

ORDINANCE NUMBER 153

AN ORDINANCE OF HAUSER, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 8: CHAPTER 1 SECTION 3 TO ADD DEFINITIONS, CHAPTER 9 TO ADD SECTION 4 FOR STANDARDS AND PROCEDURES FOR PLAT AMENDMENTS, AMENDING CHAPTER 10 SECTION 1 TO AMEND THE MAKE UP OF THE PLANNING COMMISSION, AMENDING CHAPTER 10 SECTION 2 C TO CLARIFY LOT AND BOUNDARY LINE ADJUSTMENTS, AND AMENDING CHAPTER 10 SECTION 3 E TO AMEND THE PROCEDURES FOR EXTENSIONS OF CLASS II PERMITS AND AMENDING TITLE AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of Hauser, Idaho:

SECTION 1: AMENDMENTS: These Chapters and Sections within Title 8 shall be and the same are amended as follows:

8-1-3 DEFINITIONS:

Amended Plat - A plat that has minor corrections or modifications.

Replat - The process by which a previously recorded subdivision plat, or portion of a plat, is modified.

8-9-1: PURPOSE:

This chapter establishes technical standards for the form and content of subdivision plats. The requirements it imposes are in addition to the requirements of state law. (Ord. 97, 7-26-1993)

8-9-2: PRELIMINARY PLATS:

- A. 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.
- B. 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 subsection 8-3C-6C of this title.
- C. Contents Of Preliminary Plats: Preliminary plats shall include:
 - 1. 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;

2. The name, address, telephone number and registration number of the engineer or land surveyor who prepared the preliminary plat;
3. A north point, and both graphic and written scales;
4. 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;
5. 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;
6. The location and size of all existing utility lines in or adjacent to the proposed subdivision;
7. The exterior boundaries of the proposed subdivision;
8. The location, exterior dimensions, and number of proposed lots and blocks, or other parcels created by the subdivision;
9. 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; (Ord. 97, 7-26-1993)
10. Where they are proposed, and for cluster developments, the location and dimensions of building envelopes or building lots (see table 5 in section 8-3E-5 of this title), and a prominent notice that building is permitted in the envelopes or designated building lots only; (Ord. 107, 6-11-1997)
11. The names of all proposed roads and widths and boundaries of all proposed road rights of way and utility easements;
12. The location of all irrigation structures, watercourses, and wetlands within or adjacent to the proposed subdivision;
13. 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 title: ~~and~~
14. Topographic Elevations- contours shown at vertical intervals of not more than five feet and identifying the following slope zones:

0-8%	9-20%	21-30%	Over 30%
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1415. Any other information required for compliance with this title.

- D. Scale And Dimensions: Preliminary plats shall be prepared at a scale of one inch equals one hundred feet (1" = 100') with all dimensions shown 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. (Ord. 97, 7-26-1993)

8-9-3: FINAL PLATS:

- A. Contents Of Final Plats: All final plats submitted shall be prepared in compliance

with Idaho Code title 50, chapter 13, and shall include all information listed below:

1. 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;
2. The name, address, telephone number, and registration number of the engineer or land surveyor who prepared the final plat;
3. A north point, and both graphic and written scales;
4. 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;
5. 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;
6. 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;
7. 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;
8. 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;
9. 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;
10. 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;
11. The location and a description of all monuments established during the course of the survey;
12. 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 title;
13. 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;
14. A public notary's acknowledgment of the owner's certificate;
15. A signed and dated certificate of consent in which all mortgagors, lien holders and other parties with any real property interest, including the holders of mineral rights, in the property consent to its subdivision;
16. A public notary's acknowledgment of the certificate of consent;

17. Certificates for plat approval by the commission and city council or board of county commissioners;
 18. A statement of sanitary restriction, as required by Idaho Code 50-1326;
 19. A certificate for use by the county recorder in recording the plat after its approval; and
 20. Any other information required for compliance with this title.
- B. Scale And Dimensions: Final plats shall be prepared at the scale of one inch equals one hundred feet (1" = 100') with all dimensions shown 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.
- C. Copy: The developer shall also provide the city with one reproducible copy of the final plat suitable for photographic reproduction and reduction. (Ord. 97, 7-26-1993)

8-9-4 (NEW): MINOR REPLATS AND AMENDMENTS:

This section outlines the requirements for making minor modifications to a previously recorded subdivision plat or portion of a plat when the modification cannot be accomplished as a lot line adjustment in accordance with this Title. Minor modifications for up to four (4) platted lots include insignificant changes in wording, corrections, consolidations, lot line and building envelope adjustments and relocations where no additional lots are created and no material changes in the conditions of approval are made. Substantial modifications to a plat, such as those that would affect the location of roads, driveway approaches, septic systems, building sites, easements or utilities, buffers from water bodies, setbacks from property lines, or any modification that would create additional lots, or modifications that would affect more than four (4) lots; or significant changes in verbiage that might affect a property owner's use of their land, or of commonly held land or easements, shall go through the subdivision process.

- A. Application Requirements.** The following items constitute a complete application for approval of a minor replat or amendment. The Applicant is required to submit one complete application packet to the City, plus additional packets for each agency/ organization reviewing the proposal, as determined by the Code Administrator. Incomplete applications will not be processed nor vested under current ordinances.
1. Application - a completed application form signed by the property owners whose land is included in the amended plat or replat, or a notarized letter of authorization from them that references the Fee Resolution title and date of the original plat.
 2. Fees as adopted by Council resolution.
 3. Current title report for the affected lots.
 4. Plat - meeting the final plat requirements of this Title and Idaho Code Title 50, Chapter 13 (2 copies).

5. Narrative - explaining the proposed modifications to the plat and responding to any questions from the City. The title of the proposed amended plat shall state that it is a replat or amendment of the subdivision, or of the particular lots within the subdivision, and shall include reference to the original plat's recording date and instrument number if so recorded.

B. Approval Process and Requirements

The steps for gaining approval of a minor replat or amendment are as follows:

1. Application. The Applicant submits complete application packets for the City and other reviewing agencies as determined by the Code Administrator. Incomplete applications will not be processed.
 2. Agency Review. If the application is complete, the City forwards application packets to the affected agencies for their review and approval. If the number of lots will be reduced, approval letters are required from water and/or sewer purveyors serving the subdivision. Some agencies have their own fees and forms and after the City mails the packets, the applicant should contact each agency and meet their requirements.
 3. Order of Decision. After agency letters are received, the Code Administrator reviews the relevant evidence in the record and issues an Order of Decision. The Order shall cite the applicable legal standards; state the evidence and conclusions on which the decision was based; explain relevant contested facts and provide evaluation of these facts; and the actions, if any, the Applicant could take to gain approval if the decision is a denial. To approve a minor replat or amendment, the Code Administrator must make a finding that the proposed corrections or modifications and the proposed plat are in compliance with Idaho Code Title 50, Chapter 13 and with requirements of the City and other agencies; that the proposed modifications are not substantial in nature (see section 8-9-4 introductory paragraph); and that there will be no negative effects on public agencies and private corporations that provide services and facilities for the subdivision. Unless otherwise approved by the applicant, the Code Administrator shall make a decision within five (5) weeks of the receipt of a complete application. The Code Administrator's decision may be appealed in accordance with this Title.
- C. Recordation. Within one-hundred twenty (120) days of approval, the Mylar plat must be submitted in a form ready to record. The Applicant obtains all signatures on the plat with the exception of the City. All property owners whose land is included in the amended plat or replat must sign the Owners' Certificate on the plat. All signatures and stamps must be in reproducible, quick drying, permanent, indelible black ink. A current Title Report, or similar document verifying ownership, must also be submitted. The Department obtains City signatures and, with the Applicant, records the plat. If the plat is not submitted for recordation within one-hundred twenty (120) days, and an extension is not granted by the

Code Administrator, approval is null and void and a new application must be submitted. The Code Administrator may grant an extension for cause.

8-10-1: PLANNING AND ZONING COMMISSION AND ADMINISTRATOR:

A. Planning and Zoning Commission:

1. Established: A planning and zoning commission is established, as authorized by Idaho Code 67-6504. Idaho Code 67-6504(a) requires that all commission members shall have resided in Kootenai County, Idaho, for at least two (2) years prior to their appointment. (Ord. 97, 7-26-1993)

a. ~~The City planning commission shall consist of five (5) members, four (4) members of which shall reside in the City, appointed by the mayor and confirmed by the city council with the consent of the city council. (Ord. 112, 1-13-1999) ,with a fifth member residing within the Area of City Impact (ACI). W. The Joint Planning Commission , as required by Idaho Code 67-6526 (g) and the adopted Area of City Impact Agreement (Ordinance Number 119), shall be composed of seven (7) members, three (3) of which reside in the ACI, two (2) of which reside elsewhere in Kootenai County and are seated on the Kootenai County Planning Commission, and two (2) of which reside within the City. The Joint Planning Commission shall evaluate and make recommendations to the County on applications, plans, or ordinance amendments for lands within the Area of City Impact.~~

b. ~~As required by Idaho Code 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 (1/3) in the city and two-thirds (2/3) in the area of city impact. It is noted that the number of commission members from outside the city limits may change as annexation occurs.~~

~~cb. City Commission members shall serve staggered terms of three (3) years, in order to provide for the annual appointment of at least one member, 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.~~

2. Duties: ~~The commission shall, as required by Idaho Code 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 title. The five (5) member city planning and zoning commission shall act with the full authority of the Council as delineated in this Title, excluding the authority to adopt the City Comprehensive Plan, ordinances, or to approve final land subdivisions. The Joint Planning Commission shall act as delineated in this Title~~

and Ordinance Number 119 as a recommending body to the Board of County Commissioners within the Area of City Impact.

8-10-2: PERMITS REQUIRED:

- A. Permit Required: A permit shall be required for any division of land; any clearing, grading, construction, reconstruction, development or redevelopment; and any change in land use, except as specifically exempted by subsections B, C and D of this section.
1. A class I permit shall be required for:
 - a. Any lot split or land division not exempted by subsection C of this section; (Ord. 97,7-26-1993);
 - b. The construction of a single-family dwelling, or placement of a mobile or manufactured home; (Ord. 112, 1-13-1999)
 - c. The establishment of a home occupation;
 - d. The construction or installation of any accessory building or fence not exempted by subsection D of this section;
 - 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 subsection B, C or D of this section, but does not require a class II permit; or
 - g. Any clearing, grading or excavation in preparation for any of the activities listed in subsections A1a through A1f of this section. The class I permit procedure is found at subsection 8-10-3A of this chapter.
 2. A class I permit shall also be required for certain activities that would otherwise be exempted by subsection D of this section, but are located within a lakeshore or stream corridor established by this title. See subsections D6 and D7 of this section.
 3. A class II permit shall be required for:
 - a. Any division of land not exempted by subsection C of this section;
 - b. Any modification of a stream or lakeshore corridor established by this title, except those limited modifications that are exempt, or for which a class I permit is acceptable (see subsection A2 of this section), 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; or
 - e. Any clearing, grading or excavation in preparation for any of the activities listed in subsections A3a through A3d of this section and this subsection A3e. The class II permit procedure is found at this subsection A3.
- B. Statutory Exemptions:

1. As provided by Idaho Code 38-1302(3), forest practices are exempt from the requirements of this title. (Ord. 97, 7-26-1993)
 2. As provided by Idaho Code 67-6529, the production of crops and livestock on agricultural lands in the area of city impact is exempt from the requirements of this title. As also provided by Idaho Code 67-6529, the term agricultural lands shall be defined to encompass all lands in the Rathdrum Prairie zoning district established in section 8-2-1 of this title. The comprehensive plan encourages continued agricultural production in that zoning district. Other agricultural lands are defined in section 8-1-3 of this title. (Ord. 107, 6-11-1997)
- C. Exemptions For Land Divisions: Exemption of a land division does not exempt the development of the parcel created from compliance with this title. 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, if the recorded or court-stamped final orders of such proceeding, sale, gift, or decree are submitted to the city within one year of such event creating the parcel;
 2. Any land division in which all resulting parcels are one hundred sixty (160) or more acres in size, or
 3. ~~Any adjustment of property boundaries in which no new parcel is created and from which no nonconforming lot, parcel, use or building results.~~ Adjustments to platted lot lines providing: a) no additional lots or parcels are created, b) the total area of a lot or parcel is changed less than 20% from the original platted lot size, c) the resulting lot meets the minimum size for the zone and is otherwise in conformance with all ordinances, d) the lot line adjustment does not result in a lot separated by a right-of-way or road, and e) a statement is included on the deed of conveyance indicating that the instrument is being recorded for lot line adjustment purposes, and that the property being transferred is not a separate lot. Lot line adjustments that do not meet these requirements must go through the replat or minor replat process.
 4. Boundary line adjustments to legally created, un-platted parcels, providing: a) no additional parcels are created, b) the resulting parcels meet the minimum size for the zone and are otherwise in conformance with all ordinances, and c) the boundary line adjustment does not result in lots separated by a right-of-way or road. A parcel of land that is not buildable because it does not conform to ordinances, or was created improperly, cannot be converted to a buildable parcel through a boundary line adjustment.
 5. Lot and boundary line adjustments are accomplished by recording a deed of conveyance for the property that will be transferred, and then, for the receiving parcel, recording a second deed describing the new, exterior parcel boundaries (so that an additional parcel of land is not inadvertently created).

- D. Exemptions for Development Activity: The activities listed herein are not exempt from any applicable requirement of this title, except the requirement for a permit. No permit shall be required for:
1. The production of agricultural commodities (subsection B2 of this section exempts agricultural production from all requirements of this title 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 (6") (note: the international building code and/or state electrical and plumbing codes may require a permit for such activities);
 4. The construction or installation of fences of eight feet (8') or less in height (note: fences must comply with the requirements of this title for clear sight triangles at points of access to public roads);
 5. Certain signs, as provided in chapter 5 of this title.
 6. The construction or installation of accessory buildings that are exempt from review for compliance with the international building code 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 title; and
 7. Minor utility installations, except where such installations are within a lakeshore or stream corridor established by this title. (Ord. 97, 7-26-1993)
 8. A demolition permit may be required at the discretion of the international building code compliance in accordance with the standards of the international building code¹⁰. (Ord. 107, 6-11-1997)
- E. Application Forms: Applications for permits shall be submitted on forms provided by the city, and all applications shall include a site plan (see section 8-1-3 of this title, 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.
- F. Application Fees: Application fees for each type of permit established by this title shall be established by resolution of the city council.
- G. 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. (Ord. 97, 7-26-1993)

8-10-3 PERMIT PROCEDURES

- E. Time Approvals Valid: Class I Permits shall be valid as prescribed in the current edition of the international building code or, if there is no provision therein for the particular permit issued, for one hundred eighty (180) days

from the date of approval, with one maximum one hundred eighty (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 4 of this title.~~ All preliminary subdivision plats and conditions of approval on Class II permits unless specifically delineated in the Order of Decision approved in compliance to this code expire three hundred sixty-five (365) days from the date of approval. An applicant may request a single twelve (12) month extension to an approved permit to the Code Administrator. Requests for extension shall be reviewed and considered for approval by the planning and zoning commission having jurisdiction pursuant to section 8-10-1. The commission shall hold a public hearing at its next regular meeting if time for adequate review is available and lawful notice can be given, pursuant to the procedures established in section 8-10-8 of this chapter, , or at a later time in less than sixty (60) days that will allow for proper legal notice and adequate time to review the request. An applicant must provide a showing of good cause for the permit to be extended. (Ord. 100, 2-9-1994; amd. Ord. 118, 10-13-1999)

ADOPTED UNDER THE SUSPENSION OF THE RULES ON MAY 27, 2009
AND WILL TAKE EFFECT ON THE FIRST PUBLICATION IN THE
COEUR D ALENE PRESS.

OLITA JOHNSTON, MAYOR

DATE

CHERI HOWELL, CLERK

DATE