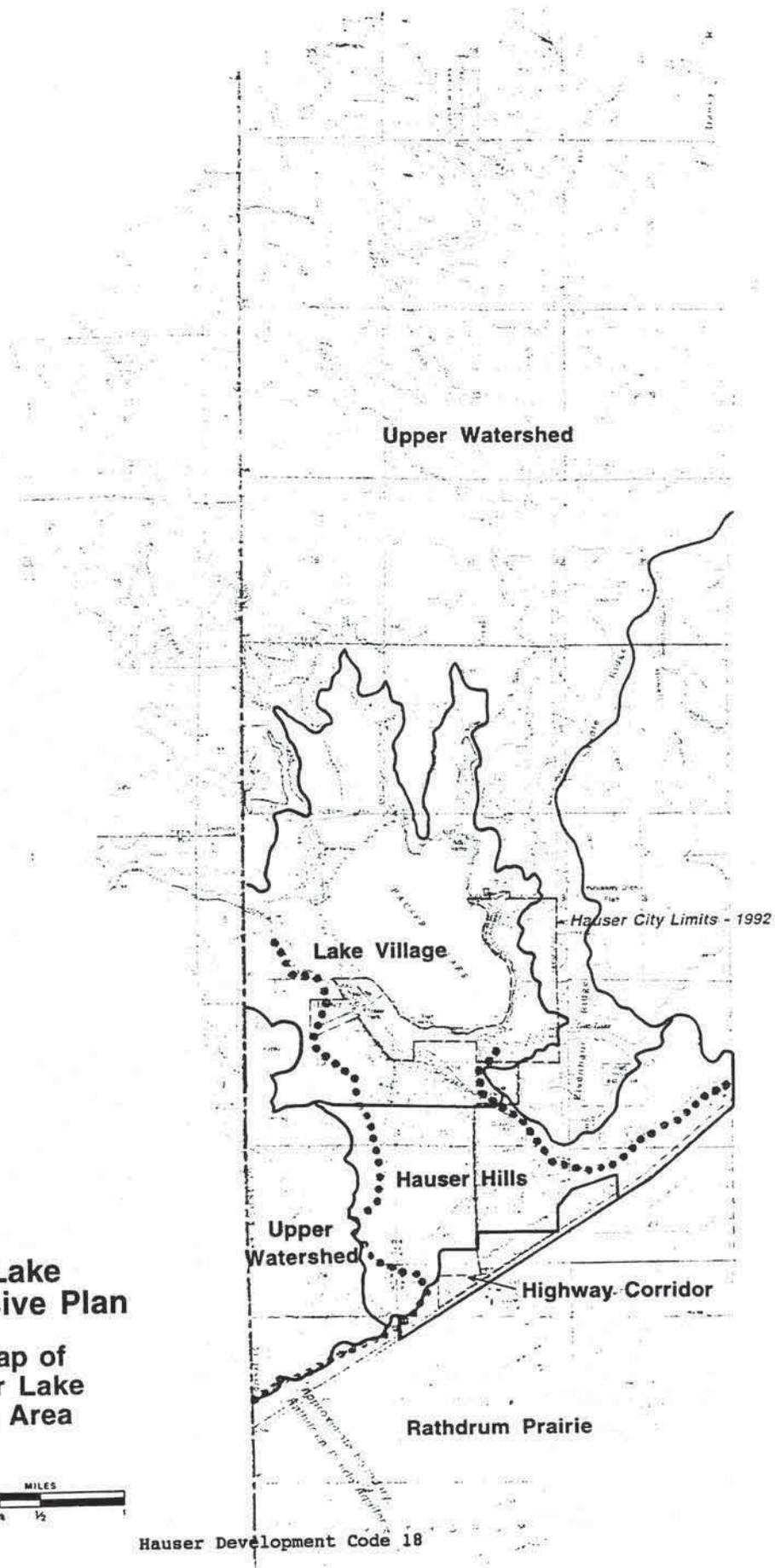
F. Effect of Future Acquisitions Map. Before an application for a permit to develop a parcel included on the *Future Acquisitions Map of the Hauser Lake Planning Area* is processed, the city shall have 60 days (from the date of the filing of the application) to negotiate with the owner for the purchase of an option on the property or the property itself. If the city is unable to reach an agreement with the owner within 60 days, the application shall be processed as provided by this ordinance. See VI.L. for performance standards encouraging the dedication of lands identified on the future acquisitions map.

Hauser Lake Comprehensive Plan

Zoning Map of the Hauser Lake Planning Area



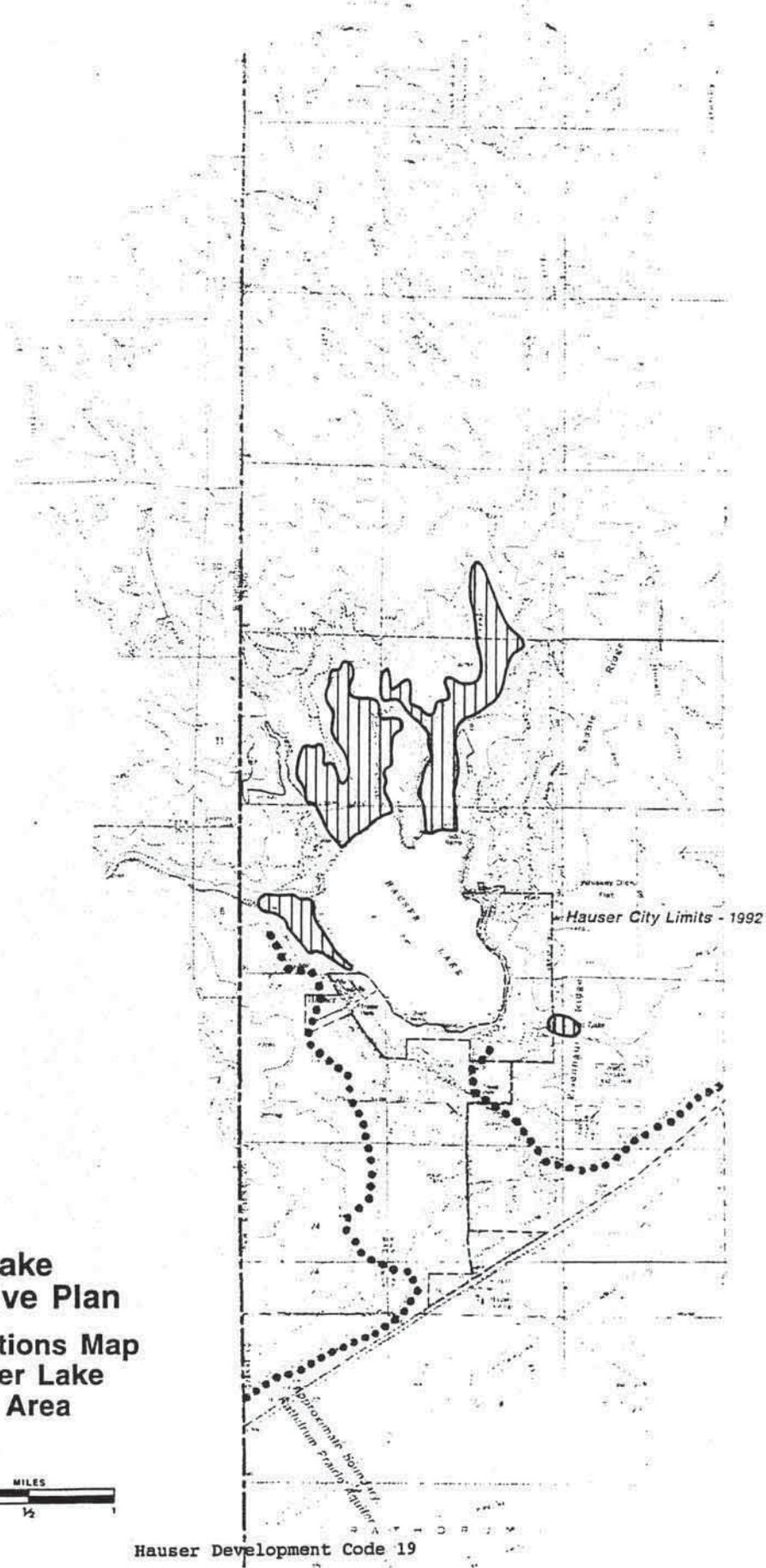
Hauser Development Code 18



**Hauser Lake
Comprehensive Plan
Future Acquisitions Map
of the Hauser Lake
Planning Area**



Hauser Development Code 19



CHAPTER V - NATURE OF THE PERFORMANCE STANDARDS

A. What This Chapter Does. This chapter explains the nature of the two kinds of performance standards adopted in this ordinance.

B. Absolute Performance Standards: Compliance Is Required. Absolute performance standards require or prohibit certain kinds of performance in developments. Failure to comply with any one absolute performance standard shall result in rejection of the application for a permit, except as provided in V.C.

C. Absolute Performance Standards: Exceptions. The only exceptions to the requirement for compliance with all absolute performance standards shall be those specifically provided in this ordinance and those allowed by variance. The variance procedure is explained in III.O.

D. Relative Performance Standards. Relative performance standards address complex issues for which absolute standards are inappropriate. They encourage or discourage certain kinds of performance in developments through the use of the point-scoring system described here.

1. **Importance Factors.** This ordinance assigns an importance factor to each relative performance standard. Importance factors range from "1" to "5" and reflect the importance of the performance standard to which they are assigned in implementing the comprehensive plan and in comparison with the other relative performance standards. An importance factor of "1" is assigned to the least important relative performance standards, an importance factor of "5" to the most important. Importance factors may be changed only by amendment of this ordinance.

2. **Point Assignment.** Point assignment provides a systematic technique for assessing the implementation of the relative performance standards. A positive point assignment reflects the successful implementation of a relative performance standard, while a negative point assignment reflects a failure to implement a relative performance standard. Points shall be assigned to each development on the basis of its performance on each relative performance standard using the following guidelines:

a. "-2" points shall be assigned where there is essentially no effort to implement a performance standard that encourages action by the developer, or where the proposed development will have a major negative impact on the implementation of the comprehensive plan;

b. "-1" points shall be assigned where there is an inadequate attempt to implement a performance standard that encourages action by the developer, or where the proposed development will have a minor negative impact on the implementation of the comprehensive plan;

c. "0" points shall be assigned where the performance standard is not relevant, there is only marginally adequate implementation of a performance standard that encourages action by the developer, or where negative and positive impacts on the implementation of the comprehensive plan are more or less in balance;

d. "+1" points shall be assigned where there is a successful effort to implement a performance standard that encourages action by the developer, or where the proposed development will have a minor positive impact on the implementation of the comprehensive plan; and

e. "+2" points shall be assigned where there is an outstanding effort to implement a performance standard that encourages action by the developer, or where the proposed development will have a major positive impact on the implementation of the comprehensive plan.

f. Relative performance standards may be designed to use the full point range described here or strictly to discourage (using only negative point assignments) or encourage (using only positive point assignments) certain kinds of performance. The point range used may be changed only by amendment of this ordinance.

g. Relative performance standards are identified in the text of Chapter VI by the use of the words "encouraged" or "discouraged" (absolute performance standards are written in absolute terms) and by a notation that shows the possible point range and importance factor. For example: "-2/+2.1" indicates that the performance standard is relative, that the possible point range is from "-2" to "+2", and that the importance factor of is "1".

3. Score. The importance factor adopted for each relative performance standard is multiplied by the points assigned to obtain a score.

4. Cumulative score. Scores on individual relative performance standards are summed to calculate a cumulative score. If the cumulative score is not "0" or greater, the application for a permit shall be rejected.

E. Performance Standards and Zoning Districts. Some of the performance standards adopted in Chapter VI apply in all zoning districts, while others apply only in one or more zoning districts.

CHAPTER VI - PERFORMANCE STANDARDS

A. What This Chapter Does. This chapter establishes the performance standards for land development and building activity in the Hauser Lake Planning Area. All permit applications are reviewed for compliance with these standards, the nature of which was explained in Chapter V.

B. Continuing Compliance. A development must continue to comply with the applicable performance standards throughout its existence.

Division 1 - Preserving Natural Assets - Avoiding Natural Hazards

C. Air Quality Standards. All developments shall comply with state and federal air quality standards. Developments for which a state or federal air quality permit is required shall: 1. demonstrate compliance with this performance standard by submitting the approved permit with the application for a permit required by this ordinance, or 2. show that a complete application for the permit has been filed, and accept its approval as a condition of compliance with this ordinance.

D. Water Quality Standards. All developments shall comply with state and federal water quality standards. Developments for which a state or federal permit to discharge is required shall: 1. demonstrate compliance with this performance standard by submitting the approved permit with the application for a permit required by this ordinance, or 2. show that a complete application for the permit has been filed, and accept its approval as a condition of compliance with this ordinance.

E. Hazardous Materials. For the purposes of these performance standards, the term "hazardous materials" includes extremely hazardous substances, as defined by the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), and hazardous substances, as defined by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), hazardous wastes, as defined by the Resource Conservation and Recovery Act of 1976 (RCRA), and critical materials as defined by the Environmental Health Code of Health District No. 1 (Panhandle Health District, IDAPA41.1.400).

1. No development that handles, stores, generates, or disposes of hazardous materials in the quantities regulated by Panhandle Health District, or state, or federal law or regulation, or that may reasonably be expected to do so, shall be located in the City limits or the area of impact, except motor vehicle in quantities no greater than 500 gallons per development.

2. No motor vehicle fuel shall be allowed: a. within any lakeshore or stream corridor established by this ordinance; b. within Wellhead Protection Zone I surrounding any well, spring, or wetted recharge area. Manufacture of hazardous materials and hazardous waste disposal are prohibited in the City of Hauser and its area of impact.

3. Any development that is, or may reasonably be expected to be, subject to the contingency planning and reporting requirements of EPCRA or RCRA shall submit a copy of any required contingency or spill response plan and/or any required list of hazardous materials, including the approximate quantities of those materials expected to be on the site at any one time, with the application for a permit. Those items shall also be submitted to the potentially affected fire department, potentially affected ambulance service, and local emergency planning committee at least 15 days prior to the hearing on the application.

4. No development which presents the hazard of a spill or release of hazardous materials to which the potentially affected fire department, ambulance service, and local emergency planning committee cannot provide an adequate response shall be permitted. Potential use of the operator's personnel and equipment in responding to a spill or release shall be taken into account in determining compliance with this performance standard.

F. Sensitive Areas: Wetlands. All developments shall comply with state and federal wetlands protection standards. Developments for which a permit is required by the Idaho Lake or Stream Channel Protection acts and/or the Clean Water Act ("404" permits) shall: 1. demonstrate compliance with this performance standard by submitting the approved permit with the application for a permit required by this ordinance, or 2. show that a complete application for the permit has been filed, and accept approval of that permit as a condition of compliance with this ordinance.

G. Sensitive Areas: Lakeshore and Stream Corridors. The lakeshore or stream corridor includes the 100 year floodplain or special flood hazard area, all wetlands adjacent to the lake or stream, and the additional buffer area required by Table 1.

1. Lakeshore and stream corridors shall be left in, or restored to, wetlands, riparian, or forest vegetation capable of serving as an effective vegetative filter strip, or left as or planted to meadow grasses capable of serving as an effective vegetative filter strip. The only exceptions to this requirement shall be:

a. clearing and grading to prepare for plantings and other activities required to restore or enhance wetlands and riparian areas shall be permitted;

Table 1 - Stream and Lakeshore Buffer Width Requirements

REQUIRED BUFFER WIDTH (in feet)

Hauser Lake - direct
tributaries to the Lake -
Hauser Lake Outlet

all other streams (perennial
and intermittent)

vegetative cover

| slope to stream | dense forest, wet meadow | other ground cover | dense forest, wet meadow | other ground cover |
|--------------------|-----------------------------|-----------------------|-----------------------------|-----------------------|
| 1.0% | 100 | 200 | 50 | 100 |
| 2.0% | 141 | 282 | 71 | 141 |
| 3.0% | 173 | 346 | 87 | 173 |
| 4.0% | 200 | 400 | 100 | 200 |
| 5.0% | 224 | 447 | 112 | 224 |
| 6.0% | 245 | 490 | 122 | 245 |
| 7.0% | 265 | 529 | 132 | 265 |
| 8.0% | 285 | 566 | 141 | 283 |
| 9.0% | 300 | 600 | 150 | 300 |
| 10.0% | 316 | 632 | 158 | 316 |
| 11.0% | 332 | 663 | 166 | 332 |
| 12.0% | 346 | 693 | 173 | 346 |
| 13.0% | 361 | 721 | 180 | 361 |
| 14.0% | 374 | 748 | 187 | 374 |
| 15.0% | 387 | 775 | 194 | 387 |

Table 1, continued

REQUIRED BUFFER WIDTH FOR WETTED RECHARGE AREAS

300 feet, as recommended in the *Draft Idaho Wellhead Protection Plan*.

Notes:

1. The buffers required by this table begin at: a. the outer boundary of the special flood hazard area, where one is delineated; 2. the outer edge of any wetlands associated with the lake or stream, 3. the high water mark, or 4. the outer boundary of the wetted recharge area. The beginning point of the buffer must be whichever of these points provides the widest buffer.

2. No slope greater than 15% may be included in a buffer required by this table. No impervious surface may be included in a buffer required by this table. For example, if a buffer is interrupted by a 24 foot wide paved road, the required buffer width will be increased by 24 feet.

3. A buffer of "dense forest" cover has heavy ground litter and numerous interruptions to overland flow (exposed roots, cradle knolls, etc.). A "wet meadow" has a dense cover of tall grasses and forbs that are cut infrequently, if at all, and an uneven surface.

4. The calculation of the required buffer width in areas where there is not a relatively uniform slope and/or vegetative cover is illustrated by the following example. Imagine a situation in the upper watershed where an indirect tributary to the lake has a narrow floodplain (but no special flood hazard area) of 30 feet, with a dense vegetative cover, and a slope of two percent. It would take 70 feet of this land type to comprise the required buffer, so 43% of the required buffer is provided there. Above the floodplain, imagine a thinly wooded slope of 12%. It would take 346 feet of that land type alone to provide the required buffer, BUT 43% of the buffer was provided in narrow floodplain. Only the remaining 57%, or 197 feet, needs to be provided on the slope. The total required buffer width would be 227 feet.

5. Any developer who wishes to dispute the administrator's or commission's determination of the required buffer width may use the appeal procedure of III.N.

The table presented in the discussion draft included the calculation factors used to figure the buffer widths. Those factors are not needed here (I will provide anyone who wants it with a buffer calculation worksheet). Note also that the buffer widths have been rounded to the nearest foot and a procedure for calculating buffer widths where the slope and/or vegetative cover is not uniform has been provided.

b. roads and utility lines may cross lakeshore and stream corridors, with the number and width of such crossings being minimized;

c. existing irrigation works (dams, headgates, ditches, etc.) may be repaired or replaced; and

d. boat ramps, piers, and docks may be installed in the lakeshore corridor. Such structures shall disturb no more than 10% or 24 feet, whichever is less, of the lake frontage on any lot or site.

e. Pedestrian, bicycle, and equestrian trails of a maximum ten feet in width shall be permitted in lakeshore and stream corridors.

f. No permit shall be approved for any activity listed in a. through d. of this sub-paragraph except where the developer demonstrates: i. that all permits required for compliance with the Idaho Lake or Stream Channel Protection acts and/or the Clean Water Act have been approved, or ii. that complete applications for all such permits have been filed, and approval of those permits is an accepted condition of compliance with this ordinance.

2. No grazing, feeding, or keeping of livestock shall be permitted within the lakeshore or stream corridor portion of a residential lot or parcel.

3. Developments in special flood hazard areas shall comply with the detailed performance standards of Appendix C.

4. The restoration and open space use of lakeshore and stream corridors shall be encouraged. Protecting the lakeshore or stream corridor, as required by sub-paragraph 1. of this paragraph, shall result in an award of zero points. Positive points shall be awarded for:

a. dedication of any lakeshore or stream corridor included on the future acquisitions map (see IV.E.) to the public or a land trust; -2/+2. 4.

b. dedication of development rights from any lakeshore or stream corridor to the public or a land trust; -2/+2. 2.

c. transfer of development rights from a lakeshore or stream corridor to another site, as provided for in VI.TT.; -2/+2. 2. and/or

d. restoration of functional riparian or wetlands vegetation in a lakeshore or stream corridor. Functional riparian or wetlands vegetation has the structure and species diversity needed to serve the water quality, flood control, wildlife habitat, and aesthetic functions on which the lakeshore and stream corridor protection policy of the comprehensive plan is based. -2/+2. 4.

H. Runoff, Erosion, and Sedimentation Control.

This performance standard is substantially revised and supplemented by a detailed definition.

1. A professionally-prepared runoff, erosion, and sedimentation control plan which will completely fulfill its purpose shall be implemented by:

a. all developments in the Lake Village Zoning District, and

b. developments in other zoning districts that: i. disturb, or may reasonably be expected to result in the disturbance of, a cumulative total of more than one acre of land with a slope greater than 8%, or with a high erosion hazard; ii. include 1,000 or more linear feet of road crossing a slope greater than 8%, or with a high erosion hazard; or iii. create a cumulative total of more than 10,000 contiguous square feet of impervious coverage.

2. The purpose of the runoff, erosion, and sedimentation control plan shall be to:

a. minimize land disturbance and maximize the retention of existing vegetation;

b. minimize the area disturbed by construction at any one time, protect vegetation that is to be retained from damage by construction activities, and temporarily control erosion from areas disturbed during construction;

c. promptly, permanently stabilize all areas disturbed, using revegetation or structural techniques (vegetative techniques are encouraged: see sub-paragraph 4. of this paragraph);

d. minimize runoff velocities and prepare on-site drainageways to handle the accelerated rate and increased volume of runoff without increasing channel erosion;

e. retain the additional volume of runoff generated by development on-site until it can be evaporated, absorbed through an adequate filtering layer of vegetation and soil, and/or released at a rate that does not exceed the pre-development rate of release or the capacity of downstream drainageways to accommodate flow without increasing channel erosion, whichever is less; and

f. protect water quality using detention basins, filter strips, and similar techniques.

g. This performance standard also provides for the future maintenance of runoff, erosion, and sedimentation control measures (including earthwork, plantings, and structures), as required by VII.J. The commission may, with the advice of the Panhandle District Health Department and DEQ, require a development to institute a program of monitoring the performance of its runoff, erosion, and sedimentation control measures.

h. Runoff, erosion, and sedimentation control plans, and the design, construction, installation, planting, and maintenance of the measures they propose, shall generally follow the guidelines established by the Kootenai County Interagency Stormwater Committee's *Stormwater Management Plan Criteria and Engineering Standards*, except that the design criterion of sizing grassed infiltration areas to provide for the infiltration of the first one-half inch of runoff from all impervious surfaces on the site shall be expanded to one inch.

3. The use of dry wells, injection wells, and similar techniques for runoff control shall be minimized.

4. The use of vegetative, as opposed to structural, runoff control and soil stabilization techniques shall be encouraged. 0/+2.2. Vegetated runoff control areas (detention basins, filter strips, etc.) may be integrated into landscaped buffers required by VI.R.

I. Sensitive Areas: Slopes. The open space use of 15-30% slopes shall be encouraged. -2/+2.2.

The development of slopes over 30% has been essentially eliminated. See Table 5.

J. Rathdrum Prairie Aquifer. The performance standards of VI.D., E., F., G., H., and I. limit the potential for contamination of the Rathdrum Prairie Aquifer by regulating certain land uses and protecting related resources, like lakeshore and stream corridors. Performance standards that are specifically designed for aquifer protection are adopted here.

1. For the purposes of this ordinance, feedlots and similar livestock feeding operations (poultry farms, dairies, etc.) are classified as industrial rather than agricultural uses. This removes those operations from the exemption for agriculture in the Rathdrum Prairie Zoning District (see III.C.), and enables this ordinance to prohibit new feedlots and similar livestock feeding operations in the Hauser Lake Planning Area.

2. Underground storage tanks for motor vehicle fuel, or storage tanks subject to regulation by RCRA shall not be permitted in any zoning district.

3. All mining, including gravel mines and similar penetrations from the land surface toward the Rathdrum Prairie Aquifer shall not be permitted in any zoning district.

4. No land disposal of septage, municipal sewage, or industrial wastes shall be permitted in the Hauser Lake Planning Area.

K. Wildfire Hazards. These performance standards apply in the Upper Watershed, Lake Village, and Hauser Hills zoning districts.

1. Individual homes and other principal structures shall provide a fire defensible space of at least 30 feet surrounding the home or structure. A defensible space is one in which woody brush is removed or substantially thinned and dead fuel is removed. Fire hazards shall not be permitted within the defensible space. Maintenance of defensible space is a requirement for continuing compliance with this ordinance. [Amended by Ordinance No. 107.]

2. Subdivisions and other multiple occupancy developments shall implement a wildfire prevention plan. Such plans shall be prepared with the assistance of a professional forester and shall:

a. show how special wildfire hazard areas, including natural "fire chimneys" will remain undeveloped, or how the wildfire hazard in those areas will be mitigated;

b. show how the wildfire hazard within the development will be reduced prior to occupancy by thinning and similar techniques, including clearing or, preferably, thinning of road rights-of-way and removal of all combustible slash resulting from road construction from a strip at least 100 feet on either side of all roads;

c. show how adequate access for fire fighting equipment and the evacuation of the development will be provided;

d. show how an effective system of perimeter and internal fuelbreaks will be designed, constructed, and maintained; and

e. show whether (and if so, how) a water supply adequate for wildfire fighting purposes will be provided. Provision of such a water supply is encouraged by VI.BB.4.

L. Sensitive Areas: Open Space.

1. Dedication of the open space areas shown on the future acquisitions map adopted in IV.E. to the city or a land trust shall be encouraged. -2/+2.5.

2. Dedication of the development rights from the open space areas shown on the future acquisitions map adopted in IV.E. to the city or a land trust shall be encouraged. -2/+2.5.

Division 2 - Minimizing Potential Land Use Conflicts

M. Nuisances. As established by VI.B., compliance with these performance standards is a continuing condition of compliance with this ordinance.

1. No development that create excessive levels of sound beyond its property line shall be permitted. Excessive sound, measured at the property line of the receiving use, exceeds the standards of Table 2.

Table 2 - Detailed Performance Standards for Noise

| <i>zoning district</i> | <i>MAXIMUM SOUND LEVEL</i> |
|--|--|
| Upper Watershed, Lake Village, Hauser Hills | 60 dBA, 7:00 A.M. to 10:00 P.M. 50 dBA, 10:00 P.M. to 7:00 A.M. |
| Highway Corridor, Rathdrum Prairie | 70 dBA, any time |

Note: "dBA" is the measure of sound levels in A-weighted decibels.

a. This performance standard applies to sounds generated by the occupancy or operation of a development, including sound generated by the operation of trains, motor vehicles, and heavy equipment on the site. It does not apply to the movement of trains on existing railroad rights-of-way, the movement of motor vehicles on public roads, the operation of farm machinery, the operation of watercraft, or other sources of noise that are not attributable to a particular development.

b. The maximum sound levels of Table 2 may be exceeded by temporary construction and maintenance activities, but in the Upper Watershed, Lake Village, and Hauser Hills zoning districts any excessive noise generated by such activities shall be restricted to the hours between 7:00 A.M. and 10:00 P.M.

2. No development that will direct excessive or hazardous light, glare, or heat beyond its property line shall be permitted. [Amended by Ordinance No. 107.]

a. Welding equipment and similar sources of intense light or heat shall be shielded from neighboring properties and public ways by enclosure in a building, location on the property, or a fence or wall.

b. No commercial or industrial use shall generate a level of illumination greater than 0.5 foot-candle in any neighboring residential area.

3. No development that will create, or may reasonably be expected to create, electrical interference on other properties shall be permitted.

4. Solid waste shall be stored in an enclosed building or approved containers, and handled in a manner that does not: a. attract bears, rodents, flies, or other animals; b. generate odors perceptible beyond the property line or liquid runoff; or c. permit the blowing of paper and other lightweight waste.

5. Commercial and industrial solid waste handling and storage areas shall be effectively screened from public view by enclosure in a building, location on the property, a fence or wall, or a densely planted landscaped buffer.

6. No development that will generate dust, smoke, odors, or other airborne pollutants that have an adverse impact on neighboring properties or the enjoyment of public spaces shall be permitted.

N. Livestock on Residential Lots. For the purposes of this performance standard, a "residential lot" is any lot or parcel under 40 acres in size.

Comment: The "Right to Farm Act," at §§ 22-4501 - 4504, IDAHO CODE, assures commercial farmers that their operations will not become nuisances as residential and other development begins to surround them. The Local Planning Act, at § 67-6529, allows municipalities to define what is agricultural land to be provided this protection. This is a trade-off between the rights of farmers, and the rights of residential landowners to be protected from offensive odors and property devaluation resulting from agricultural "type" of activity conducted on land which is not large enough to provide primary or meaningful supplemental income from such activity.

The trade-off was chosen to be forty acres. On parcels larger than forty acres, agricultural activity is not regulated by the Hauser Development Code. On parcels smaller than forty acres, these activities are regulated, but not banned. Livestock is still allowed on parcels smaller than forty acres and larger than one acre, but the placement of the livestock and their manure is regulated to protect water quality. [Comment added by Ordinance No. 107.]

1. No livestock may be kept within a lakeshore or stream corridor established by this ordinance, or within Wellhead Protection Zone I surrounding any well, spring, or wetted recharge area.

2. Large livestock is prohibited on property zoned or in actual use for five homes per acre or higher density. Small livestock is limited to five animals per lot, and shall be kept in such a manner as to avoid any nuisance to neighboring properties, including noise or smell. Large livestock are not allowed in Hauser Lake and, in wetland areas defined in the comprehensive plan, are restricted to such ground that has sufficiently dried up to allow large animals to graze and that has adequate vegetation, grass 3 inches high or higher, to take up the nutrients from the manure that otherwise would find its way into the lake. It should be noted that large livestock require substantially drier ground than people and caution should be taken to insure firm ground. Large livestock are restricted to three per parcel from two acres to five acres in size, or one animal on parcels under two acres. If machinery is used in these areas, refueling should be done out of the wetland area. [Amended by Ordinance No. 107.]

3. Surface runoff from all corrals, pens, and other areas within which stock are confined shall be directed to a densely vegetated on-site retention area or filter strip.

4. Manure shall be removed from all corrals, pens, and other areas within which stock are confined at least twice each year, and more frequently if the administrator determines, based on the presence of odor, flies, etc. affecting neighboring properties, that the accumulation of manure is creating a nuisance. No manure shall be spread in a lakeshore or stream corridor established by this ordinance, or within Wellhead Protection Zone I surrounding any well, spring, or wetted recharge area.

O. Outdoor Storage on Residential Lots. Outdoor storage shall be permitted in rear yards, but there shall be no outdoor storage in front yards or required side yards (note that this permits storage to the side of a dwelling where the side yard is larger than required) on residential lots or parcels, except as permitted below.

1. Construction equipment and materials may be stored in a required side or front yard during the course of construction for which a permit has been approved in compliance with this ordinance or the UBC. This exception expires with the permit, or upon the issuance of a certificate of compliance.

2. Vehicles and watercraft that have current licenses or registrations may be parked in front and side yards, but note that parking is not permitted within the clear vision triangles this ordinance establishes at points of access to public roads.

3. Outdoor storage on residential lots or parcels shall not create a fire, health, or safety hazard, or constitute an attractive nuisance.

P. Home Occupations. Home occupations shall be permitted in all zoning districts, but only in compliance with the following performance standards.

1. Home occupations may be located within dwellings or accessory buildings, but shall not occupy a floor area larger than that of the dwelling to which they are accessory.

2. No home occupation shall have more than one full-time equivalent on-premise employee who is not a member of the resident family.

3. Home occupations shall provide off-street parking in compliance with the requirements of VI.FF.

4. The storage of any materials and/or solid waste associated with a home occupation shall be within an enclosed structure or effectively screened from view from neighboring residences and public ways by location on the property, a fence or wall, or a densely planted landscaped buffer.

5. Home occupations shall display only the following signs: a. one non-illuminated wall sign of no more than four square feet, and b. one non-illuminated, on-site directional sign of no more than four square feet.

Q. Irrigation Systems. All developments including or adjoining irrigated lands, or including or adjoining irrigation works (headgates, canals, pumps, drains, etc.) shall be reviewed by the responsible irrigation entity. No development shall be permitted to adversely impact the operation of an irrigation system.

1. All subdivisions shall demonstrate compliance with I.C. 31-3805, as amended, which provides for the approval of subdivisions by irrigation entities. Compliance shall be attained by the transfer of water rights or installation of a central irrigation system maintained by a community association. Irrigation systems installed to comply with I.C. 31-3805 are subject to the requirements for required improvements: see Chapter VII.

2. No development shall channel storm or melt water runoff into an irrigation system without the written consent of the responsible irrigation entity.

R. Landscaped Buffers.

1. The installation of landscaped buffers between potentially incompatible uses and along public roads in accordance with Table 3 and the detailed performance standards of Appendix D shall be required. Buffers along lakes and streams are required by VI.G.

2. The retention of existing vegetation to serve buffering functions is encouraged. -2/+2.2.

Table 3 - Landscaped Buffer Requirements

| <i>zoning district</i> | <i>situation</i> | <i>buffer width (feet)</i> | <i>height adjustment</i> |
|------------------------|--|----------------------------|--------------------------|
| Highway Corridor | commercial use > boundary with Hauser Hill | 50 | .25:1 |
| | commercial use > Idaho Highway 53, Cloverleaf, and Hauser Lake Roads | 20 | none |
| | commercial use > any other property line | 20 | none |
| | commercial use > any other property line | | |
| Rathdrum Prairie | industrial use > any property line, including road frontages | 50 | .25:1 |

Notes: The basic buffer width given in this table is for a level or nearly level buffer area with a lawn or other low ground cover and a minimum of four major trees in each 100 lineal feet of buffer. The height adjustment is added to the basic buffer width when the use being buffered has buildings over 35 feet in height. The height adjustment ratio indicates how many feet of buffer width must be added for each foot of building height over 35. See Appendix D for detailed performance standards for the construction of landscaped buffers.

Division 3 - Determining Land Use Compatibility

S. Compatibility Factors. Compatibility with neighboring land uses shall be assessed using the following factors.

1. Is the proposed lot coverage compatible with neighboring uses? -2/0.2. For single family dwellings, subject to Class I permit review only, it shall be assumed that the proposed lot coverage is compatible if: a. the setbacks of Table 4 are maintained from all property lines and b. the minimum lot size is as specified by VI.QQ.

Table 4 - Specification Standards for Single Family Dwellings and Accessory Buildings

| <i>Dwelling Setbacks</i> | | |
|------------------------------------|---|--------------------------|
| <i>zoning district</i> | <i>yard</i> | <i>setback (in feet)</i> |
| Upper Watershed | front yard, arterial roads | 50 |
| | | 30 |
| | front yard, all other roads | 30 |
| | rear yard | 30 |
| | side yard | |
| all other zoning districts | front yard, arterial roads | 50 |
| | | 30 |
| | front yard, all other roads | 25 |
| | rear yard | 10 |
| | side yard | |
| <i>Accessory Building Setbacks</i> | | |
| all zoning districts | front yard, garages | 25 |
| | front yard, all other accessory buildings | 50 |
| | rear yard | 15 |
| | side yard | 10 |

Note: All setbacks are measured at right angles, from the property line to the outer edge of the nearest part of the foundation or any above grade projection of the structure (like eaves) that extends more than three feet beyond the outer edge of the nearest part of the foundation. For definitions of the various types of yards see Chapter VIII. [Amended by Ordinance No. 107.]

2. The administrator may permit an exception from the presumptive setbacks of sub-paragraph 1. of this paragraph for single family dwellings that are in a substantially developed area where existing dwellings have reasonably consistent setbacks that are less than those required by Table 4. It is the responsibility of the developer to provide the evidence needed to show that this exception is applicable. This exception may not be used to: a. reduce the setback from an arterial road, or b. to reduce any setback below the minimum separation required by the UBC.

3. Is the proposed building height compatible with neighboring uses and buildings? -2/0.4. For single family dwellings, subject to Class I permit review only, it shall be assumed that any building height of less than 35 feet is compatible, except as provided in VI.z.2.

4. Is the bulk of the proposed building compatible with neighboring uses? -2/0.3.

5. Is the development designed to share functional connections with adjoining developments (existing and anticipated), including the logical extension of roads, shared access to arterials, shared parking and service access, integrated buffers and open space, and shared pedestrian circulation. -2/+2.3.

T. Upper Watershed Zoning District. Is the proposed development consistent with the land-use concept for the Upper Watershed adopted in the comprehensive plan? -2/+2.4.

U. Lake Village Zoning District. Is the proposed development consistent with the land-use concept for the Lake Village adopted in the comprehensive plan? -2/+2.4.

V. Hauser Hills Zoning District. Is the proposed development consistent with the land-use concept for the Hauser Hills adopted in the comprehensive plan? -2/+2.4.

W. Highway Corridor Zoning District. Is the proposed development consistent with the land-use concept for the Highway Corridor adopted in the comprehensive plan? -2/+2.4.

X. Rathdrum Prairie Zoning District. Is the proposed development consistent with the land-use concept for the Rathdrum Prairie adopted in the comprehensive plan? -2/+2.4.

Division 4 - Maintaining Visual Resources - Promoting a Positive Community Image

Y. Signs. All signs shall comply with the detailed performance standards of Appendix A.

Z. Hauser Lake Views.

1. Development that would block the view from an existing use, building, or public space, to Hauser Lake shall be discouraged. -2/0.3.

2. No building shall be more than 35 feet in height.

AA. Community Image. Site planning that places roads along the contours, avoids "skylining buildings, provides view corridors, minimizes clearing, grading, and other land-disturbing activities, and provides large, interconnected blocks of open space shall be encouraged. -2/+2.4.

Division 5 - Providing Adequate Public Facilities and Services

BB. Water.

1. Where reliance on an individual water supply is proposed, evidence shall be provided that an adequate quantity and quality of water is available for the proposed development. The required evidence may be in the form of documented experience with existing wells at geologically similar neighboring sites or records of on-site well tests.
2. Where one is available within 330 feet of the proposed development, connection to a state-approved water system shall be required. The costs of water main extension to the site and the provision of water mains, valves, fire hydrants, etc. within the development, in compliance with state standards, shall be the responsibility of the developer. Large-scale developments may be required to provide or participate in the cost of providing additional water system capacity: see VI.II.
3. Where a central water system is not available, the provision of a such a system, in compliance with state design and construction requirements, shall be encouraged. 0/+2.4.
4. Access to or provision of a water supply system that meets the requirements of National Fire Protection Association (NFPA) 1231, *Water Supplies for Suburban and Rural Fire Fighting*, shall be encouraged. 0/+2.5.

CC. Sewerage.

1. Sewage disposal systems shall be sited, designed, and constructed in compliance with the state standards administered by the Panhandle Health District and DEQ. [Amended by Ordinance No. 107.]
2. Except as provided by sub-paragraph 3., below, sewage disposal systems in the Lake Village, Hauser Hills, Highway Corridor, and Rathdrum Prairie zoning districts shall be sited, designed, constructed, and maintained by the Hauser Lake Sewerage Utility (HLSU) after the HLSU has become operational, with design and construction at the expense of the developer, and with the HLSU obtaining the permits required from the Panhandle District Health Department or DEQ. Maintenance will be covered by fees paid to the HLSU. [Amended by Ordinance No. 107.]
3. The HLSU may permit industrial developments to construct and maintain independent sewage disposal systems that are sited, designed, constructed, and maintained in compliance with state standards.
4. An approved agreement for sewerage service by the HLSU after the HLSU has become operational, or a valid permit issued by the Panhandle Health District or DEQ before the HLSU has become operational shall accompany all applications for a permit. [Amended by Ordinance No. 107.]
5. After the HLSU has become operational, whenever an existing on-site sewage disposal system must be replaced, or repaired in any way that requires excavation of the septic tank or drainfield, it shall be brought under the jurisdiction of the HLSU, and the repair or replacement made by the HLSU at the owner's expense. [Amended by Ordinance No. 107.]
6. Cluster developments are encouraged to have a community sewerage system that meets state and federal design and construction requirements (see VI.VV.3.) . 0/+2.5. The term "community" sewerage system is used here to distinguish small sewerage systems serving clusters of homes from a "central" sewerage system serving the entire area.

DD. Access to Utilities.

1. Power and telephone service shall be provided, at the expense of the developer, to all developments, and all lots in all developments.
2. Adequate rights-of-way or easements for utilities service shall be provided. Developments for which a Class II permit is required shall obtain a written statement of compliance with this performance standard from each utility
3. No building shall be placed in a utility easement, public or private. Wire, rail, or wood fences with a gate or easily removable section across the easement may be constructed across utility easements. Note that some utilities may impose rules that are more stringent than this performance standard.
4. Provision of underground power and telephone utilities shall be required.

EE. Addresses.

1. Each development, and each lot or principal structure in a development, shall be assigned an address at the time an application for a permit required by this ordinance is filed.
2. RESERVED

Comment: This performance standard cannot be implemented until a sensible area-wide addressing system is developed. Sub-paragraph 2. is reserved for a standard on the display of addresses.

FF. Off-Street Parking and Loading Areas. Off-street parking and loading areas shall be provided in compliance with the detailed performance standards of Appendix E. Snow storage shall not be permitted to reduce the size of any required off-street parking or loading area.

GG. Access to Public Roads.

1. Points of access to public roads shall be constructed in compliance with the standards of Appendices E and F. Developments with points of access to a state or federal highway shall also obtain approval from the Idaho Transportation Department.
2. Developments containing 20 or more dwellings, or with a distance of more than 1,000 feet from a public road that is maintained on a year-round basis, shall provide a minimum of two points of ingress and egress from public roads or highways. "Loop" systems that return to a single point of access to a public road or highway may be acceptable for relatively small developments (100 or fewer dwellings).
3. No commercial or industrial development shall have its principal access through a residential area.

HH. Roads. Safe all-weather road access shall be provided, at the expense of the developer, to all developments, and all lots in all developments (for the purposes of this performance standard "all-weather" includes properly designed and constructed gravel roads). The design and construction of roads shall be in compliance with the detailed performance standards of Appendix F. Large-scale developments may be required to provide or participate in the cost of providing additional road network capacity: see VI.LL.

II. Public Access. No development shall eliminate historically existing public access through private lands to public lands or waters.

JJ. Community Trail Systems. Dedication of rights-of-way that will result in substantial approved community trail systems and green belts shall be encouraged. 0/+2.3.

KK. Fire Protection. Developments that are not presently in a fire protection district shall petition for addition to the appropriate district, as provided by I.C. 31-1401., et. seq.

Division 6 - Large Scale Development

LL. Large-Scale Development. A large-scale development will contain 75 or more residential lots or units, or is projected to generate 750 or more trips per day.

1. Large-scale developments shall provide additional public facilities necessitated by their development. Such facilities shall be provided in compliance with all requirements of this ordinance and state and federal law, and may include: off-site runoff control measures; central sewerage systems; off-site road improvements, including additional lanes, signs or signals, bridges or culverts; solid waste transfer stations; emergency services buildings and apparatus, including fire engines and ambulances; school bus stops; and neighborhood parks at a rate of two acres per thousand potential population. Also, see VI.BB. for water system requirements.

2. The need, if any, for provision of these facilities shall be determined through a fact-finding process conducted by the commission, at the expense of the developer. The commission may retain professional planners and engineers to conduct this study, the purpose of which shall be to determine what new facilities needs may be attributed to the proposed development. The study process shall be conducted as follows:

a. upon receipt of a sketch plan, the administrator shall determine whether a proposed development is a large-scale development;

b. the administrator will not schedule a hearing on an application determined to be for a large-scale development, but shall place initiation of a large-scale development study on the agenda of the next regular commission meeting; and

c. the commission shall review the application at that meeting. If it confirms the administrator's determination, the commission shall direct the administrator to initiate a large-scale development study.

d. When a large-scale development study is required, the developer shall place a deposit with the city, as provided in the resolution establishing fees for the administration of this ordinance. The administrator shall retain appropriate professional assistance for the study, first drawing against the required deposit, then requesting additional payments from the developer as necessary, and as provided in the resolution establishing fees for the administration of this ordinance. Unused funds shall be returned to the developer upon completion of the study.

e. An application shall be considered complete and a hearing scheduled only after completion of the large-scale development study.

Division 7 - Land Divisions

MM. Plat or Record of Survey Required. A record of survey or plat shall be required for all land divisions that are not exempted by III.D., and for all areas to be annexed. Records of survey and plats shall meet all requirements of I.C. 50-1301 et seq., as amended, and Appendix G.

NN. Lot Splits. A lot split is the creation of any parcel of land of less than 160 acres for the purpose of sale, lease, rental, or development. Lot splits require a Class I permit, but applications for lot splits can, where appropriate (i.e. where a parcel is being created for a proposed commercial use that will require a Class II permit), be combined with applications for Class II permits. Multiple lot splits shall not be used as a means to evade the requirements of this ordinance for subdivisions: see VI.00.

Note the acreage change above, which is consistent with the need to track development rights on all parcels of 160 acres or less.

OO. Incremental Subdivision. Any application for a Class II permit for a subdivision that does not provide a master plan for development of the entire contiguous holdings of the developer/owner shall be rejected.

Division 8 - Development Intensity

PP. Maximum Impervious Coverage. No development (residential, commercial, or industrial) shall exceed the maximum impervious coverage limitation imposed by Table 5.

QQ. Minimum Lot or Parcel Size.

1. No dwelling shall be developed on a lot or parcel smaller than the minimum lot size established by Table 5.
2. The minimum lot or parcel size needed for a commercial or industrial development to comply with this ordinance will be a function of the maximum impervious coverage permitted by VI.PP., the size of the off-street parking and loading areas required by VI.FF., the extent of the buffers required by VI.R. and/or VI.G., and other performance standards, but a minimum of one acre shall be required for all commercial or industrial developments, except home occupations.

RR. Residential Development Rights. Development rights are assigned to all undeveloped lands, as shown in Table 5. A development right is the right to construct one dwelling unit.

1. The unused portions of platted subdivision lots are not undeveloped lands, and have no development rights.
2. The destruction or demolition of a nonconforming dwelling does not create a development right that may be transferred, as provided in VI.TT. The replacement of nonconforming dwellings is provided for by I.F.

SS. Residential Development Rights: Exception. One development right shall also be assigned to any undeveloped, nonconforming lot or parcel that was in existence on the effective date of this ordinance, regardless of its size. The acceptable proof of the prior existence of a lot or parcel shall be actual separate ownership, as shown by recorded deeds or other instruments of conveyance. No separate parcels exist within contiguous lands held by a single owner, regardless of how those lands are or have been described for other purposes (which means that multiple subdivision lots held by a single owner are a single parcel for the purposes of this ordinance). Development of a dwelling on a nonconforming lot or parcel must comply with all requirements of this ordinance except the requirements of Table 5.

TT. Transfer of Development Rights to Cluster Developments. Development rights may be transferred:

1. from any parcel to any cluster development in the same zoning district, or
2. where a permanent conservation easement, running in favor of the city or a land trust, is placed on the sending parcel, from any parcel in the Hauser Lake Planning Area to any cluster development in the Hauser Lake Planning Area.
3. For the purposes of this ordinance, "cluster development" shall be as defined in VI.VV.
4. Where a transfer of development rights is proposed, the developer shall provide a complete and accurate legal description of the lands from which development rights would be transferred. Where the proposed transfer involves multiple ownerships, an option for the purchase of development rights, pending permit approval, must be submitted with the application for a permit.
5. No development right may be transferred more than once, but development rights may be given or sold to the city or a land trust and "banked" prior to transfer.
6. Development rights may not be transferred into sensitive areas, but development rights may be transferred to suitable building sites in cluster developments that include sensitive areas as open space.

UU. Density Bonuses. Positive performance on the relative performance standards of this ordinance and cluster development shall be encouraged by the award of density bonuses.

1. One additional dwelling unit shall be permitted for each 10 cumulative points scored on the relative performance standards of this ordinance.
2. Any development rights transferred from sensitive areas identified by this ordinance may be doubled by the placement of a permanent conservation easement running in favor of the city or a land trust on the land from which those rights are transferred.
3. Density bonuses may not be used to exceed the minimum lot size established by Table 5.

VV. Cluster Development Criteria. Cluster developments protect open space and limit conversion of sensitive areas to suburban use by concentrating development into a small portion of the available site. To qualify as a cluster for the purposes of this ordinance, a development must obtain a Class II permit and meet the criteria listed below.

1. Cluster developments do not place homes in sensitive areas, but such areas may be included as: a. open space held in common by the residents, or b. part of a lot or lots on which building is confined to a particular envelope. Building lots (see Table 5) or building envelopes shall appear in the application for a Class II permit. [Amended by Ordinance No. 107.]
2. Cluster developments are assigned positive points on VI.AA. because they include substantial (relative to the entire site) interconnected blocks of open space, including sensitive areas. The open space provided in the cluster should be of sufficient size to have at least limited value as wildlife habitat and view corridors, and be designed to serve as

buffers with other developments and busy roads, and, where appropriate, to be integrated into a runoff and erosion control plan.

3. Cluster developments are served by a central water system and, generally, by a community sewerage system. The HLSU may request exceptions to service by a community sewerage system for a cluster with very large lots, or for individual large lots or individual lots that are isolated by the design of the cluster. See VI.CC.6.

Table 5 - Development Intensity

| zoning district | residential, commercial and industrial uses | residential uses | |
|---------------------|--|---|---------------------------|
| | maximum impervious coverage | development rights | minimum lot size |
| Upper Watershed | stream corridor, wetlands - 0%* | 1:160 | 5 acres |
| | 0-8% slopes - 20% | | 0.5 acre in clusters** |
| | 8-30% slopes - 7.5% | | |
| | > 30% slopes - 0% | | |
| Lake Village | lakeshore, stream corridor, wetlands - 0%* | 1:5 | 1 acre |
| | 0-8% slopes - 20% | | 0.5 acre in clusters** |
| | 8-30% slope - 7.5% | | |
| | > 30% slopes - 0% | | |
| Hauser Hills | stream corridor, wetlands - 0%* | 1:5 | 1 acre |
| | 0-8% slopes - 20% | | 0.5 acre in clusters** |
| | 8-30% slope - 7.5% | | |
| | > 30% slope - 0% | | |
| Highway Corridor | stream corridor - 0%* | residential as an accessory use only | |
| | 0-8% slopes - 60% | | |
| Rathdrum Prairie | stream corridor - 0%* | residential as an accessory use only | |
| | 0-8% slopes - 60% | | |

Notes: "Impervious coverage" includes rooftops, paved, graveled and otherwise compacted roads, parking areas, sidewalks, and all other surfaces that effectively prevent infiltration into the ground or significantly accelerate runoff. "*" there are minor exceptions to the prohibition of impervious coverage in lakeshore and stream corridors: see VI.G.1. "***" for a definition of cluster development see VI.VV. The assignment of development rights is expressed as a ratio, like "1:20", which indicates that one dwelling may be developed for each 20 acres. See VI.RR. and VI.SS. The number of development rights available may be increased by density bonuses: see VI.UU. [Amended by Ordinances Nos. 106 and 107.]

CHAPTER VII - REQUIRED IMPROVEMENTS: INSTALLATION AND MAINTENANCE

A. What This Chapter Does. This chapter establishes performance standards for the installation of required improvements.

B. Required Improvements Defined. A required improvement is any improvement required for compliance with this ordinance. Required improvements include, but are not limited to: improvements required to protect water quality, including the vegetative and structural measures needed to implement an approved runoff and erosion control plan; improvements required to mitigate potential nuisances, including landscaped buffers; utilities, including any extension of lines required to serve the development; off-street parking and loading areas, roads; and any other improvement required for compliance with any performance standard of this ordinance.

C. Installation at Developer's Expense. The installation of all required improvements shall be at the developer's expense.

D. Standards for Required Improvements. All required improvements shall be installed in compliance with this ordinance and any design and engineering standards separately adopted by the city or other agencies responsible for providing services to the development.

E. Time of Installation/Development Agreements.

1. All required improvements may be installed before a final plat is recorded or the development is offered for lease or sale, leased, sold, or occupied.

OR

2. Developers may elect to record final plats of the development in phases or to offer phases of the development for lease, sale, or occupancy before all required improvements are installed. Phasing shall be permitted pursuant to a development agreement that:

a. incorporates the site plan used as a basis for permit approval and a detailed site plan and construction drawings of the initial phase;

b. identifies all required improvements in the initial phase/s and establishes their estimated cost;

c. sets a schedule for the completion of the required improvements in the initial phase and an anticipated schedule for future phases;

d. guarantees completion and 365 days' maintenance of all required improvements in the initial phase/s using one of the methods listed in VII.G., and provides a process for the submission of detailed plans, cost estimates, and the guarantee of improvements in future phases;

e. provides a process by which the city may, if necessary, complete required improvements using the guarantee provided;

f. provides a process by which either party may request re-negotiation of the development agreement,

g. provides a process by which the development agreement may be transferred, with city approval, to the developer's successors; and

h. provides that the development agreement and any vested rights it confers shall be void if the city is required to "call" a guarantee to

complete required improvements, or if the anticipated schedule is not met or re-negotiated. The developer shall have the right to re-negotiate the anticipated schedule without losing vested rights, provided that such negotiations are initiated, by the developer, within 90 days after failure to initiate or complete a phase as scheduled.

F. Effect of Development Agreement. The effect of a development agreement shall be to create vested rights in the site plan, as it was approved. Such rights expire with the development agreement. Development agreements do not insulate developments from changes in state or federal regulations, or changes in building and fire codes.

G. Guarantees. Completion of the improvements identified in a development agreement shall be guaranteed by one of the following methods:

1. The developer may place an amount equal to 150% of the estimated cost of the required improvements in escrow, with that amount and accumulated interest being released only after the city has inspected and accepted the required improvements. A development agreement may provide for the phased release of a portion of the escrowed funds as work proceeds, but at least 25% of the amount in escrow shall be retained until all required improvements are installed, inspected, and accepted. If required improvements are not completed as provided in the development agreement, the city shall use as much as necessary of the escrow account to complete those improvements, then return any remaining balance to the developer.

2. The developer may provide an irrevocable or standing letter of credit for an amount equal to 150% of the estimated cost of the required improvements. The letter of credit shall be released only after the city has inspected and accepted the required improvements. If any required improvements are not completed as provided in the development agreement, the city shall use as much as necessary of the credit available to complete those improvements, then return any remaining balance to the developer.

H. Inspection and Acceptance of Improvements.

1. Fees for the inspection of required improvements shall be set by resolution of the council. Inspection fees must be paid before a certificate of compliance is issued.

2. Required improvements shall be inspected by the administrator before acceptance. Acceptance of required improvements shall be by action of the council, following submission of the developer's written request for acceptance and receipt of the administrator's report that all improvements have been inspected and are in compliance with this ordinance.

3. Reproducible as-built drawings of all subdivision improvements shall be provided to the city, at the developer's expense, before a certificate of compliance is issued.

I. Warranty of Improvements. Required improvements shall be warranted by the developer for both materials and workmanship for one year after their acceptance. Such a warranty provision shall be included in all development agreements. Where all required improvements will be completed before a final plat is approved and the development is offered for lease, sale, or occupancy, a warranty agreement shall be submitted for approval. Enforcement of the warranty shall be assured by: 1. retention of 10% of an escrow account established to comply with VII.G.; 2. a continuing letter of credit, as provided in VII.G., but for 10% of the cost of the required improvements; or 3. opening a new escrow account, in which an amount equal to 10% of the cost of all required improvements is deposited, and which shall be released only upon expiration of the warranty.

J. Continuing Maintenance Required. The continuing maintenance of any improvement required for compliance with this ordinance shall be required. Failure to maintain a required improvement shall be a violation of this ordinance.

1. Any development subject to the continuing maintenance requirement established here that results, or may reasonably be expected to result, in the creation of multiple ownerships shall create a community association or other mechanism to assure continuing maintenance. The developer shall submit the proposed declaration of covenants, articles of incorporation, and by-laws for the community association with the application for a permit and these documents shall have been recorded before a certificate of compliance is issued.

2. The maintenance of any open space area required for compliance with this ordinance shall include fencing, where required; prompt and effective control of noxious weeds; litter removal; and wildfire suppression. Maintenance activities shall not diminish the open space values (wetlands, slopes, etc.) being protected.

3. Maintenance of landscaped areas required by this ordinance includes installation and maintenance of an irrigation system and timely irrigation, where necessary; weed and pest control; and all other activities required to maintain the function of the landscaped area.

CHAPTER VIII - UNIFORM CODES

A. What this Chapter Does. This chapter adopts nationally recognized codes to ensure that buildings and developments will comply with standards promulgated to ensure public health, safety and welfare.

B. Adoption and Enforcement of Standards. The current edition of the Uniform Building Code as published by the International Conference of Building Officials and the current edition of the Uniform Fire Code with Appendices as published by the Western Association of Fire Chiefs are hereby adopted by reference, pursuant to § 50-901, Idaho Code, and their provisions will be enforced within the jurisdiction of the City of Hauser.

CHAPTER IX - DEFINITIONS

A. What This Chapter Does. This chapter provides definitions for terms used in this ordinance. Any dispute about the meaning of a term shall be resolved using the appeals procedure of III.N.

B. Rules of Interpretation. Terms include both singular and plural forms; i.e. building includes buildings. Except where otherwise indicated, terms include their derivatives; i.e. adjacent includes adjoining.

Division 1 - A-E

C. Accessory. Accessory buildings and uses are those customarily associated with, and clearly subordinate to, a principal building or use. One single-family dwelling located on a commercial or industrial property, and occupied by the owner, a manager, or a guard, shall be considered a customary accessory use.

D. Adjacent. Adjacent includes all lots or parcels that directly border the lot or parcel on which a development is proposed, and all lots or parcels separated from that lot or parcel by only a public or private easement or right-of-way, including roads, railroads, and irrigation canals.

E. Administrator. The city employee or contractor responsible for the administration of this ordinance.

F. BOCC. The Kootenai County Board of Commissioners, the county's chief elected officials.

G. Buffer. Two different kinds of buffers are required by this ordinance. VI.G. requires *stream and lakeshore buffers*, which are minimally disturbed areas of a specified width (see Table 1) along streams or the lakeshore. VI.R. requires *landscaped buffers*, which are landscaped areas of a specified width (see Table 3) surrounding certain uses.

H. Building. As used in this ordinance, refers to any structure. "Structure" is defined at IX.HHH.

I. Building Height. See DD. Height.

J. Building Bulk. The bulk of buildings may be measured and compared in terms of floor area ratio (the ratio of the total area of floors on all levels in the building to the total area of the lot or parcel on which it is located) and/or total volume enclosed within the building.

K. CERCLA. The Comprehensive Environmental Response, Compensation, and Liability Act, the federal Superfund legislation: 42 U.S.C. 9601-9675, as amended, and as it may be amended (includes SARA, the Superfund Amendment and Reauthorization Act of 1986).

L. Certificate of Compliance. A certificate of compliance is issued upon the completion of a use or building and any accompanying improvements required by this ordinance. See III.V.

M. Clean Water Act. 33 U.S.C. 1251-1387, as amended, and as it may be amended.

N. Clear Vision Triangle. A triangular area in which objects that would block the vision of drivers at an intersection or driveway are prohibited. For dimensions, see Appendix E.7.e. and Appendix F.

O. Cluster. A pattern of development designed to concentrate building on the most suitable sites and preserve open space. See VI.TT.3. and VI.VV.

P. Commercial. Includes all land uses in SLUC 4923 and 4924, 52-59, 61-69, 71-79, and 8221, except that any use in SLUC 639, 64, 66, 72-79, or 8221 that includes an outdoor or only partially enclosed work and/or materials handling and/or storage yard. Such uses shall be considered industrial.

Q. Commission. The Hauser Planning and Zoning Commission established by II.B. of this ordinance.

R. Compatibility. Land uses need not be identical to be "compatible", but must be sited, designed, constructed, and used in such a way that the normal functions and operation of neighboring uses do not seriously conflict, and so that their appearance is harmonious.

S. Compliance. For the purposes of this ordinance, "compliance" means that a development: 1. complies with all of the absolute performance standards of Chapter VI; 2. has a cumulative score of zero or better on the relative performance standards of Chapter VI; 3. where applicable, meets all conditions imposed on its approval, or the approval of a larger project of which it was a part; and 4. where applicable, meets all conditions of a development agreement executed as provided in VII.E.2.

T. Comprehensive Plan. The *Hauser Lake Comprehensive Plan*, as amended, and as it may be amended.

U. Council. The elected governing board of the City of Hauser.

V. Coverage. This ordinance refers to two types of coverage. *Impervious coverage* is the percent of a lot or parcel that is covered by rooftops, paved roads, and other surfaces that prevent the direct infiltration of precipitation or runoff into the soil. (See Table 5.) *Lot coverage* is the percent of a lot or parcel covered by structures.

W. Current Design Standards. For the purposes of this ordinance, the most recent standards promulgated by the Panhandle District Health Department and DEQ.

X. DEQ. The Division of Environmental Quality, Idaho Department of Health and Welfare.

Y. Development. Development is used as a generic term covering any and all activities for which a permit is required by this ordinance. The *developer* is, by definition, the owner of the parcel on which a development is proposed, but owners may appoint a representative for all proceedings required by this ordinance.

Z. EPCRA. The Emergency Planning and Community Right-To-Know Act of 1986: 42 USC Sections 1101-11050, as amended, and as it may be amended.

Division 2 - F-J

AA. Floodplain. For the purposes of this ordinance, synonymous with "special flood hazard area", as defined in Appendix C.23.

BB. Finished Grade (also Final Grade). The finished surface of the ground after grading for development is completed.

CC. Hazardous Materials. Defined at VI.E. Includes "hazardous substances" and "hazardous wastes".

DD. HEIGHT. The vertical distance measured from the average finish grade of the building site, as determined from the highest and lowest point of that portion of the lot covered by the building, to the highest point of the roof, and subject to all provisions of VI.S.3. and VI.Z.2.

EE. Home Occupation. A commercial activity conducted in a dwelling or a building accessory to a dwelling. Home occupations, by definition, comply with the performance standards of VI.P.

FF. Idaho Stream Channel Protection Act. I.C. 42-3801, et seq.

GG. Idaho Lake Protection Act. I.C. 58-1301, et seq.

HH. Industrial. Includes all land uses in SLUC 21-51, 637, and 82-89, plus any use defined as industrial by 11-16-12, except: SLUC 4923 and 4924.

Division 3 - K-O

II. Large Scale Development. A large-scale development is a project that will contain 75 or more residential lots or units, or that is projected to generate 750 or more trips per day. See VI.LL.

JJ. Livestock. Large livestock are as cows, horses, pigs, sheep, goats or other animals in excess of fifty pounds, with the exception of dogs not bred for commercial purposes. Small livestock are rabbits, birds and other animals less than fifteen pounds, with the exception of dogs not bred or boarded for commercial purposes.

KK. Lot. Lot is used as both as a generic term for a development site, and to refer to any parcel of land created and described by a record of survey or plat. A *lot split* is the creation of any parcel of land of less than 160 acres for the purpose of sale, lease, rental, or development.

LL. Manufactured Home. A structure manufactured pursuant to the authority of the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. 5401, et seq.) that is transportable in one or more sections, and which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. A *manufactured home park* is any lot or parcel used for occupancy by manufactured homes that will not be placed on a permanent foundation. This definition is expanded in special flood hazard areas: see Appendix C.21.

MM. Minor Utility Installation. Includes cable television, electric power, and telephone cables and transmission lines, and natural gas pipelines that serve the area through which they are routed. Also includes transformer boxes and other minor appurtenances to those transmission lines or pipelines. Other utility installations are industrial uses.

NN. Minimize. For the purposes of this ordinance, "to minimize" means to demonstrate that no alternative plan for the proposed development will result in a smaller impact.

OO. Nonconforming. A nonconforming use or building complied with the regulations that existed at the time of its development, but would not comply with this ordinance, if submitted for approval after its effective date. The *degree of nonconformity* is the measured extent to which an existing building or use fails to comply with the requirements of this ordinance. For example, the degree of nonconformity of a parking lot that has four spaces, but serves a use requiring nine, is five parking spaces. No change in the nonconforming building could be permitted that would reduce the number of parking spaces, because that would increase the degree of nonconformity.

PP. Occupancy. The use of a building or lot. Occupancies are classified using the Standard Land Use Coding System (SLUC). A *minor change in occupancy* is a change within the two-digit SLUC code or a change to any occupancy that has identical

parking requirements and similar traffic generation potential, creates no additional signage, and, has, as determined by the administrator, similar or lesser impacts on neighboring land uses.

QQ. Outdoor Material Handling or Storage. Stockpiling, storage, processing, or packaging of materials for any reason (it need not be for commercial use), including the long term storage of construction materials and inoperative machinery or vehicles, that is not enclosed in a building and that is visible from a public street.

Division 4 - P-T

RR. Plat. The legal map describing a subdivision.

SS. Public Service Provider. A "potentially affected public service provider" is any local agency, including special districts, that provides any public facility or service that may possibly be affected by a proposed development. State law specifically states that school districts are potentially affected public service providers.

TT. RCRA. The Resource Conservation and Recovery Act of 1976: 42 U.S.C. 6901 et seq., as amended, and as it may be amended.

UU. Recreational Vehicle. As per I.C. 49-2801, "recreational vehicle" means a motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for recreational or emergency occupancy.

VV. Runoff, Erosion, and Sedimentation Control Plan. A runoff, erosion, and sedimentation control plan is prepared by a person or firm with experience in runoff, erosion, and sedimentation control, preferably landscape architects or Professional Erosion and Sediment Control Specialists certified by the Soil and Water Conservation Society. These plans show how the performance standards of VI.H. and the guidelines of the Kootenai County Interagency Stormwater Committee's *Stormwater Management Plan Criteria and Engineering Standards*, as modified by VI.H.2.i., will be met. Specifically, a runoff, erosion, and sedimentation control plan uses maps, plans, drawings, and narrative to:

1. identify runoff and erosion hazard areas (slopes, highly erodible soils, etc.) on the site, and wetlands, watercourses, and facilities, both on the site and downstream, that are vulnerable to damage from accelerated runoff, erosion, and sedimentation;
2. show how the site will be graded, including the timing and sequence or phasing of the grading;
3. show which vegetative and/or structural techniques for runoff, erosion, and sedimentation control will be used; and
4. show how runoff, erosion, and sedimentation control measures will be maintained. The commission may require the production of a maintenance manual.
5. A runoff, erosion, and sedimentation plan may also be required to include a monitoring program.
6. All maps, plans, and drawings included in the runoff, erosion, and sedimentation plan must be coordinated with the site plan for the development (see IX.BBB.) and generally comply with the provisions of Table 5, VI.8.QQ., and with the guidelines established by the Kootenai County Interagency Stormwater Committee's *Stormwater Management Plan Criteria and Engineering Standards*, as modified by VI.H.2.

WW. Sensitive Areas. Include wetlands, lakeshore and stream corridors, slopes greater than 15%, and the critical open space areas identified on the future acquisitions map adopted in IV.E.

XX. Setback. The distance between the property line and the outer wall, at grade, of the principal building on the same lot. The space within that distance is called a *yard*.

1. The *front setback* is measured from the lot line paralleling a public street to the principal building. Corner lots have two front yards.

2. The *rear setback* is measured from the rear lot line to the principal building. The rear lot line is parallel, or more or less parallel, to the street. Corner lots have two rear yards, but may treat either as a side yard for the purposes of this ordinance.

3. The *side setback* is measured from the side lot line to the principal building.

YY. Sewerage. Refers to the entire system (mains, treatment plant, etc.) used to treat sewage wastes.

ZZ. Sign. Any object or structure used to identify, advertise, or in any way attract or direct attention to any use, building, person, or product by any means, including, but not limited to, the use of lettering, words, pictures, and other graphic depictions or symbols. Specific types of signs are defined in Appendix A.

AAA. Single Family Dwelling. A detached building designed for occupancy by one family. Also includes group homes, as required by I.C. 67-6530, et. seq. Includes both conventional dwellings and manufactured homes that: 1. comply with the National Manufactured Home Construction and Safety Standards Act (40 USC 5401) or the Uniform Building Code; 2. have all hitches, wheels, chassis, and other running gear removed and are attached to a permanent foundation; and 3. where available, are permanently connected to central utilities. Recreational vehicle and travel trailers are not single family dwellings, and shall not be used as such.

BBB. Site Plan. A site plan is a scaled drawing, or a series of such drawings, that illustrates all those details of a proposed development needed to demonstrate compliance with this ordinance, including the location of prominent natural features on and adjacent to the site; existing and proposed property lines; existing and proposed easements; existing and proposed utilities; the location and exterior dimensions of existing and proposed buildings; the location, size, and circulation pattern in existing and proposed parking areas; existing and proposed roads and trails; proposed buffers, including a grading and planting plan for any proposed landscaping; and all other features of the site and proposed development that are relevant to compliance with this ordinance. Where an erosion and runoff control plan is required, the site plan must be prepared on a detailed topographic base.

CCC. Sketch Plan. A sketch plan is a scaled drawing that illustrates a general or conceptual site plan of a development. It must include the approximate site boundaries, the approximate location of prominent natural features on and adjacent to the site; existing and proposed lot lines and streets; the approximate location and exterior dimensions of existing and proposed structures; the approximate location, size, and circulation pattern of proposed parking areas; and the approximate location and dimensions of proposed buffers.

DDD. Skylining. A building is "skylined" if it is constructed on a ridgeline or hilltop where it is visible, from the critical perspective (i.e. from Hauser Lake or a public road) against a background of only the sky.

EEE. Standard Land Use Code. Abbreviated *SLUC*. The standard land use code is a method of classifying land uses adapted from the *Standard Land Use Coding Manual*, U.S. Department of Transportation, Federal Highway Administration, as reprinted in March 1977. A summary is given in Table 6.

FFF. Stream. For the purposes of this ordinance, any watercourse with a defined channel, perennial or intermittent. *First order streams* are those which are unbranched, i.e. which are not downstream from any other tributary stream. *Second order streams* are the combination of two or more first order streams, and *third order streams* are the combination of two or more second order streams, and so on.

GGG. Stream Corridor. Area to be left undeveloped on either side of a stream. See VI.G. for dimensions and exceptions. This ordinance also establishes *lakeshore corridors*.

HHH. Structure. Any object, including mobile objects, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, liquid storage tanks, fences, and overhead transmission lines. For the purposes of this ordinance, synonymous with "building".

III. Subdivision. Division of a parcel into more than two lots or parcels of less than 40 acres for the purpose of sale, lease, rent, or development.

Division 5 - U-Z

JJJ. UBC. The *Uniform Building Code*, published by the International Conference of Building Officials.

KKK. Use. See "Occupancy" at IX.PP.

LLL. Variance. According to I.C. 67-6516, "A variance is a modification of the requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of structure or the placement of the structure upon lots, or the size of lots." Land use cannot, by definition, be varied.

MMM. Vegetative Filter Strip. A vegetative filter strip is a densely vegetated area that lies between a source of runoff and a drainageway (artificial or natural), stream, or lake, and that has, due to its slope, vegetative cover, and width, the capacity to serve as a "sink" for sediment and other potential pollutants.

NNN. Wellhead Protection Zone I. An area surrounding wells, springs, and wetted recharge areas, as defined in the *Draft Idaho Wellhead Protection Plan*.

OOO. View. The range of vision from a residence whose loss or curtailment would result in the reduction of economic value of a residence according to generally accepted real estate appraisal practices.

PPP. Wetlands. Wetlands shall be as defined in the current *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*.

QQQ. Wetted Recharge Areas. An area where a stream, like the Hauser Lake outfall, debouches onto the Rathdrum Prairie and its flow is infiltrated into the Rathdrum Prairie Aquifer.

Table 6 - Standard Land Use Code (SLUC) Summary

| code | category | code | category |
|-------------|---|-------------|--|
| 1 | Residential | 11 | household units |
| | | 12 | group quarters |
| | | 13 | residential hotels |
| | | 14 | mobile home parks or courts |
| | | 15 | transient lodging |
| | <i>NEC = not elsewhere classified</i> | 19 | other lodging, NEC |
| 2 | Manufacturing | 21 | food, kindred products |
| | | 22 | textile mill products |
| | | 23 | apparel, other finished products made from fabrics, leather, similar materials |
| | | 24 | lumber, wood products, except furniture |
| | | 25 | furniture, fixtures |
| | | 26 | paper, allied products |
| | | 27 | printing, publishing, allied industries |
| | | 28 | chemicals, allied products |
| | | 29 | petroleum refining, related industries |
| 3 | Manufacturing, continued | 31 | rubber, miscellaneous plastic products |
| | | 32 | stone, clay, glass products |
| | | 33 | primary metal industries |
| | | 34 | fabricated metal products |
| | | 35 | instruments, cameras, optical goods, watches, clocks |
| | | 39 | miscellaneous manufacturing, NEC |
| 4 | Transportation, Communication, and Utilities | 41 | railroad transportation |
| | | 42 | motor vehicle transportation |
| | | 43 | aircraft transportation |
| | | 44 | marine craft transportation |
| | | 45 | highway, street right-of-way |
| | | 46 | automobile parking |
| | | 47 | communication |
| | | 48 | utilities |
| | | 49 | other transportation, communication, and utilities, NEC |
| 5 | Trade | 51 | wholesale trade |
| | | 52 | retail - building materials, hardware, farm equipment |

Table 6, continued

| code | category | code | category | | |
|------|--|------|--|-------|--|
| 5 | Trade, continued | 53 | retail - general merchandise | | |
| | | 54 | retail - food | | |
| | | 55 | retail - automotive, marine craft, aircraft, accessories | | |
| | | 56 | retail - apparel and accessories | | |
| | | 57 | retail - furniture, home furnishings | | |
| | | 58 | retail - eating and drinking | | |
| | | 59 | other retail trade, NEC | | |
| | | 6 | Services | 61 | finance, insurance, real estate services |
| | | | | 62 | personal service |
| | | | | 63 | business services |
| 64 | repair services | | | | |
| 65 | professional services | | | | |
| 66 | contract construction services | | | | |
| 67 | government services | | | | |
| 68 | educational services | | | | |
| 69 | miscellaneous services, NEC | | | | |
| 71 | cultural activities, nature exhibitions | | | | |
| 7 | Cultural, Entertainment, and Recreational | 72 | public assembly | | |
| | | 73 | amusements | | |
| | | 74 | recreational activities | | |
| | | 75 | resorts and group camps | | |
| | | 76 | parks | | |
| | | 79 | other cultural, entertainment, recreational, NEC | | |
| | | 8 | Resource Production and Extraction | 81-82 | agriculture, related activities |
| | | | | 83 | forestry activities, related services |
| | | | | 84 | fishing activities, related services |
| | | | | 85 | mining, related services |
| 89 | other resource production, extraction, NEC | | | | |
| 9 | Undeveloped Land and Water Areas | | | 91-92 | undeveloped, unused land |
| | | 93 | water | | |
| | | 94 | vacant floor area | | |
| | | 95 | under construction | | |
| | | 99 | other undeveloped, unused land | | |

APPENDIX A - DETAILED PERFORMANCE STANDARDS FOR SIGNS

1. **Purpose.** This appendix establishes regulations for the location, type, and size of signs permitted in the Hauser Lake Planning Area. Any sign not expressly permitted shall be prohibited.

Division I - Permit Requirements

2. **Permit Required.**

a. A Class I permit shall be required for all replacement signs, and the installation or placement of new signs at existing uses, except as provided in A.3. A "replacement" sign is a new sign. A permit is not required for the temporary removal of an existing sign for repair.

b. The location, type, and size of all proposed signs shall be included in applications for Class II permits. These uses are approved exactly as proposed, and a new Class II permit will be required for any change in number, location, type, and size of signs.

3. **Exceptions to Permit Requirement.** The signs listed here are not exempt from any requirement of this ordinance, except the requirement for a permit. No permit shall be required for placement or installation of: a. residential nameplates; b. temporary signs, including construction, real estate, and political signs; c. window signs, and d. traffic control signs or public notices.

Division II - Performance Standards

4. **Placement of Signs.** No sign shall be placed: a. in or over a public right-of-way; b. on a tree, cliff, or other natural feature; c. on a utility pole; d. on a vehicle or trailer parked in a visible location for the primary purpose of displaying the sign; or e. where it creates a traffic safety hazard by obscuring traffic control signs or signals, or obstructing vision at intersections.

5. **Permitted Signs: Upper Watershed, Lake Village, and Hauser Hills Zoning Districts:** The following signs shall be permitted in the Upper Watershed, Lake Village, and Hauser Hills zoning districts:

- a. traffic control signs or public notices placed by public agencies;
- b. one nameplate of no more than four square feet for each dwelling;
- c. one temporary sign (construction, "for sale", political, etc.) of no more than four square feet; and
- d. the home occupation signs permitted by VI.P.
- e. Service uses (churches, government offices, parks) in these zoning districts may display one nameplate of no more than 12 square feet and on-site directional, traffic control, and regulatory signs of no more than four square feet each.
- f. Existing commercial uses in the Lake Village Zoning District may maintain existing signs. Those uses may also replace their signs, provided that the replacement sign is no larger than the existing.

6. **Permitted Signs: Highway Commercial and Rathdrum Prairie Zoning Districts.** The following signs shall be permitted in the Highway Commercial and Rathdrum Prairie Zoning Districts.

- a. traffic control signs or public notices placed by public agencies;

- b. for dwellings: the same signs permitted by A.5.; and
- c. for commercial and industrial uses:
 - i. on-site directional and traffic control signs of no more than four square feet each;
 - ii. window signs that cumulatively occupy no more than 20% of the area within the frame of any window; and
 - iii. any combination of the following types of signs, provided that the total sign area does not exceed 10% of the area of the building facade facing the road frontage, or 32 square feet, whichever is less: i. awnings, ii. wall signs, and iii. ground signs.
 - .iv. Buildings with arcades may also have one suspended sign, of no more than two square feet, for each use or occupancy with access from the arcade.
 - v. Temporary signs (political, "for sale", etc.) must fit within the sign area allocated by ii. and iii., above.

7. Sign Design. RESERVED.

The P&Z may want to discuss sign design requirements (use of wood rather than plastic, etc.), but the limited area of signs permitted, and the limited area in which commercial and industrial signs are permitted, probably provide sufficient control.

8. Illuminated Signs. No flashing, blinking, or moving signs shall be permitted, and no spotlight or other light source used to illuminate a sign shall create excessive light or glare (see VI.M.2.).

9. Maintenance. Signs shall be maintained so as not to create health or safety hazards. Any sign that is structurally unsound, or no longer serves to inform or attract, shall be considered abandoned, and its removal required.

10. Abandoned Signs. Abandoned signs shall be removed within sixty days of the adoption of this ordinance, or within 60 days of the abandonment of the use to which the sign is appurtenant.

11. Nonconforming Signs. No permit shall be issued for any new conforming sign on a lot or parcel where there is an existing nonconforming sign.

The above is an additional enforcement provision that was not in the discussion draft.

Division III - Sign Definitions

11. Area. The area of a sign shall be the area of the smallest straight-sided geometric figure that can be defined by and include the outer limits of the copy or message (including both graphics and text) on the sign. Contrasting frames or borders shall be measured as part of the copy or message.

12. Awning. A plastic or fabric shelter supported by a noncombustible rigid framework attached to a building.

13. Directional Signs. Are used to identify points of access, the direction of travel, the location of handicapped parking spaces, and similar information in off-street parking and loading areas. These signs bear no advertising copy.

14. **Ground Signs.** Are freestanding signs that do not exceed eight feet above grade in height. Ground signs are not portable.
15. **Home Occupation Signs.** See VI.P.
16. **Nameplates.** Are small wall signs that identify the occupants and address of a building.
17. **Pole Signs.** Are freestanding signs that exceed eight feet in height above grade.
18. **Projecting Signs.** Are attached to the wall of a building and project away from that wall. Projecting signs may extend no more than seven feet from the building wall, and may not extend to within two feet of the near curb line. Projecting signs do not extend more than three feet above the roof line of the building to which they are attached.
19. **Suspended Signs.** Are attached to the ceiling of an arcade or canopy and hang over a sidewalk with a vertical clearance of at least eight feet.
20. **Traffic Control Signs.** Include standard regulatory signs: stop and yield signs, speed limit signs, etc.
21. **Temporary Signs.** Include construction, real estate, political, event, and other signs displayed for a specific time-delimited purpose.
22. **Wall Signs.** Are either painted directly on the wall of a building or attached to the wall of a building, and parallel with the wall to which they are attached. Attached wall signs extend no more than one foot from the building to which they are attached. Wall signs do not extend above the roof line of the building to which they are attached.
23. **Window Signs.** Appear within the frame of, and are affixed directly to, a window. Window displays of merchandise are not signs, provided that no part of the display is affixed to the window.

APPENDIX B - MODEL HEARING NOTICES

1. Purpose. The purpose of this appendix is provide models for the hearing notices required by this ordinance.

2. Notice for Class II Permit Application Hearing.

PUBLIC HEARING NOTICE

John Doe of P.O. Box 22, Spokane, WA 99004 proposes to subdivide the NE 1/4, SE 1/4, Section 37, T. 99 N., R. 99 E.B.M., a 39.8 acre parcel, into 3 lots for residential development. The lots will average 13.2 acres in size. This property is located at the southwest corner of Washboard Road and Muddy Lane, and is presently used as pasture.

The Hauser Planning and Zoning Commission will conduct a public hearing on this proposal at 7:00 P.M. on Wednesday, January 1, 1994 at Hauser City Hall. A copy of the application materials is available for public review at PLACE. Public comment is encouraged.

The P&Z will need to find a place with regular business hours where application materials can be made available for public review.

3. Notice of Variance Hearing.

PUBLIC HEARING NOTICE

Mr. and Mrs. F. Doe of P.O. Box 999, Post Falls, Idaho 83854 have applied for a variance of Section XX.?.1. of the Hauser Development Code. The proposed variance would permit a three foot, eight inch extension of the residence at 45000 South Bass into the required side yard.

The Hauser Planning and Zoning Commission will conduct a public hearing on this proposal at 8:00 P.M. on Wednesday, January 1, 1994 at Hauser City Hall. A copy of the application materials is available for public review at PLACE. Public comment is encouraged.

4. Notice of Appeal Hearing.

PUBLIC HEARING NOTICE

The Vanishing Land Company of 569 Manzanita, Boise, ID 83704 is appealing the Hauser Planning and Zoning Commission's rejection of its application for a Class II Permit to construct a 17 unit condominium on Lots 1000 and 1001 of the Lakeside Gardens Addition.

The Hauser City Council will conduct a public hearing on this appeal at 9:00 P.M. on Wednesday, January 14, 1994 at Hauser City Hall. A copy of the application materials is available for public review at PLACE. Public comment is encouraged.

**APPENDIX C - DETAILED PERFORMANCE STANDARDS
FOR SPECIAL FLOOD HAZARD AREAS**

1. Purpose. This appendix adopts the administrative procedures and performance standards required for Hauser's participation in the National Flood Insurance Program. The provisions of this appendix apply to all development in special flood hazard areas identified by the Federal Emergency Management Agency (FEMA).

The stream corridor protection standards of this ordinance will eliminate most building in the floodplain. These performance standards must be on the city's books, however, if residents are to be able to buy flood insurance. These standards also help ensure that the minor developments permitted in stream corridors do not increase downstream hazards. This appendix is based on a model floodplain zoning ordinance provided by FEMA.

Division I - Administration of Federal Flood Insurance Program Requirements

2. Permit Required. A permit shall be required for any activity in a special flood hazard area that may potentially affect flood flows: see III.B. for permit requirements.

3. Warning/Disclaimer of Liability. Applicants for permits in special flood hazard areas shall acknowledge, in writing, the following:

a. I understand that, while the degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations, larger floods can and will occur.

b. I understand that projected flood levels may be increased by man-made or natural causes.

c. I understand that this ordinance does not imply that land outside the special flood hazard area or uses permitted within such areas will be free from flooding or flood damage.

d. I understand that this ordinance does not create any liability on the part of the city/county, or any officer or employee thereof, or on the part of the Federal Insurance Administration, for flood damages.

4. Additional Application Requirements. Applications for permits in special flood hazard areas shall be accompanied by the following information: a. elevation of the lowest floor of all proposed buildings; b. elevation to which any existing or proposed building has been or will be floodproofed; c. for all buildings other than a single family dwelling: certification by an engineer or architect that the floodproofing methods used comply with these performance standards; and d. where alteration of a watercourse is proposed: a description of the extent to which the watercourse will be altered or relocated as a result of the proposed development, and proof that all state or federal permits required for that alteration have been approved (see VI.G.). The developer shall provide the base flood elevation data for all developments that include 50 or more lots or dwellings or five or more acres.

5. Duties of the Administrator. The administrator shall serve as local floodplain manager and perform the following duties: a. determine that required state and federal permits have been approved before reviewing any application for a permit in a special flood hazard area; b. where base flood elevation data are not provided by FEMA: obtain and reasonably utilize any base flood elevation and floodway data available from state, federal, or other sources as a basis for administration of these standards; c. maintain a record of the actual elevation of the lowest floor of new or substantially improved buildings, and whether or not the building contains a basement; d. maintain a record of floodproofing certifications required by C.4.c.; e. notify Kootenai County and the Idaho

Department of Water Resources prior to the alteration or relocation of a watercourse, and submit evidence of that notification to the Federal Insurance Administration; and f. keep records of appeal actions and report all variances to the Federal Insurance Administration.

Division II - Performance Standards for Special Flood Hazard Areas

6. Anchoring.

a. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement.

b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Anchoring methods may include, but are not limited to, the use of over-the-top or frame ties to ground anchors.

7. Construction Materials and Methods.

a. New construction and substantial improvements shall be built with materials and utility equipment that are resistant to flood damage, and using methods and practices that minimize flood damage.

b. All electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities shall be designed, or elevated, or located, so as to prevent water from entering or accumulating within their components during flooding.

8. Utilities.

a. New and replacement water systems shall be designed to eliminate infiltration of flood waters into the system.

b. New and replacement sewerage systems shall be designed to eliminate infiltration of flood waters into the system and discharge from the system to flood waters.

9. Site Design. Utilities shall be located and designed to minimize flood damage, and the site shall be graded and drained to guide floodwaters around and away from existing and/or proposed buildings.

10. Residential Development. Standards a. and b. apply only in areas where flood elevation data have been provided by FEMA.

a. Construction or substantial improvement of any dwelling shall result in the lowest floor being elevated to or above base flood elevation.

b. Fully enclosed areas below the lowest floor are prohibited, except where designed to automatically equalize hydrostatic forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by an engineer or architect, or meet the following minimum standards: i. a minimum of two openings, 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; ii. the bottom of such openings shall be no higher than one foot above grade; and iii. such openings may be equipped with screens, louvers, or other coverings or devices, provided they permit automatic entry and exit of floodwaters.

c. Where base flood elevation data are not available, applications shall be reviewed to ensure that the proposed development will be reasonably safe from flood damage. The determination of reasonableness shall be based on evidence submitted with the application, including historical records, photographs of past flood events, and similar documentation. The minimum

elevation above grade in such cases shall be two feet. Certain developments must provide base flood elevation data, as required by C.4.

d. Manufactured homes in special flood hazard areas shall be elevated on and securely anchored to a permanent foundation, so that the lowest floor is at or above base flood elevation.

11. **Nonresidential Development.** Construction or substantial improvement of any nonresidential building located in a special flood hazard area shall result in the lowest floor being elevated to or above base flood elevation or, together with the attendant utility and sanitary facilities, the building shall: a. be floodproofed so that below base flood level, it is watertight, with walls substantially impermeable to the passage of water; b. be designed and constructed to resist hydrostatic and hydrodynamic loads and the effects of buoyancy; c. present a certification from an engineer or architect that the design and methods of construction comply with accepted standards of practice for meeting these performance standards; and d. meet the performance standard of B.11.b. for enclosed spaces below the lowest floor.

12. **Floodways.** The floodway is the channel of a river or other watercourse and any adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway is a hazardous area due to the velocity of flood waters which carry debris and projectiles, and to the high erosion potential. Encroachment into the floodway, including fill, new construction, and other development shall be prohibited, unless an engineer or architect certifies that the encroachment will not result in an increase in the flood level during the base flood discharge.

13. **Maintenance of Flood Capacity.** Continuing maintenance to prevent the reduction of flood carrying capacity in altered or relocated watercourses shall be required.

14. **Areas of Shallow Flooding (AO Zones).** An area of shallow flooding is an AO or AH Zone on the Flood Insurance Rate Map (FIRM). In these areas, base flood depth ranges from one to three feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

a. Construction and substantial improvement of dwellings in AO zones shall result in the lowest floor being elevated above the highest adjacent grade of the building site to or above the depth number specified on the FIRM or to at least two feet, where no depth number is specified.

b. New construction and substantial improvement of nonresidential buildings in AO zones shall: i. be graded and drained to guide floodwaters around and away from existing and/or proposed buildings; and ii. have the lowest floor elevated above the highest adjacent grade of the building site to or above the depth number specified on the FIRM or, where no depth number is specified, to at least two feet above the highest adjacent grade; OR ii. together with its attendant utility and sanitary facilities, be floodproofed so that any space below that level is watertight, with substantially impermeable walls and structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Compliance shall be certified by an engineer or architect.

Division 3 - Variances in Special Flood Hazard Areas

15. **Additional Finding for Variances.** Approval of a variance in a special flood hazard area shall be based on all findings required by III.O.4., and the additional finding that approval of the variance will not result in increased flood levels, a threat to public safety, or extraordinary public expense.

16. **Variance Notice.** Where a variance of the requirements of this appendix is approved, the administrator's notice of the decision (III.O.6.) shall state that the city/county is not liable for any flood damages that result. Where a variance of the elevation requirements of this appendix is approved, the administrator shall also inform the developer that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Division 4 - Definitions

17. **Flood.** Partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source. The base flood is the flood having a one percent chance of being equalled or exceeded in any given year. It is also referred to as the "100-year flood".

18. **Flood Insurance Rate Map. Abbreviated FIRM.** The official map on which the Federal Insurance Administration has delineated areas of special flood hazard and risk premium zones applicable to the city and its area of impact.

19. **Flood Insurance Study.** The official report of the Federal Insurance Administration, including flood profiles, flood boundary maps, and the water surface elevation of the base flood.

20. **Lowest Floor.** The lowest floor of the lowest enclosed area, including the basement. An unfinished or flood resistant enclosure, usable solely for parking, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that it does not place the building in violation of the non-elevation design requirements of this appendix.

21. **Manufactured Home.** For floodplain management purposes, the definition of "manufactured home" found at VIII.JJ. is expanded to include recreational vehicles, travel trailers, and similar vehicles or trailers that are left in place for 180 or more consecutive days. For a definition of "manufactured home park" see VIII.JJ.

22. **New Construction.** Buildings for which the "start of construction" was on or after the effective date of this ordinance.

23. **Special Flood Hazard Area.** Also the "floodplain" or "100 year floodplain". Land subject to a one percent or greater chance of flooding in any given year. Designation on the Flood Insurance Rate Map (FIRM) always includes the letters A or V.

24. **Start of Construction.** Applies to substantial improvements and new construction and means: the date a permit was issued, provided the actual start of construction, repairs, placement, or other improvements was within 180 days of the permit date. "Actual start" means either the first placement of permanent construction on a site, such as pouring a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation OR the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundation, or erection of temporary forms; nor does it include installation of accessory buildings.

25. **Substantial Improvement.** Repair, reconstruction, or improvement of a building, the cost of which equals or exceeds 50% of that building's market value either: i. before the improvement or repair is started, or where the building has been damaged and is being restored, before the damage occurred. "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 its external dimensions.

APPENDIX D - DETAILED PERFORMANCE STANDARDS FOR BUFFERING

1. **Purpose.** Landscaping requirements are an essential element in mitigating potential land use conflicts and enhancing the visual appeal of the city. The purpose of this appendix is to assure that the landscaped buffers required by this ordinance fulfill those goals.

2. **Minimum Buffer Requirements.** The width of required buffers shall vary with the nature of the uses being separated, the height of the buildings buffered, and the design of the buffer. Table 3 shows the minimum width required where the buffer consists of a level or gently sloping area of sod or ground cover and at least four major trees in each hundred lineal feet of buffer.

3. **Height Adjustment.** The minimum buffer width shall be increased by the height adjustment factor, where one is established. That factor is a ratio expressing the number of feet that must be added to minimum buffer width for each foot in height over 35 feet of the building being buffered.

4. **Buffer Width Reduction: Berms.** The minimum buffer width requirements of Table 3 may be reduced where a berm is included in the buffer. The width reduction shall be twice the height of the berm, but the maximum permitted reduction shall be 10 feet. No berm shall have a slope of more than 3:1, except where it incorporates a retaining wall. Such walls may be used only on the side opposite the use or public way being buffered.

5. **Buffer Width Reduction: Additional Plantings.** The minimum width requirements may be reduced where a greater density and diversity of plantings is included in the buffer. The buffer width reductions permitted this section are cumulative and may result in a total reduction of 30%. The buffer width reductions permitted by D.3. are also cumulative with those permitted here.

a. **Major Trees.** The required buffer width shall be reduced by 10% where five or more major trees are planted or retained in each 100 lineal feet of buffer.

b. **Understory Trees.** The required buffer width shall be reduced by 10% where five or more understory trees are planted or retained in each 100 lineal feet of buffer.

c. **Shrubs.** The required buffer width shall be reduced by 10% where 20 or more shrubs per hundred lineal feet are planted or retained.

6. **Minimum Buffer Width.** No required buffer shall be less than half the minimum buffer width or less than 10 feet in width, regardless of any reductions permitted by D.4. and 5.

7. **Buffer Crossings/Inclusions.** Buffers may be crossed by access driveways, utility lines, sidewalks, and pedestrian trails. A sidewalk or pedestrian trail may run along the length of a buffer, with its width, up to a maximum ten feet, included in the required buffer width. Buffers may also include permitted signs.

8. **Plant Materials Specifications.** Plant materials installed in required buffers shall meet the following specifications: a. all trees, major and understory, shall be containerized or bagged and burlapped stock in good condition with a caliper of at least 1.5 inch (measured one foot above grade) for deciduous trees and a height of at least six feet for coniferous trees; and b. all shrubs shall be minimum one gallon containerized stock in good condition.

**APPENDIX E - DETAILED PERFORMANCE STANDARDS
FOR OFF-STREET PARKING AND LOADING**

1. Purpose. These performance standards are intended to prevent traffic congestion by requiring provision of adequate off-street parking and loading areas.

2. Off-Street Parking Required. All buildings and uses shall provide the minimum number of off-street parking spaces required by Table E.I. Parking spaces shall have graded and drained gravel or paved surfaces.

3. Off-Street Parking Requirements for Uses Not Listed. The classification of uses and the off-street parking requirements for uses not listed in Table E.I. shall be determined by the administrator. Any person who disputes a decision of the administrator may request a review of that decision using the appeals procedure of III.N.

4. Location of Off-Street Parking. Off-street parking shall be provided on the same lot or parcel and under the same ownership as the use it serves, but two or more uses may share parking where:

a. the total number of spaces provided is not less than the sum of spaces required for all buildings or uses served, and

b. a contract providing for shared parking for a period of at least 20 years is executed before approval of a permit, and recorded before issuance of a certificate of compliance.

c. Required off-street parking spaces shall be within 600 feet of a main entrance of the building or use served, except for spaces serving a dwelling, which shall be within 100 feet of the dwelling unit served.

d. Shared access and parking that reduces the number of points of access to public roads is encouraged by VI.S.5.

5. Passenger Loading Areas. Day care centers, schools, and places for public assembly located on arterial roads shall provide at least one safe, properly signed off-street passenger loading area.

6. Freight Loading Areas. Commercial and industrial buildings and uses shall provide one safe, properly signed off-street freight loading area for each 10,000 square feet of gross floor area. Off-street freight loading areas shall be on the same lot or parcel and under the same ownership as the building or use they serve, be designed to accommodate the largest vehicle that may reasonably be anticipated, and have the following minimum dimensions: a. vertical clearance: 14 feet; b. width: 12 feet; and c. depth or length: 35 feet. No vehicle parked in an off-street freight loading area shall extend into a public right-of-way.

7. Access to Off-Street Parking and Loading Area Graded and drained gravel or paved driveways shall be provided for safe access to off-street parking and loading areas, including the off-street parking for single family dwellings.

a. No parking or loading area shall create a situation in which vehicles are required to back onto a public road. Parking areas for single family dwellings with access to local roads are exempt from this requirement.

b. Continuous curb cuts are prohibited. Access to public roads shall be via driveways that comply with these performance standards.

Table E.1. - Minimum Parking Space Standards

| <i>land use</i> | <i>parking spaces</i> | <i>land use</i> | <i>parking spaces per 1000 feet of gross floor area</i> |
|---|--|---|---|
| dwelling | 2 per unit | retail automotive, marine | 5 |
| lodging places | 1 per unit plus 1 | eating, drinking places | 15 |
| theaters and places of assembly | .33 per seat | financial, real estate, insurance | 3 |
| elementary and junior high schools | 1 per classroom plus 1, (auditoriums are places of assembly) | beauty and barber services | 6 |
| hospitals, rest homes, and similar uses | 2 per bed | other personal services, misc. services | 3 |
| <i>land use</i> | <i>parking spaces per 1000 feet of gross floor area</i> | health services, except hospitals | 5 |
| building materials, farm equipment, and furniture | 1 | professional services | 3 |
| hardware, apparel, misc. retail uses | 3 | shopping centers | 4 |
| general merchandise, groceries, | 4 | mixed office uses | 3 |

Notes: Other uses (transportation, communications, and utilities; wholesale trade; and industrial) shall provide one parking space for each anticipated employee plus one and one parking space for each anticipated company vehicle, plus one. Where a place of assembly does not have fixed seating, one space shall be provided for each 25 square feet of assembly area. Off-street parking requirements for different uses in the same building shall be calculated separately.

c. Driveways accessing Idaho Highway 53 shall be at least 200 feet from any other point of access (other driveways or intersections). Driveways to roads intersecting with Idaho Highway 53 shall be located at least 150 feet from the highway or, where that distance cannot be attained, at the property line most distant from the highway.

d. Driveways to Cloverleaf and Hauser Lake Roads shall be 150 feet apart, or where that distance cannot be attained, at the most distant point on the property. Driveways to roads intersecting Cloverleaf and Hauser Lake Roads shall be at least 40 feet from those roads.

e. Clear vision triangles shall be provided on both sides of driveways. A clear vision triangle is defined by extending a line between two points: Point 1 shall be 30 feet from the outer edge of the driveway on the lot line paralleling the road the driveway enters; and Point 2 shall be 30 feet back from the property line on the outer edge of the driveway. For driveways accessing Idaho Highway 53, the minimum sight distance provided must be 400 feet, and the clear vision triangle shall be extended, if necessary, to provide that distance.

f. No parking, and no solid fence or wall, planter, hedge, shrub, or other visual obstruction more than three feet in height above grade shall be permitted in a clear vision triangle. Trees may be permitted in clear vision triangles, but where all branches are pruned to a height of at least seven feet above grade.

g. Driveways for single family dwellings shall be a minimum of 10 feet wide, with a minimum curb radius of five feet, and a maximum grade of 3% for at least 20 feet before the driveway intersects the road. Driveways for other uses shall be designed to accommodate the reasonably anticipated level of use.

h. Where required for drainage, driveways shall be constructed over a minimum 12 inch culvert capable of supporting a load of 40,000 pounds.

8. Circulation Within Off-Street Parking Areas. The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to public streets.

a. Minimum aisle widths shall be: i. for two-way circulation and 90° parking: 24 feet; ii. for one-way circulation and 60° angle parking: 18 feet; iii. for one-way circulation and 45° angle parking: 15 feet; and iv. for one-way circulation and 30° angle parking: 13 feet.

b. Where one-way circulation is used, directional signs shall be installed at all access points to the parking area.

c. No parking area shall be designed so that circulation from one portion of the area to another relies on a public street.

d. There shall be safe pedestrian access around or through all parking and loading areas.

APPENDIX F - DETAILED PERFORMANCE STANDARDS FOR ROADS

1. Purpose. The purpose of this appendix is to provide performance standards for the design and construction of new roads in the Hauser Lake Planning Area.

2. Highway District Standards. The *Highway Standards for the Associated Highway Districts of Kootenai County, Idaho* is adopted as standard practice in the Hauser Lake Planning Area. Where the requirements of that document conflict with any provisions of this ordinance, however, this ordinance shall govern.

3. Road Design Standards. The standards adopted in F.2. guide the geometric design and construction of roads. The conceptual design and layout of roads shall be guided by the following principles:

a. local road systems shall minimize through traffic movement, excessive speeds, and conflict between vehicles and pedestrians;

b. local road systems shall create a minimum number of intersections, both internally and with adjoining public roads; and

c. local road system shall fit the terrain. Cuts, fills, and stream crossings shall be minimized.

4. Private Roads Limited. Private roads shall be permitted only for developments with 20 or fewer dwellings, and in excess of 1,000 feet only so long as such a road serves no more than three dwellings.

5. Roads and Water Quality. Road construction is subject to all performance standards established by this ordinance, including those intended to protect water quality. See especially VI.H.

APPENDIX G - DETAILED PERFORMANCE STANDARDS FOR
THE PLATTING OF LOT SPLITS AND SUBDIVISIONS

1. **Purpose.** This appendix establishes technical standards for the form and content of subdivision plats. The requirements it imposes are in addition to the requirements of state law.

Division 1 - Preliminary Plats

2. **Preliminary Plat Part of Application.** A preliminary plat is one part of the application for a Class II permit to subdivide and shall be accompanied by the official application form and all other materials required for a complete application. The required site plan and the preliminary plat may be combined or separate.

3. **Preliminary Plats to Be Comprehensive.** Preliminary plats shall cover the entire area to be developed by one owner or a group of related or associated owners, even when it is anticipated that development will be phased or occur in the form of multiple subdivisions over several years. See VI.00.

4. **Contents of Preliminary Plats.** Preliminary plats shall include:

a. a title block showing the name of the proposed subdivision and its location by quarter-quarter section, section, township, range, principal meridian, city, county, and state;

b. the name, address, telephone number, and registration number of the engineer or land surveyor who prepared the preliminary plat;

c. a north point, and both graphic and written scales;

d. a vicinity map that locates the proposed subdivision within the Hauser Lake Planning Area and the section, shows major roads and watercourses adjacent to or near the subdivision, and shows the boundaries and names of all adjacent or nearby subdivisions;

e. where the transfer of development rights is proposed as part of the subdivision's development: a map (the vicinity map may be used where appropriate) specifically identifying the land from which development rights are being transferred into the subdivision;

f. the location, nature, and boundaries of all existing public ways and public or private easements in or adjacent to the proposed subdivision, including the county book and page number references to the instruments establishing those ways or easements;

g. the location and size of all existing utility lines in or adjacent to the proposed subdivision;

h. the exterior boundaries of the proposed subdivision;

i. the location, exterior dimensions, and number of proposed lots and blocks, or other parcels created by the subdivision;

j. the acreage of each proposed lot, and a table showing the total acreage of the area proposed for subdivision, the total acreage in lots, the total acreage in streets, and the total acreage of parcels proposed for dedication to public use or to be held in common by the lot owners;

k. where they are proposed, and for cluster developments: the location and dimensions of building envelopes or building lots (see Table 5), and a prominent notice that building is permitted in the envelopes or designated building lots only;

l. the names of all proposed roads and widths and boundaries of all proposed road rights-of-way and utility easements;

m. the location of all irrigation structures, watercourses, and wetlands within or adjacent to the proposed subdivision;

n. the location of any floodplain and floodway boundaries, as established by the Federal Emergency Management Agency, and any lakeshore or stream corridor setback lines established by this ordinance: and

o. any other information required for compliance with this ordinance.

5. **Scale and Dimensions.** Preliminary plats shall be prepared at a scale of one inch equals one hundred feet, with all dimensions shown shall be in feet and decimals thereof. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and a sheet index map, which may be combined with the vicinity map. The vicinity and index maps shall appear on the first of the serially numbered sheets.

Division 2 - Final Plats

6. **Contents of Final Plats.** All final plats submitted shall be prepared in compliance with Chapter 13, Title 50 of the Idaho Code, as amended, and shall include all information listed below:

a. a title block showing the name of the proposed subdivision and its location by quarter-quarter section, section, township, range, principal meridian, city, county, and state;

b. the name, address, telephone number, and registration number of the engineer or land surveyor who prepared the final plat;

c. a north point, and both graphic and written scales;

d. a vicinity map that locates the proposed subdivision within the Hauser Lake Planning Area and the section, shows major roads and watercourses adjacent to or near the subdivision, and shows the boundaries of and recorded names of all adjacent or nearby subdivisions;

e. where the transfer of development rights is proposed as part of the subdivision's development: a map (the vicinity map may be used where appropriate) specifically identifying the land from which development rights are being transferred into the subdivision;

f. the location, nature, and boundaries of all existing public ways and public or private easements in or adjacent to the proposed subdivision, including the county book and page number references to the instruments establishing those ways or easements;

g. the point of beginning for the subdivision survey, which shall be a section or quarter section corner, and the location and a description of all existing monuments found during the course of the survey;

h. the location, nature, and boundaries, with bearings and distances, of all existing public ways and public or private easements in or adjacent to the subdivision, including the county book and page number references of the instruments establishing those ways or easements;

j. the location, exterior dimensions, and number of all lots and blocks, or other parcels created by the subdivision, including bearings and distances and curve data for curving boundaries;

k. the acreage of each lot, and a table showing the total acreage of the subdivided area, the total acreage in lots, the total acreage in streets, and the total acreage of any parcels dedicated to public use or held in common by the lot owners;

l. the names of all streets and widths and boundaries of all street rights-of-way and utility easements, including bearings and distances and curve data for curving boundaries;

m. the location and a description of all monuments established during the course of the survey;

n. the location of any floodplain and floodway boundaries, as established by the Federal Emergency Management Agency, and any lakeshore or stream corridor setback lines established by this ordinance;

o. a signed and dated owner's certificate which includes a complete legal description of the parcel being subdivided, and in which the owners of record dedicate all public ways and other public spaces to public use;

p. a public notary's acknowledgment of the owner's certificate;

q. a signed and dated certificate of consent in which all mortgagors, lienholders, and other parties with any real property interest, including the holders of mineral rights, in the property consent to its subdivision;

r. a public notary's acknowledgment of the certificate of consent;

s. certificates for plat approval by the commission and council or BOCC;

y. a statement of "sanitary restriction", as required by I.C. 50-1326;

u. a certificate for use by the County Recorder in recording the plat after its approval; and

v. any other information required for compliance with this ordinance.

7. **Scale and Dimensions.** Final plats shall be prepared at the scale of one inch equals one hundred feet and all dimensions shown shall be in feet and decimals thereof. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and a sheet index map, which may be combined with the vicinity map. All required certificates and the vicinity and index maps shall appear on the first of the serially numbered sheets.

8. **Copy.** The developer shall also provide the city with one reproducible copy of the final plat suitable for photographic reproduction and reduction.

Hauser Lake Planning Area Performance Standards Checklist

performance standard | absolute | relative

| from Chapter VI | N/A | complies | fails | improvements | points | score | notes |
|--|-----|----------|-------|--------------|--------|-------|-------|
| C. Air Quality Standards | | | | | | | |
| D. Water Quality Standards | | | | | | | |
| E.1. Hazardous Materials | | | | | | | |
| E.2. Hazardous Materials | | | | | | | |
| E.3. Hazardous Materials | | | | | | | |
| E.4. Hazardous Materials | | | | | | | |
| F. Sensitive Areas: Wetlands | | | | | | | |
| G.1. Sensitive Areas: Lakeshore & Stream Corridors | | | | | | | |
| G.2. Sensitive Areas: Lakeshore & Stream Corridors | | | | | | | |

| from Chapter VI | N/A | complies | fails | improvement | points | score | notes |
|--|-----|----------|-------|-------------|--------|-------|-------|
| G.3. Sensitive Areas: Lakeshore & Stream Corridors | | | | | | | |
| G.4.d. Sensitive Areas: Lakeshore & Stream Corridors | | | | 4 | | | |
| G.4.b. Sensitive Areas: | | | | 2 | | | |
| G.4.c. Sensitive Areas: | | | | 2 | | | |
| G.4.d. Sensitive Areas: | | | | 4 | | | |
| H.1. Runoff and Erosion Control | | | | | | | |
| H.2. Runoff and Erosion Control | | | | | | | |
| H.3. Runoff and Erosion Control | | | | | | | |
| H.4. Runoff and Erosion Control | | | | 2 | | | |
| I. Sensitive Areas: Slopes | | | | 2 | | | |
| J.1. Rathdrum Prairie Aquifer | | | | | | | |
| J.2. Rathdrum Prairie Aquifer | | | | | | | |

| | | | | | | | | | |
|----------------------------------|--|--|--|--|--|--|--|--|--|
| J.3. Rathdrum Prairie Aquifer | | | | | | | | | |
|----------------------------------|--|--|--|--|--|--|--|--|--|

Hauser Lake Performance Standards Checklist 3

| from Chapter VI | N/A | complies | fails | improvement | points | score | notes |
|-------------------------------------|-----|----------|-------|-------------|--------|-------|-------|
| J.4. Rathdrum Prairie Aquifer | | | | | | | |
| K.1. Wildfire Hazards | | | | | | | |
| K.2. Wildfire Hazards | | | | | | | |
| L.1. Sensitive Areas: Open Space | | | | 5 | | | |
| L.2. Sensitive Areas: Open Space | | | | 5 | | | |
| M.1. Nuisances | | | | | | | |
| M.2. Nuisances | | | | | | | |
| M.3. Nuisances | | | | | | | |
| M.4. Nuisances | | | | | | | |
| M.5. Nuisances | | | | | | | |
| M.6. Nuisances | | | | | | | |
| N.1. Livestock in Residential Areas | | | | | | | |
| N.2. Livestock in Residential Areas | | | | | | | |
| N.3. Livestock in Residential Areas | | | | | | | |
| N.4. Livestock in Residential Areas | | | | | | | |

| from Chapter VI | N/A | complies | fails | impartance | points | score | notes |
|-------------------------|-----|----------|-------|------------|--------|-------|-------|
| O.1. Outdoor Storage | | | | | | | |
| O.2. Outdoor Storage | | | | | | | |
| O.3. Outdoor Storage | | | | | | | |
| P.1. Home Occupations | | | | | | | |
| P.2. Home Occupations | | | | | | | |
| P.3. Home Occupations | | | | | | | |
| P.4. Home Occupations | | | | | | | |
| P.5. Home Occupations | | | | | | | |
| Q.1. Irrigation Systems | | | | | | | |
| Q.2. Irrigation Systems | | | | | | | |
| R.1. Landscaped Buffers | | | | | | | |
| R.2. Landscaped Buffers | | | | 2 | | | |

Hauser Lake Performance Standards Checklist 5

| | | | | | | | |
|----------------------------|--|--|--|---|--|--|--|
| S.1. Compatibility Factors | | | | 2 | | | |
|----------------------------|--|--|--|---|--|--|--|

| from Chapter VI | N/A | complies | fails | impartial | points | score | notes |
|-------------------------------------|-----|----------|-------|-----------|--------|-------|-------|
| S.2. Compatibility Factors | | | | | | | |
| S.3. Compatibility Factors | | | | 4 | | | |
| S.4. Compatibility Factors | | | | 3 | | | |
| S.5. Compatibility Factors | | | | 3 | | | |
| T. Upper Watershed Zoning District | | | | 4 | | | |
| U. Lake Village Zoning District | | | | 4 | | | |
| V. Hauser Hills Zoning District | | | | 4 | | | |
| W. Highway Corridor Zoning District | | | | 4 | | | |
| X. Rathdum Prairie Zoning District | | | | 4 | | | |
| Y. Signs | | | | | | | |
| Z.1. Hauser Lake: Views | | | | 3 | | | |
| Z.2. Hauser Lake: Views | | | | | | | |

Hauser Lake Performance Standards Checklist 7

| from Chapter VI | N/A | complies | fails | importance | points | score | notes |
|---------------------------|-----|----------|-------|------------|--------|-------|-------|
| AA. Community Image | | | | 4 | | | |
| BB.1. Water | | | | | | | |
| BB.2. Water | | | | | | | |
| BB.3. Water | | | | 4 | | | |
| BB.4. Water | | | | 5 | | | |
| CC.1. Sewerage | | | | | | | |
| CC.2. Sewerage | | | | | | | |
| CC.3. Sewerage | | | | | | | |
| CC.4. Sewerage | | | | | | | |
| CC.5. Sewerage | | | | | | | |
| CC.6. Sewerage | | | | 5 | | | |
| DD.1. Access to Utilities | | | | | | | |
| DD.2. Access to Utilities | | | | | | | |
| DD.3. Access to Utilities | | | | | | | |
| DD.4. Access to Utilities | | | | | | | |
| EE.1. Addresses | | | | | | | |

Hauser Lake Performance Standards Checklist 8

| from Chapter VI | N/A | complies | fails | importance | points | score | notes |
|--------------------------------------|-----|----------|-------|------------|--------|-------|-------|
| EE.2.Addresses | | | | | | | |
| FF.Off-Street Parking | | | | | | | |
| GG.1.Access to Public Roads | | | | | | | |
| GG.2.Access to Public Roads | | | | | | | |
| GG.3.Access to Public Roads | | | | | | | |
| HH.Roads | | | | | | | |
| II.Public Access | | | | | | | |
| JJ.Community Trail System | | | | 3 | | | |
| KK.Fire Protection | | | | | | | |
| LL.1.Large-Scale Development | | | | | | | |
| LL.2.Large-Scale Development | | | | | | | |
| MM.Plat or Record of Survey Required | | | | | | | |
| NN.Lot Splits | | | | | | | |
| OO.Incremental Subdivision | | | | | | | |

Hauser Lake Performance Standards Checklist 9

| from Chapter VI | N/A | complies | fails | improvement | points | score | notes |
|--|-----|----------|-------|-------------|--------|-------|-------|
| PP. Maximum Impervious Coverage | | | | | | | |
| QQ.1. Minimum Lot or Parcel Size | | | | | | | |
| QQ.2. Minimum Lot or Parcel Size | | | | | | | |
| RR.1. Residential Development Rights | | | | | | | |
| RR.2. Residential Development Rights | | | | | | | |
| SS. Residential Development Rights Exception | | | | | | | |
| TT.1. TDR to Cluster Developments | | | | | | | |
| TT.2. TDR to Cluster Developments | | | | | | | |
| TT.3. TDR to Cluster Developments | | | | | | | |
| TT.4. TDR to Cluster Developments | | | | | | | |

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| TI.5.TDR to Cluster Developments | | | | | | | | |
|----------------------------------|--|--|--|--|--|--|--|--|

| from Chapter VI | N/A | complies | fails | improvement | points | score | notes |
|--|-----|----------|-------|-------------|--------|-------|-------|
| TI.6.TDR to Cluster Developments | | | | | | | |
| UU.1.Density Bonus | | | | | | | |
| UU.2.Density Bonus | | | | | | | |
| UU.3.Density Bonus | | | | | | | |
| VV.1.Cluster Development Criteria | | | | | | | |
| VV.2.Cluster Development Criteria | | | | | | | |
| VV.3.Cluster Development Criteria | | | | | | | |
| absolute performance standards failed | | | 11st | | | | |
| cumulative score on relative performance standards | | | | | | | |