

**ORDINANCE NO. 473
CASE NO. ORA14-0002
ZONING ORDINANCE AMENDMENTS
RE: ANNUAL SPECIAL EVENT LOCATIONS**

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO LAND USE REGULATION; AMENDING DEFINITIONS PERTAINING TO SPECIAL EVENTS LOCATIONS, ADDING A DEFINITION OF ANNUAL SPECIAL EVENT LOCATIONS, PROVIDING THAT ANNUAL SPECIAL EVENT LOCATIONS ARE PERMITTED USES IN ALL ZONES UPON COMPLIANCE WITH THE STANDARDS FOR SPECIAL EVENT LOCATIONS AND APPROVAL BY THE DIRECTOR, AND PROVIDING A PROCEDURE FOR APPROVAL OF ANNUAL SPECIAL EVENT LOCATIONS BY THE DIRECTOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-WAIVER OF ACTIONS REGARDING VIOLATIONS OCCURRING WHILE PRIOR ORDINANCES WERE IN EFFECT; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF KOOTENAI COUNTY, IDAHO:

SECTION 1. That the following definitions contained in Section 9-2-2, Kootenai County Code, shall be, and the same are hereby amended as follows:

SPECIAL EVENTS – Special events shall include, but not be limited to, outdoor musical concerts, festivals, fairs, carnivals, or any other outdoor public assembly in which persons are gathered together for commercial, civic, or social functions, recreation or for food or drink consumption, which may be expected to have ~~or have~~ 500 or more people at any one time. The provisions contained within this title which apply to special events shall not apply to the Kootenai County Fairgrounds. Permitting requirements for special events as applied in this title shall be in addition to the permitting requirements for not apply to any marine events conducted on the waters of Kootenai County which is regulated under section Idaho Code §67-7030, Idaho Code.

SPECIAL EVENTS LOCATION – A site that has been specifically approved through the Conditional Use Permit process to hold Special Events. The Kootenai County Fairgrounds ~~and marine events conducted on the waters of Kootenai County are~~ shall be exempt from this these requirements. No other sites or facilities in the unincorporated area of Kootenai County shall be are considered “grandfathered” or exempt from this the Conditional Use Permit requirement for Special Events.

SECTION 2. That the following definition shall be, and the same is hereby added to Section 9-2-2, Kootenai County Code, as follows:

SPECIAL EVENT LOCATION, ANNUAL – A site that has been specifically approved to hold a Special Event for a period of no greater than five (5) consecutive days in any given calendar year.

SECTION 3. That Section 9-6-5, Kootenai County Code, be, and the same is hereby amended as follows:

9-6-5: USES PERMITTED - EXISTING PROPERTY OF LESS THAN 5.00 ACRES: On lots created prior to January 3, 1973, which are less than 5.00 acres in size, only the following uses are permitted:

- A. General farming, except the minimum lot area for the keeping of livestock shall be 3/4 acre.
- B. One single-family dwelling, including Class A and B manufactured homes, with accessory buildings.
- C. Prior to the establishment of a principal use, one personal storage building not to exceed 3,000 square feet, however, a special notice permit shall be required for personal storage buildings on lots or parcels under two (2.00) acres in size where the principal building or use has not yet been established, and shall not exceed 2,000 square feet in size.
- D. Annual special event locations, subject to the standards set forth in section 9-24-32 of this title and the approval procedure set forth in section 9-23-5 of this title.

SECTION 4. That Section 9-6-6, Kootenai County Code, be, and the same is hereby amended as follows:

9-6-6: USES PERMITTED – 5.00 ACRES OR MORE: On lots, as defined by this title, that are a minimum of five (5.00) acres, the following uses are permitted:

- A. General Farming.
- B. Roadside stands of not more than three hundred (300) square feet used for sale of agricultural products on the premises.
- C. One single-family dwelling, including Class A and B manufactured homes, with accessory buildings.
- D. Home occupation, as defined in this title.
- E. Publicly-owned parks, playgrounds, recreational facilities.
- F. Bed and Breakfast, subject to the following provisions:
 - 1. Maximum of five (5) rooms for lodging of paying guests.
 - 2. Must provide off-street automobile parking space for each guest room.
 - 3. No other commercial uses are permitted in conjunction, for example: restaurant, meeting hall, etc.
- G. One two-family dwelling or duplex.

H. Processing plants, feed mills, packing plants, and warehouses for the purpose of processing, packing, and storage of agricultural products, employing regularly not more than ten (10) persons, but excluding meat, poultry, slaughterhouses, and commercial fertilizer manufacturing.

I. Dairy products manufacture.

J. Cemeteries, provided that they meet all standards of the *Idaho Code* and approved by the Panhandle Health District.

K. Temporary Hardship Use, subject to the standards of this title.

L. Temporary or intermittent recreational use of a Recreational Vehicle provided the following conditions are met:

1. The Recreational Vehicle (RV) shall have current registration and shall be in serviceable condition so it can be operated in a safe and lawful manner upon the roads and highways in the State of Idaho as set forth in the Idaho Motor Vehicle Laws of the State of Idaho. The RV shall not be set on blocks with the tires or running gear removed.

2. No decks or additions shall be attached to the RV, nor shall the RV be skirted.

3. The RV shall not be used as a dwelling. The owners must have a primary residence other than the RV. There shall be no mail service to this type of use. An RV may be used as a dwelling for the owners of the property during construction of a dwelling on the same property as the RV site. Upon completion of the residence or expiration of the building permit for the residence, the use of the RV shall revert to the temporary or intermittent use as allowed under this provision.

4. The RV must be hooked into a sewage disposal system which meets the requirements of the Panhandle Health District, or shall be totally self-contained and removed from the site to empty holding tanks at an approved location.

5. The RV shall not be used as a rental property.

6. RV's located in flood plains must comply with the *Flood Damage Prevention Ordinance, Title 11, Chapter 1 of this code.*

M. Prior to the establishment of the principal use, one (1) personal storage building not to exceed 3,000 square feet.

N. Accessory Living Unit. See definitions for additional standards.

O. Annual special event locations, subject to the standards set forth in section 9-24-32 of this title and the approval procedure set forth in section 9-23-5 of this title.

SECTION 5. That Section 9-7-4, Kootenai County Code, be, and the same is hereby amended as follows:

9-7-4: USES PERMITTED - EXISTING PROPERTY OF LESS THAN 8,250 SQUARE FEET: On lots created prior to January 3, 1973, which are less than 8,250 square feet in size, the

uses shall be limited to one (1) single-family dwelling, including Class A manufactured homes, with accessory buildings. Annual special event locations shall also be a permitted use, subject to the standards set forth in section 9-24-32 of this title and the approval procedure set forth in section 9-23-5 of this title.

SECTION 6. That Section 9-7-5, Kootenai County Code, be, and the same is hereby amended as follows:

9-7-5: USES PERMITTED - LOTS MEETING MINIMUM SIZE REQUIREMENTS: On lots, as defined by this title, created after January 1, 1973 that meet the minimum size requirements, the following uses are permitted:

- A. General farming, except the minimum lot area for the keeping of livestock shall be 3/4 acre.
- B. Temporary office for the sale of real estate for a period not to exceed two (2) years.
- C. One (1) single-family dwelling, including Class A manufactured homes, with accessory buildings.
- D. Home occupations, as defined in this title.
- E. Subdivisions, as defined in the *Kootenai County Subdivision Ordinance*, Title 10 of this code.
- F. Temporary Hardship Use, subject to the standards of this title.
- G. Bed and Breakfast, subject to the following provisions:
 - 1. Maximum of five (5) rooms for lodging of paying guests.
 - 2. Must provide off-street automobile parking space for each guest room, as well as all vehicles owned by permanent residents.
 - 3. No other commercial uses are permitted in conjunction, for example: restaurant, meeting hall, etc.
- H. Publicly-owned parks, playgrounds, and recreational facilities.
- I. Continued operation of airports or airstrips that were in existence at the time of adoption of Kootenai County Zoning Ordinance No. 11, January 3, 1973, and which have been used continuously (at least once every 6 months) since that date.
- J. Temporary or intermittent recreational use of a Recreational Vehicle provided the following conditions are met:
 - 1. The Recreational Vehicle (RV) shall have current registration and shall be in serviceable condition so it can to be operated in a safe and lawful manner upon the roads and highways in the State of Idaho as set forth in the Idaho Motor Vehicle Laws of the State of Idaho. The RV shall not be set on blocks with the tires or running gear removed.

2. No decks or additions shall be attached to the RV, nor shall the RV be skirted.

3. The RV shall not be used as a dwelling. The owners must have a primary residence other than the RV. There shall be no mail service to this type of use. An RV may be used as a dwelling for the owners of the property during construction of a dwelling on the same property as the RV site. Upon completion of the residence or expiration of the building permit for the residence, the use of the RV shall revert to the temporary or intermittent use as allowed under this provision.

4. The RV must be hooked into a sewage disposal system which meets the requirements of the Panhandle Health District, or shall be totally self-contained and removed from the site to empty holding tanks at an approved location.

5. The RV shall not be used as a rental property.

6. RV's located in flood plains must comply with the *Flood Damage Prevention Ordinance*, Title 11, Chapter 1 of this code.

K. One (1) two-family dwelling or duplex.

L. Prior to establishment of the principal use, one (1) personal storage building not to exceed 2,000 square feet on lots or parcels two (2.00) acres or more in size.

M. Accessory Living Unit. See definitions for additional standards.

N. Annual special event locations, subject to the standards set forth in section 9-24-32 of this title and the approval procedure set forth in section 9-23-5 of this title.

SECTION 7. That Section 9-8-4, Kootenai County Code, be, and the same is hereby amended as follows:

9-8-4: USES PERMITTED - EXISTING PROPERTY OF LESS THAN 8,250 SQUARE FEET: On lots created prior to January 3, 1973, which are less than 8,250 square feet in size, the uses shall be limited to one (1) single-family dwelling, including Class A manufactured homes, with accessory buildings. Annual special event locations shall also be a permitted use, subject to the standards set forth in section 9-24-32 of this title and the approval procedure set forth in section 9-23-5 of this title.

SECTION 8. That Section 9-8-5, Kootenai County Code, be, and the same is hereby amended as follows:

9-8-5: USES PERMITTED - PROPERTY OF 8,250 SQUARE FEET: On lots, as defined by this title, that are a minimum of eight thousand two hundred fifty (8,250) square feet, the following uses are permitted:

A. One (1) single-family dwelling, including Class A manufactured homes, with accessory buildings.

B. Home occupations, as defined in this title.

C. Publicly-owned parks, playgrounds, recreational facilities.

D. Subdivisions, as defined in the *Kootenai County Subdivision Ordinance*, Title 10 of this code.

E. Temporary Hardship Use, subject to the standards of this title.

F. Bed and Breakfast, subject to the following provisions:

1. Maximum of five (5) rooms for lodging of paying guests.
2. Must provide off-street automobile parking space for each guest room, as well as all vehicles owned by permanent residents.
3. No other commercial uses are permitted in conjunction, for example: restaurant, meeting hall, etc.

G. Temporary or intermittent recreational use of a Recreational Vehicle provided the following conditions are met:

1. The Recreational Vehicle (RV) shall have current registration and shall be in serviceable condition so it can to be operated in a safe and lawful manner upon the roads and highways in the State of Idaho as set forth in the Idaho Motor Vehicle Laws of the State of Idaho. The RV shall not be set on blocks with the tires or running gear removed.
2. No decks or additions shall be attached to the RV, nor shall the RV be skirted.
3. The RV shall not be used as a dwelling. The owners must have a primary residence other than the RV. There shall be no mail service to this type of use. An RV may be used as a dwelling for the owners of the property during construction of a dwelling on the same property as the RV site. Upon completion of the residence or expiration of the building permit for the residence, the use of the RV shall revert to the temporary or intermittent use as allowed under this provision.
4. The RV must be hooked into a sewage disposal system which meets the requirements of the Panhandle Health District, or shall be totally self-contained and removed from the site to empty holding tanks at an approved location.
5. The RV shall not be used as a rental property.
6. RV's located in flood plains must comply with the *Flood Damage Prevention Ordinance*, Title 11, Chapter 1 of this code.

H. Accessory Living Unit. See definitions for additional standards.

I. Annual special event locations, subject to the standards set forth in section 9-24-32 of this title and the approval procedure set forth in section 9-23-5 of this title.

SECTION 9. That Section 9-9-4, Kootenai County Code, be, and the same is hereby amended as follows:

9-9-4: USES PERMITTED:

- A. Parks, playgrounds, and golf courses.
- B. Community facilities, including fire stations, public utility installations, etc.
- C. Public or non-profit recreational buildings.
- D. Any wholesale, retail or service business.
- E. Public or private office buildings.
- F. Any eating or drinking establishment, or other entertainment facility.
- G. Hospitality businesses, such as hotels and motels, and meeting and convention facilities.
- H. Transfer, storage, and warehouse facilities, except outside storage must be within a sight-obscuring fence.
- I. Single family, two-family or multi-family dwellings are allowed provided they are on the second and/or third floors of a commercial building, or in a separate structure provided it is accessory to the commercial use of the site. Residential uses are subject to the density requirements of the High Density Residential (HDR) zone.
- J. Recreational vehicle park.
- K. General farming, except the minimum lot area for the keeping of livestock shall be 3/4 acre.
- L. Vocational, trade, or private instructional schools, providing a specialized or single-item curriculum.
- M. Churches.
- N. Annual special event locations, subject to the standards set forth in section 9-24-32 of this title and the approval procedure set forth in section 9-23-5 of this title.

SECTION 10. That Section 9-10-3, Kootenai County Code, be, and the same is hereby amended as follows:

9-10-3: USES PERMITTED:

- A. General Farming, except the minimum lot area for the keeping of livestock shall be 3/4 acre.
- B. Public Parks.
- C. Light Industrial uses that meet the following requirements:
 - 1. Are carried on in such a manner and with such precautions against fire and explosion hazards as provided by the International Building Code.

2. Screen or store all raw materials, finished products, machinery, and equipment, including company-owned or operated trucks, within a building, a fence, or vegetative barrier as required by this Article.
3. Emit no obnoxious odors of any kind.
4. Exhaust no waste or dust created by business operation into the air.
5. Discharge no treated or untreated sewage or waste into any reservoir or lake. Discharge and disposal of untreated sewage or industrial waste shall comply with the standards approved by the State Department of Health.
6. Be conducted so that direct and indirect illumination shall not exceed 0.2 foot candle across lot lines of the subject property.
7. Conduct no mining, extraction, filling, or soil-stripping operations.
8. Use only oil, gas, or electricity as industrial fuel.
9. Emit noise causing sound pressure levels greater than those listed in section 9-11-10 of this title.

D. Annual special event locations, subject to the standards set forth in section 9-24-32 of this title and the approval procedure set forth in section 9-23-5 of this title.

SECTION 11. That Section 9-11-4, Kootenai County Code, be, and the same is hereby amended as follows:

9-11-4: USES PERMITTED – GENERAL:

A. Any trade, industry, or processing facility of any type, provided the performance standards of this chapter are met and, in addition, all applicable legislation and official regulation promulgated by a public agency having jurisdiction.

B. Public or non-profit recreational buildings.

C. Parks, golf courses, and driving ranges.

D. Storage of up to five-thousand (5,000) gallons of petroleum products in conformance with the Kootenai County *Best Management Practices for Containing Critical Materials During Above Ground Storage and Handling* and section 9-11-10 of this chapter.

E. Annual special event locations, subject to the standards set forth in section 9-24-32 of this title and the approval procedure set forth in section 9-23-5 of this title.

SECTION 12. That Section 9-12-4, Kootenai County Code, be, and the same is hereby amended as follows:

9-12-4: PERMITTED USES:

A. All surface and subsurface mining operations are permitted including the processing of materials, necessary plants and offices, equipment, storage space, and facilities directly related to the mining operation.

B. General Farming, except the minimum lot area for the keeping of livestock shall be 3/4 acre.

C. Annual special event locations, subject to the standards set forth in section 9-24-32 of this title and the approval procedure set forth in section 9-23-5 of this title.

SECTION 13. That Section 9-13-4, Kootenai County Code, be, and the same is hereby amended as follows:

9-13-4: USES PERMITTED - EXISTING PROPERTY OF LESS THAN 5.00 ACRES: On lots created prior to the minimum lot size requirement in the Rural zone (September 1, 1978) that are less than 5.00 acres in size, the uses shall be limited to:

A. One (1) single family dwelling, including Class A and Class B manufactured homes, with accessory buildings.

B. Prior to the establishment of a principal use, one personal storage building not to exceed 3,000 square feet, however, a special notice permit shall be required for personal storage buildings on lots or parcels under two (2.00) acres in size where the principal building or use has not yet been established, and shall not exceed 2,000 square feet in size.

C. General farming and agriculture uses except the minimum lot area for the keeping of livestock shall be 3/4 acre.

D. Annual special event locations, subject to the standards set forth in section 9-24-32 of this title and the approval procedure set forth in section 9-23-5 of this title.

SECTION 14. That Section 9-13-5, Kootenai County Code, be, and the same is hereby amended as follows:

9-13-5: USES PERMITTED - LOTS MEETING MINIMUM SIZE REQUIREMENTS OF FIVE (5.00) ACRES OR MORE: On lots, as defined in section 9-2-2 of this title , that meet the minimum size requirements of five (5.00) acres or more, the following uses are permitted:

A. General farming and agricultural uses.

B. Home occupations as defined in this title.

C. Publicly-owned parks, playgrounds, and recreational facilities.

D. One (1) single-family dwelling, including a Class A or Class B manufactured home, or one duplex, accessory buildings.

E. Roadside stands of not more than three hundred (300) square feet for the sale of agricultural products produced on the premises.

F. Temporary Hardship Use, subject to the standards of this title.

G. Bed and Breakfast, subject to the following provisions:

1. Maximum of five (5) rooms for lodging of paying guests.
2. Must provide off-street automobile parking space for each guest room as well as all vehicles owned by permanent residents.
3. No other commercial uses are permitted in conjunction, for example: restaurant, meeting hall, etc.

H. Continued operation of airports or airstrips that were in existence at the time of adoption of Kootenai County Zoning Ordinance No. 11, January 3, 1973, and which have been used continuously (at least once every 6 months) since that date.

I. Temporary or intermittent recreational use of a Recreational Vehicle provided the following conditions are met:

1. The Recreational Vehicle (RV) shall have current registration and shall be in serviceable condition so it can to be operated in a safe and lawful manner upon the roads and highways in the State of Idaho as set forth in the Idaho Motor Vehicle Laws of the State of Idaho. The RV shall not be set on blocks with the tires or running gear removed.
2. No decks or additions shall be attached to the RV, nor shall the RV be skirted.
3. The RV shall not be used as a dwelling. The owners must have a primary residence other than the RV. There shall be no mail service to this type of use. An RV may be used as a dwelling for the owners of the property during construction of a dwelling on the same property as the RV site. Upon completion of the residence or expiration of the building permit for the residence, the use of the RV shall revert to the temporary or intermittent use as allowed under this provision.
4. The RV must be hooked into a sewage disposal system which meets the requirements of the Panhandle Health District, or shall be totally self-contained and removed from the site to empty holding tanks at an approved location.
5. The RV shall not be used as a rental property.
6. RV's located in flood plains must comply with the *Flood Damage Prevention Ordinance, Title 11, Chapter 1 of this code.*

J. Prior to the establishment of the principal use, one (1) personal storage building not to exceed 3,000 square feet.

K. Accessory Living Unit. See definitions for additional standards.

L. Subdivisions, as defined in the *Kootenai County Subdivision Ordinance, Title 10 of this code.*

M. Annual special event locations, subject to the standards set forth in section 9-24-32 of this title and the approval procedure set forth in section 9-23-5 of this title.

SECTION 15. That a new Section 9-23-5, Kootenai County Code, be, and the same is hereby added to read as follows:

9-23-5: ADMINISTRATIVE APPROVAL PROCEDURE FOR ANNUAL SPECIAL EVENT LOCATIONS: Administrative approval of an annual special event location shall be required before such use may be established. The procedure for approval of an annual special event location shall be as follows:

A. Application. The Applicant must submit a complete application packet for the County, with sufficient copies for the review of other agencies as determined by the Director. Incomplete applications will not be processed. The following items constitute a complete application:

1. Application Form. A completed application form with the property owner's signature or a notarized letter from the property owner authorizing the Applicant to act on the owner's behalf.

2. Fees, as adopted by resolution of the Board.

3. Site Plan. A detailed site plan and event description including, but not limited to, security, access, people management, traffic management, parking, waste control and disposition, litter control plans and any information reasonably requested by the Director shall be submitted to the Director with the application. The site plan must be drawn to scale, showing a North arrow, lot boundaries, location of all existing structures and utilities, the location, dimension and purpose of existing easements, the location of any proposed temporary structures, and any other relevant information regarding the site and the request.

4. Photographs. At least four (4) photographs of the site must be submitted which were taken at various angles and depict the general character of the site. The photographs must be accompanied by a map showing their respective locations and orientations.

5. Narrative. A narrative must be submitted which *thoroughly* describes the current condition of the property and what is being proposed. The Narrative must explain why the request should be approved, how the proposal meets applicable provisions of this code, why approval would be in the public interest, and how approval would affect surrounding property owners and the public.

B. Agency Review. Upon submittal of a complete application, the Department will forward application packets to agencies with jurisdiction requesting their review and input within thirty (30) days of the date on which the application package was sent. The applicant shall be responsible for determining whether other agencies have any additional fee or submittal requirements. The applicant must comply with any such requirements.

C. Public Comment. The Department will also schedule the application for a thirty (30) day public comment period, which may run concurrently with the agency review period. Notice of the public comment period shall be provided in accordance with Idaho Code and Title 2, Chapter

1 of this code. Any person may submit written comments on the proposed application through mail, electronic mail, or in person. All such comments received prior to the close of the public comment period will become a part of the record on the application.

D. Required Findings. To approve an application for an annual special event location, the Director must make the following findings:

1. The Applicant has met the relevant application requirements.
2. The proposal is in compliance with the requirements of section 9-24-32 of this title, and with other applicable provisions of this code, without variances or with such variances as may be approved by the Board.
3. The proposal is compatible with existing homes, businesses and neighborhoods, and with the natural characteristics of the area.
4. Negative environmental, social and economic impacts will be mitigated. The proposal adequately addresses site constraints or hazards.
5. Services and facilities for the proposal are available and adequate, including, without limitation, fire, law enforcement, emergency medical services, water, sewage collection and disposal, parking, transportation, security, and crowd control.
6. The proposed use will meet the requirements of other agencies with jurisdiction. Approval may be made specifically contingent on approval of other agencies with jurisdiction.

E. Order of Decision. After the close of the agency review and public comment periods, the Director shall review the relevant evidence in the record, and shall issue an Order of Decision. The Order of Decision shall be issued within fourteen (14) days after the expiration of the agency comment period unless the applicant expressly waives this time period in writing. The Order shall comply with the requirements of section 67-6535, Idaho Code. If the decision is an approval, the Order shall include any conditions, restrictions, or limitations of approval; if the decision is a denial, the Order shall include the actions which the Applicant could take to gain approval. The Director's decision may be appealed in accordance with the process outlined in section 9-22-8 of this title.

SECTION 16. That Section 9-24-32, Kootenai County Code, be, and the same is hereby amended as follows:

9-24-32: SPECIAL EVENTS LOCATIONS:

ZONES PERMITTED - Agricultural, Commercial, Light Industrial, Industrial, Mining and Rural. Annual special event locations are permitted in all zones and shall not be subject to the conditional use permit approval process, but shall be subject to the standards set forth in this section and to administrative approval pursuant to section 9-23-5 of this title.

A. Minimum area - The size of the site must be adequate to accommodate the event, attendees, and parking unless provisions have been made for off-site parking. Adequacy of the site shall be reasonably determined by the Director ~~Hearing Examiner~~ or Board, as appropriate.

B. A detailed site plan and event description including but not limited to security, access, people management, traffic management, parking, waste control and disposition, litter control plans and any ~~reasonable~~ information reasonably requested by the Director shall be submitted to the Director with the application. Copies of the site plan and event descriptions shall be submitted to the Kootenai County Sheriff's Department, Panhandle Health District, Idaho Department of Transportation, the appropriate local highway district, the fire district, and any other agencies requested by the Director and opinion letters or letters of approval by each of these agencies shall be submitted to the Director with the application. An application shall not be deemed complete without all applicable agency letters.

C. Lighting at the special event shall be downward directed and shielded and shall not exceed 0.2 foot candles at the property line.

D. The Director or Board, as appropriate, may impose such reasonable conditions as the record may indicate necessary to visually screen, control dust, reduce nuisance factors such as noise, manage traffic, buffer adjoining uses, mitigate affects on water or air quality, limit the duration of the permit, or otherwise provide for the health, safety, or general welfare of the event participants. Conditions may also include a requirement that agencies review plans for each event to be held at the location.

E. One (1) parking space will be provided for each three (3) seating spaces and said parking area shall be restricted to a clearly designated area which has clearly delineated boundaries.

F. Maximum noise threshold shall be 75 dBa as measured at the property lines.

G. There shall be no parking or construction over existing drainfields.

SECTION 17. If any section, subsection, sentence, clause, phrase or portion of this chapter is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 18. Neither the adoption of this Ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the Kootenai County Board of Commissioners or the validity of any such action to be taken upon matters pending before the Kootenai County Board of Commissioners on the effective date of this Ordinance.

SECTION 19. This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the *Coeur d'Alene Press*.

ADOPTED this 18TH day of September, 2014.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

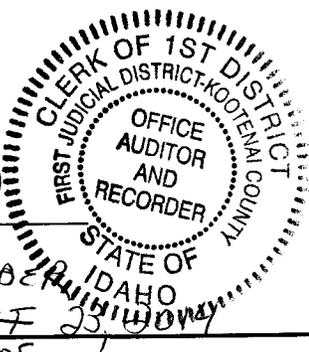
W. Todd Tondee
W. Todd Tondee, Chairman

Daniel H. Green
Daniel H. Green, Commissioner

EXCUSED
Jai K. Nelson, Commissioner

**ATTEST:
JIM BRANNON, CLERK**

By: Kathryn Foul
Deputy Clerk



Publication Date: SEPTEMBER 23, 2014
AUGUST 25, 2014
KJF

C: Community Development, Prosecuting Attorney (Civil Division), Sheriff, Sterling Codifiers, Ordinance File