

ORDINANCE NO. 307

**AMENDING ORDINANCE NO. 285
ZONING AND SUBDIVISION ORDINANCE
OF THE CITY OF EAST HOPE, IDAHO
REGARDING SITE DEVELOPMENT,
STORMWATER STANDARDS & PROCEDURES**

AN ORDINANCE OF THE CITY OF EAST HOPE, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING ORDINANCE 285, ZONING AND SUBDIVISION ORDINANCE OF THE CITY OF EAST HOPE, IDAHO, TO: 1) UPDATE THE STORMWATER/EROSION CONTROL PURPOSE, GUIDANCE MANUAL AND USGS REFERENCES, AND TO ADJUST APPLICATION REQUIREMENTS FOR EROSION CONTROL PLANS AND TO: 2) ADOPT A NEW SITE DEVELOPMENT SECTION THAT WOULD REQUIRE A GEOTECHNICAL ANALYSIS FOR SITES CONSIDERED HAZARDOUS DUE TO SLOPE INSTABILITY, UNSTABLE SOILS, HIGH WATER TABLES, SPRINGS, EROSION, OR OTHER GEOLOGIC OR HYDROLOGIC HAZARDS AND TO SET STANDARDS FOR DEVELOPMENT ON SUCH HAZARDOUS SITES, AND TO: 3) PROVIDE A SAVINGS CLAUSE, SEVERABILITY AND AN EFFECTIVE DATE.

Whereas, East Hope City Council adopted the Zoning and Subdivision Ordinance No. 285 on April 9, 2019; and

Whereas, the Constitution of the State of Idaho, Article XII, Section 2, the Idaho Local Land Use Planning Act, Title 67, Chapter 65, and the Idaho Municipal Corporations Title 50, Chapters 3 and 9 provide authority for the City of East Hope to adopt ordinances establishing land use standards, procedures, and uses; and

Whereas, the Idaho Local Land Use Planning Act, Title 67, Chapter 65, sets forth the procedures for the adoption and amendment of land use codes; and

Whereas, Section 67-6518 of the Local Land Use Planning Act authorizes each governing board to adopt standards, including building design, storm drainage systems, and other public and private development; and

Whereas, the City of East Hope desires to amend its zoning and subdivision regulations to establish standards for hillside and potentially hazardous site development and to update stormwater application requirements for landowner-developed plans; and

Whereas, the East Hope City Council conducted a duly noticed public hearing on October 8, 2024, to consider the proposed amendments.

Now therefore, be it ordained by the Mayor and City Council of the City of East Hope, Idaho as follows:

(Text to be added is shown with underline. Text to be removed is shown with ~~strikeout~~.

Section 1: Adoption:

Part A: Stormwater, Erosion Control, & Site Development Purpose:

Ordinance No. 285, Zoning and Subdivision Ordinance of the City of East Hope, Idaho, Article 10 title and purpose are hereby amended to read as follows:

**ARTICLE 10
STORMWATER, EROSION CONTROL, & SITE DEVELOPMENT**

SECTION 10-1: PURPOSE:

~~The purpose of this section is to protect the ground waters of the city from the deleterious effects of stormwater runoff by requiring pretreatment prior to infiltration, and to protect the surface waters of the city from the deleterious effects of contaminants and sediments carried by stormwater runoff.~~

The purpose of this section is to provide development standards to protect ground and surface waters and safeguard properties and the environment from hazards due to unchecked stormwater run-off, erosion, earth movement, water displacement, steep or unstable soils, and other geologic or hydrologic hazards.

Part B: Stormwater Applicability and Requirements:

The following paragraphs 10-4 A 4, 10-4 A 5, 10-6 B 4, and 10-8 G of Ordinance No. 285 are hereby amended to read as follows:

SECTION 10-4: APPLICABILITY:

- A. The provisions of this Section shall be applicable to:
1. All new subdivisions.
 2. Commercial and industrial site development
 3. All public projects, including road construction, undertaken by the city, or undertaken by any other political subdivision of the State of Idaho or public agency over which the city asserts jurisdiction.
 4. New residential building construction which occurs within 300 feet of any surface water as shown on the National Hydrography Dataset (NHD), as published by the U.S. Geological Service Survey.
 5. New residential building construction which occurs on a slope with 15% or greater incline as determined from applicable 7.5 Minute Quadrangle Map published by the

United States Geological Service- Survey, Google Earth, or other source determined reliable by the city engineer, or by actual survey.

6. Land disturbing activities which are a part of, accessory to, or preparatory to any of the activities listed in subparagraphs 1 through 5 of this subsection.

SECTION 10-6: ADMINISTRATION AND ADMINISTRATIVE EXCEPTIONS:

B. Duties of the Administrator. In addition to the specific duties as may be set forth in other sections, the Administrator shall:

1. Examine all permit applications submitted to the city to determine whether the provisions of this section apply. The administrator will receive all applications relating to the administration of this section;
2. Direct applications into the relevant and proper procedural manner or review;
3. Maintain on file all applications, records of proceedings, final decisions, final stormwater management plans, administrative exceptions issued, variances and records of appeals as are required by this section.
4. Use as guidelines for examining all erosion control plans preliminary stormwater management plans and final stormwater management plans the Handbook of Best Management Practices for Stormwater Management and Erosion and Sedimentation Control, and the Stormwater Management Plan Criteria and Engineering Standards prepared for the Panhandle Health District and the Interagency Stormwater Committee by Kennedy Engineers, Spokane, WA, April 1992, or other generally-accepted Best Management Practices engineering guidance meeting the standards of care for Idaho, as determined acceptable by the city engineer. The handbooks shall be used for guidance purposes only and not as a regulatory standard., and shall be made available to the public at the office of the city clerk.
5. Assist applicants to comply with the provisions of this section.
6. Designate such assistants the administrator may find necessary to fulfill duties in a timely manner.

SECTION 10-8. GENERAL REQUIREMENTS:

G. Erosion control plans shall include:

1. Drawings of an appropriate scale, not to exceed 100 feet to the inch showing the area(s) of land disturbing activities, surface water bodies and water courses, utilities, easements, areas subject to clearing, grading and for stockpiling of topsoil.
2. Location and dimensions of temporary erosion and sedimentation control measures.
3. Location and dimensions of permanent erosion and sedimentation control measures.
4. A proposed construction and revegetation schedule.
5. Maintenance and repair plans. responsibility.
6. A summary of the size and location of all existing and proposed impervious surfaces, including structures, walkways, driveways, and other features defined as impervious by this ordinance. Calculations which include at a minimum: the extent of impervious surfaces, the capacity of conveyances and retention basins; and the design storm yield expected at the site.

Part C: Site Development:

Ordinance No. 285 is hereby amended to add a new section 10-15, Site Development, which shall read as follows:

SECTION 10-15. SITE DEVELOPMENT:

- A. Applicability: The provisions of this section shall apply to all development, as defined, on properties that have an average slope of 15 percent (15%) or greater, based on Google Earth Mapping Topography, United States Geological Survey (USGS) maps, actual site survey, or other reliable sources or where there are hazards due to slope instability, unstable soils, high water tables, springs, erosion, or other geologic or hydrologic hazards that are documented by authoritative sources such as the USGS, Bonner County Soil Survey, local historical records, or by determination of the city engineer based on available records or on-site reviews. Average slope percentage is determined by dividing the amount of elevation change by the horizontal distance covered, multiplied by 100. Not all hazards may be mapped or identified prior to development. Therefore, the landowner(s) are responsible for identifying all hydrologic and geologic hazards on their property and safeguarding against any slope failures, erosion, off-site transport of water, or other potential hazards.
- B. Requirements: Prior to development of a site containing potential hazards identified in paragraph 10-15 A, the landowner shall provide to the city at the time of application for a building permit, required stormwater plan, or other site development application, a geotechnical analysis prepared by an Idaho-licensed geotechnical engineer and containing the following:
1. Project description and site plan showing slope; existing hydrologic and geologic features; proposed development area; existing vegetation and proposed clearing; and site disturbance area;
 2. A narrative identifying site geologic and hydrologic hazards, including a description of the surface and subsurface geology, hydrology, soils, and vegetation found at the subject site, potential risks, suitability of site for proposed development, recommendations for site development and design to mitigate potential hazards on site and potentially affected adjacent properties;
 3. Supporting tests, studies, or documentation;
 4. Recommendations for maintenance and inspection of the site.
 5. A topographic survey conducted by an Idaho-licensed surveyor showing the entire site, with 1-foot contours of the existing and proposed grades.
- C. Conditions: Development of the site shall be in accord with the recommendations of the project geotechnical engineer and shall be conditions of approval for any site development or building permit approval.
- D. Exceptions: In addition to the exceptions listed at Section 10-4 B of this ordinance, the city engineer may issue an administrative exception to this section in whole or in part for the following development:
1. Remodeling, repairs, minor additions, or restoration of existing structures where minor site disturbances are proposed;
 2. Sites where there are unique variations to the topography, geologic, or hydrologic conditions.
- E. At any time in the development process, if hazards as described in the applicability section are uncovered or a change in conditions occurs, the city engineer may require the landowner to provide a geotechnical analysis to address site conditions and hazards

mitigation. The city engineer may issue a stop work order until the analysis and the necessary mitigation and safeguards are completed.

Section 2: Savings Clause:

Ordinances repealed by this ordinance shall remain in force to authorize the enforcement, arrest, prosecution, conviction, or punishment of a person who violates ordinances in effect prior to the effective date of this ordinance.

Section 3: Severability:

The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

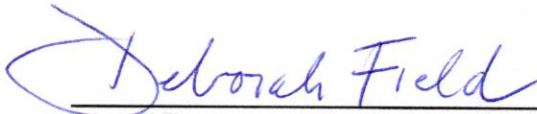
Section 4: Effective Date:

This ordinance shall be in full force and effect upon the passage and publication of the ordinance or ordinance summary in one (1) issue of the official newspaper of the City of East Hope.

Enacted as an ordinance of the City of East Hope, Idaho on this 8th day of October, 2024, upon the following roll call vote:

Council Member Brockus	AYE
Council Member Wells	AYE
Council Member Butler	AYE
Council Member Wilcox	AYE

Approved by the Mayor this 8th day of October, 2024



City of East Hope Mayor Deborah Field



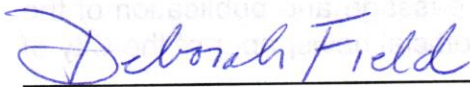
Attest: Christy Franck, City Clerk



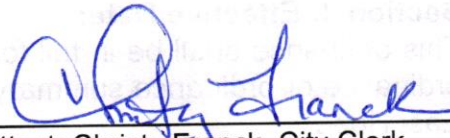
Publication of this ordinance by summary in the official newspaper is hereby approved by the East Hope City Council on this 8th day of October, 2024, upon the following vote:

Council Member Brockus AYE
Council Member Wells AYE
Council Member Butler AYE
Council Member Wilcox AYE

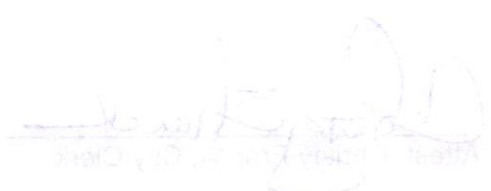
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Attest: Christy Franck, City Clerk







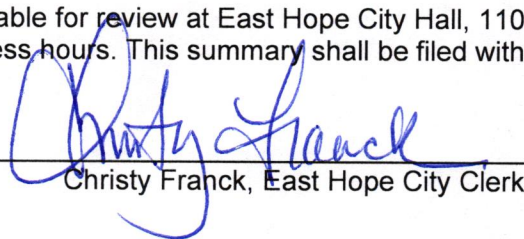
CITY OF EAST HOPE, IDAHO

**SUMMARY OF ORDINANCE # 307
AMENDING ORDINANCE #285, ZONING AND SUBDIVISION ORDINANCE
REGARDING SITE DEVELOPMENT, STORMWATER STANDARDS & PROCEDURES**

AN ORDINANCE OF THE CITY OF EAST HOPE, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING ORDINANCE 285, ZONING AND SUBDIVISION ORDINANCE OF THE CITY OF EAST HOPE, IDAHO, TO: 1) UPDATE THE STORMWATER/EROSION CONTROL PURPOSE, GUIDANCE MANUAL AND USGS REFERENCES, AND TO ADJUST APPLICATION REQUIREMENTS FOR EROSION CONTROL PLANS AND TO: 2) ADOPT A NEW SITE DEVELOPMENT SECTION THAT WOULD REQUIRE A GEOTECHNICAL ANALYSIS FOR SITES CONSIDERED HAZARDOUS DUE TO SLOPE INSTABILITY, UNSTABLE SOILS, HIGH WATER TABLES, SPRINGS, EROSION, OR OTHER GEOLOGIC OR HYDROLOGIC HAZARDS AND TO SET STANDARDS FOR DEVELOPMENT ON SUCH HAZARDOUS SITES, AND TO: 3) PROVIDE A SAVINGS CLAUSE, SEVERABILITY AND AN EFFECTIVE DATE.

SUMMARY: The City of East Hope, Idaho hereby gives notice of the adoption of an amendment to Zoning and Subdivision Ordinance No. 285 to: Retitle Article 10 to include Site Development; update the purpose statement to address steep slopes, unstable soils, and geologic and hydrologic hazards; correctly identify the U.S. Geological Survey; allow other sources for determining site slopes; remove reference to Kennedy Engineering stormwater handbook and add other guidance options; amend landowner-prepared erosion control plan requirements and remove requirement for calculations; establish a new site development section requiring geotechnical analysis for sites containing average slopes of 15% or greater or where there are unstable soils, high water tables, springs, erosion, or other documented geologic or hydrologic hazards; allow the city to set development conditions based on the geotechnical report; establish exceptions; require analysis or mitigation if hazards are uncovered during development; set savings clause, severability, and effective date.

The full text of the summarized Ordinance 307 is available for review at East Hope City Hall, 110 School Street, East Hope, Idaho, during regular business hours. This summary shall be filed with the adopted ordinance.

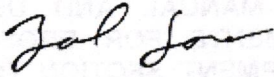

Christy Franck, East Hope City Clerk

Publish once in the City's official newspaper



STATEMENT OF LEGAL ADVISER

I, Zachary Jones, am the legal adviser for the City of East Hope, Idaho. I have examined the attached Summary of Ordinance No. 307, presented to the City of East Hope City Council on October 8, 2024, and find it to be a true and complete summary of said ordinance, which provides adequate notice to the public of the contents thereof.



October 10, 2024

Zachary Jones

