

**ORDINANCE NO. \_\_\_\_\_**  
**CASE NO. ORA20-0003**  
**AMENDMENTS RE: SUBDIVISIONS AND CONDOMINIUMS**

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO LAND USE REGULATION; AMENDING TABLES 6-201 AND 6-301 IN ARTICLES 6.2 AND 6.3, RESPECTIVELY, OF TITLE 8, CHAPTER 6, KOOTENAI COUNTY CODE, AND SECTIONS 8.6.802 AND 8.8.205, KOOTENAI COUNTY CODE, TO PROVIDE THAT SUBDIVISION PLATS RECORDED PRIOR TO AS-BUILT APPROVAL OF REQUIRED INFRASTRUCTURE MUST INCLUDE A STATEMENT THAT NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL THE INFRASTRUCTURE IS COMPLETED AND APPROVED BY ALL AGENCIES WITH JURISDICTION; REPEALING SECTION 8.6.301, KOOTENAI COUNTY CODE; ENACTING A NEW SECTION 8.6.301, KOOTENAI COUNTY CODE, SETTING FORTH THE ELIGIBILITY REQUIREMENTS FOR DIVIDING REAL PROPERTY VIA THE MINOR SUBDIVISIONS APPROVAL PROCESS; AMENDING SECTIONS 8.6.503 AND 8.6.707, KOOTENAI COUNTY CODE, TO CORRECT REFERENCES TO SUBDIVISIONS WHICH ARE INTENDED TO APPLY TO CONDOMINIUMS, OR BOTH CONDOMINIUMS AND SUBDIVISIONS; REPEALING SECTION 8.6.707, KOOTENAI COUNTY CODE; AND ENACTING A NEW SECTION 8.6.707, KOOTENAI COUNTY CODE, REVISING ROAD STANDARDS APPLICABLE TO MINOR SUBDIVISIONS AND CONDOMINIUMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-WAIVER OF ACTIONS 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 Table 6-201 in Title 8, Chapter 6, Article 6.2 of the Kootenai County Code shall be, and the same is hereby amended as follows:

**Table 6-201**  
**Form and Content of Major Subdivision Plans,**  
**Proposed Plats and Supplemental Pages**

The items with an \* must be shown on supplemental pages. All other items must be included on the plat/plan.

PLAT/ PLAN COMPONENT	PREL. PLAT	FINAL PLAT
1. Size and Format: Must be 18" x 27" and must comply with section 50-1304, Idaho Code. The plat must encompass all land involved in the subdivision, including open space that will not be used for building lots, and must also include north arrow, date, legend, vicinity map and scale. Scale must be suitable to ensure clarity.		X

*[table continues on next page]*

<b>PLAT/ PLAN COMPONENT</b>	<b>PREL. PLAT</b>	<b>FINAL PLAT</b>
2. Name: Subdivision names must comply with section 50-1307, Idaho Code. Conservation subdivisions must be identified as such.	X	X
3. Location: Section, quarter section, township, range, meridian, county and state.	X	X
4. Proposed lot lines, or estimated number of lots for each area: All lots must be numbered consecutively in each block and each block must be lettered or numbered. Adjacent parcels must be shown with dashed lines. Approximate gross and net acreage of each lot must also be shown.	X	
5. Boundaries: Final lot lines and the exterior boundary of the plat must be shown by distance and bearing, and must include: A description of lot corner and centerline monuments, including material, size, and length. Initial points and basis of bearings. Ties to two public land surveys or other monuments recognized by the County Surveyor. Curve data, including radius, length, delta, tangent length, chord bearings and distances. Reference to records of survey. Net lot sizes in square feet, or acreage to three decimal places.		X
6. Roads and trails within and adjacent to the subdivision: Existing and proposed rights-of-way and easements, with centerlines, widths, and location clearly shown and instrument numbers noted. Easements and rights-of-way not dedicated to a highway jurisdiction must be dedicated or conveyed to the entities responsible for maintenance. Road names must comply with the requirements set forth in chapter 4, article 4.10 of this title, and must be approved by the Department. Privately maintained roads must be designated as such.	X	X
7. Other Easements: The location, dimensions, and purpose of other existing or proposed easements, with instrument numbers noted. Required easements must be shown for protection buffer areas along streams and wetlands, for components of shared infrastructure and improvements, and for individual sewage lines and drainfields that will not be located on the same parcel as residences.	X	X
8. *Topographic Elevations: Contours shown at vertical intervals of not more than 5 ft., at a scale between 1 in.= 40 ft. and 1 in.= 100 ft., and identifying slope zones of $\geq 0$ and $< 15\%$ , $\geq 15\%$ and $< 35\%$ , and $\geq 35\%$ . Contours shall be generated from field survey or aerial photography, and may not be interpolated from USGS maps. Contours are not required for lots designated as open space that will not be used for roads or structures.	X	
9. *Hydrography: Drainages, water courses, water bodies, and wetlands, including stream and wetland protection buffers.	X	X
10. *Physical Features: The location of significant physical features such as ridges, rock outcrops and wooded areas.	X	
11. *Flood Plain: The location of any special flood hazard areas, and language required in chapter 7, article 7.2 of this title.	X	X
12. *Existing built features, including structures, wells and sewage systems.	X	
13. *Building envelopes, if required by the Director or hearing body.		X
14. Purpose for which lots, other than building lots, are delineated or reserved.	X	X

*[table continues on next page]*

PLAT/ PLAN COMPONENT	PREL. PLAT	FINAL PLAT
15. A line for referencing the Book, Page, Instrument Number and Recordation Date of CC&Rs that will be recorded simultaneously with the final plat.		X
16. Any conditions of approval intended to run with the land in perpetuity.		X
<p>17. The signature page for the plat, with the following unsigned certificates:</p> <ul style="list-style-type: none"> <li>a. A notarized owner’s certification containing the legal description of the land, a statement as to the intent of the owners to include the property in the subdivision, a statement regarding the domestic water source, and, if applicable, statements of conveyance (e.g., conveyance of easements or rights-of-way for public streets, common areas, water or stormwater systems, etc.). The plat must be signed by all owners of the property within the subdivision.</li> <li>b. Certification of acceptance of rights-of-way or property conveyances.</li> <li>c. Certification by an Idaho licensed surveyor that the plat is accurate and conforms to the provisions of Idaho Code and this chapter. The signature must be dated and must include the surveyor’s seal.</li> <li>d. Certification by Panhandle Health District that the plat meets the requirements for the lifting of sanitary restrictions under sections 50-1326 through 50-1329, Idaho Code.</li> <li>e. Certification of acceptance by the commissioners of the highway district with jurisdiction. If any roads or rights-of-way will be dedicated to the public, the Certification must include acceptance of the conveyance.</li> <li>f. In Areas of City Impact, certification of approval by the city council, with signatures of the city clerk and city engineer, or as specified in the applicable provisions of chapter 10 of this title.</li> <li>g. Certification, within 30 days prior to recording, by the County Treasurer that the taxes on the described property are current.</li> <li>h. Certification by the County Surveyor that the plat conforms to the requirements of Idaho Code Title 50, Chapter 13.</li> <li>i. Certifications by the Board of County Commissioners that the plat has been accepted and approved.</li> <li>j. Certification by the County Recorder that the plat has been accepted for recording, with the date of recordation.</li> </ul>		X
18. *Existing Resource Report and Site Analysis Map in compliance with the requirements of section 8.6.905 of this chapter (conservation subdivisions only).	X	
19. All other items required by Title 50, Chapter 13, Idaho Code, or by the County Surveyor.		X
20. *If requested by PHD or DEQ for areas off the Rathdrum Aquifer, approved drainfield locations.		X
21. *Sensitive areas, as defined in section 8.9.403 of this title or as referenced in chapter 7, article 7.1 of this title, if their location is known and they can be shown on the plan.	X	
22. For subdivisions recorded prior to as-built approval of required infrastructure, a statement must be included on the plat that non-infrastructure building permits <u>may be issued upon recordation of a final plat, but no certificates of occupancy will be issued until all infrastructure improvements are complete and approved by all agencies with jurisdiction and providing services</u> <del>will not be issued until the infrastructure is completed and approved by the agencies with jurisdiction.</del>		X

*[table continues on next page]*

**LUDC AMENDMENTS RE: SUBDIVISIONS AND CONDOMINIUMS – 3**

PLAT/ PLAN COMPONENT	PREL. PLAT	FINAL PLAT
23. If required by the Board for subdivisions with common driveways, a statement must be included on the plat that common driveways may not serve, have the potential to serve, or be used to access more than four lots or parcels of land, and that further subdivision of the lots, or additional access to the driveway, is prohibited until the driveway is constructed in accordance with this Ordinance and the <i>Highway Standards for the Associated Highway Districts, Kootenai County, Idaho</i> (with or without variances).		X

**SECTION 2.** That Section 8.6.301, Kootenai County Code, shall be, and the same is hereby repealed.

**SECTION 3.** That a **new Section 8.6.301**, Kootenai County Code, shall be, and the same is hereby added as follows:

**8.6.301: DESCRIPTION AND APPLICABILITY:**

A. Except as provided in subsection (B) of this section, the minor subdivision process may be used to create four (4) or fewer lots if the proposed subdivision abuts a public road and:

1. The property has not been subdivided within the past five (5) years, or
2. The previously created lots together with the new lots to be created will total four or fewer lots.

B. An application for a major subdivision pursuant to article 6.2 of this chapter shall be required if:

1. The lots to be created are adjacent to or will share infrastructure with any existing subdivision or any proposed subdivision for which a completed application has been submitted within the past five (5) years on any adjacent parcel, in which case the application shall encompass all lots which will share such infrastructure, or
2. The proposed subdivision does not abut a public road.

**SECTION 4.** That Table 6-301 in Title 8, Chapter 6, Article 6.3 of the Kootenai County Code shall be, and the same is hereby amended as follows:

**Table 6-301  
Form and Content of Minor Subdivision Plans,  
Proposed Plats and Supplemental Pages**

The items with an \* must be shown on supplemental pages. All other items must be included on the plat/plan.

*[table begins on next page]*

PLAT COMPONENT	INITIAL PLAT	FINAL PLAT
1. Size and Format: Must be 18" x 27" and must comply with section 50-1304, Idaho Code. The plat must encompass all land involved in the subdivision, including open space that will not be used for building lots, and must also include north arrow, date, legend, vicinity map and scale. Scale must be suitable to ensure clarity.	X	X
2. Name: Subdivision names must comply with section 50-1307, Idaho Code. Conservation subdivisions must be identified as such.	X	X
3. Location: Section, quarter section, township, range, meridian, county and state.	X	X
4. Proposed lot lines, or estimated number of lots for each area: All lots must be numbered consecutively in each block and each block must be lettered or numbered. Adjacent parcels must be shown with dashed lines. Approximate gross and net acreage of each lot must also be shown.	X	
5. Boundaries: Final lot lines and the exterior boundary of the plat must be shown by distance and bearing, and must include: A description of lot corner and centerline monuments, including material, size, and length. Initial points and basis of bearings. Ties to two public land surveys or other monuments recognized by the County Surveyor. Curve data, including radius, length, delta, tangent length, chord bearings and distances. Reference to records of survey. Net lot sizes in square feet, or acreage to three decimal places.		X
6. Roads and trails within and adjacent to the subdivision: Existing and proposed rights-of-way and easements, with centerlines, widths, and location clearly shown and instrument numbers noted. Easements and rights-of-way not dedicated to a highway jurisdiction must be dedicated or conveyed to the entities responsible for maintenance. Road names must comply with the requirements set forth in chapter 4, article 4.10 of this title, and must be approved by the Department. Privately maintained roads must be designated as such.	X	X
7. Other Easements: The location, dimensions, and purpose of other existing or proposed easements, with instrument numbers noted. Required easements must be shown for protection buffer areas along streams and wetlands, for components of shared infrastructure and improvements, and for individual sewage lines and drainfields that will not be located on the same parcel as residences.	X	X
8. *Topographic Elevations: Contours shown at vertical intervals of not more than 5 ft., at a scale between 1 in.= 40 ft. and 1 in.= 100 ft., and identifying slope zones of $\geq 0$ and $< 15\%$ , $\geq 15\%$ and $< 35\%$ , and $\geq 35\%$ . Contours shall be generated from field survey or aerial photography, and may not be interpolated from USGS maps. Contours are not required for lots designated as open space that will not be used for roads or structures.	X	
9. *Hydrography: Drainages, water courses, water bodies, and wetlands, including stream and wetland protection buffers.	X	X
10. *Physical Features: The location of significant physical features such as ridges, rock outcrops and wooded areas.	X	
11. *Flood Plain: The location of any special flood hazard areas, and language required in chapter 7, article 7.2 of this title.	X	X

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**LUDC AMENDMENTS RE: SUBDIVISIONS AND CONDOMINIUMS – 5**

PLAT COMPONENT	INITIAL PLAT	FINAL PLAT
12. *Existing built features, including structures, wells and sewage systems.	X	
13. *Building envelopes, if required by the Director or hearing body.		X
14. Purpose for which lots, other than building lots, are delineated or reserved.	X	X
15. A line for referencing the Book, Page, Instrument Number and Recordation Date of CC&Rs that will be recorded simultaneously with the final plat.		X
16. Any conditions of approval intended to run with the land in perpetuity.		X
17. *Existing Resource Report and Site Analysis Map in compliance with the requirements of section 8.6.905 of this chapter (conservation subdivisions only).	X	
18. All other items required by Title 50, Chapter 13, Idaho Code, or by the County Surveyor.		X
19. *If requested by PHD or DEQ for areas off the Rathdrum Aquifer, approved drainfield locations.		X
20. *Sensitive areas, as defined in section 8.9.403 of this title or as referenced in chapter 7, article 7.1 of this title, if their location is known and they can be shown on the plan.	X	
21. For subdivisions recorded prior to as-built approval of required infrastructure, a statement must be included on the plat that non-infrastructure building or location permits <u>may be issued upon recordation of a final plat, but no certificates of occupancy will be issued until all infrastructure improvements are complete and approved by all agencies with jurisdiction and providing services</u> <del>will be issued until the infrastructure is completed and approved by the agencies with jurisdiction.</del>		X
22. If required by the Board for subdivisions with common driveways, a statement must be included on the plat that common driveways may not provide legal or physical access to more than four lots or parcels of land, and that further subdivision of the lots, or additional access to the driveway, is prohibited until the driveway is constructed in accordance with this chapter and the <i>Highway Standards for the Associated Highway Districts, Kootenai County, Idaho</i> (with or without variances).		X
23. The signature page for the plat, with the following unsigned certificates: a. A notarized owner's certification containing the legal description of the land, a statement as to the intent of the owners to include the property in the subdivision, a statement regarding the domestic water source, and, if applicable, statements of conveyance (e.g., conveyance of easements or rights-of-way for public streets, common areas, water or stormwater systems, etc.). The plat must be signed by all owners of the property within the subdivision. b. Certification of acceptance of rights-of-way or property conveyances. c. Certification by an Idaho licensed surveyor that the plat is accurate and conforms to the provisions of Idaho Code and this chapter. The signature must be dated and must include the surveyor's seal. d. Certification by Panhandle Health District that the plat meets the requirements for the lifting of sanitary restrictions under sections 50-1326 through 50-1329, Idaho Code.		X

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**LUDC AMENDMENTS RE: SUBDIVISIONS AND CONDOMINIUMS – 6**

PLAT COMPONENT	INITIAL PLAT	FINAL PLAT
<p>23. The signature page for the plat, with the following unsigned certificates (<i>continued</i>):</p> <ul style="list-style-type: none"> <li>e. Certification of acceptance by the commissioners of the highway district with jurisdiction. If any roads or rights-of-way will be dedicated to the public, the Certification must include acceptance of the conveyance.</li> <li>f. In Areas of City Impact, certification of approval by the city council, with signatures of the city clerk and city engineer, or as specified in the applicable provisions of chapter 10 of this title.</li> <li>g. Certification, within 30 days prior to recording, by the County Treasurer that the taxes on the described property are current.</li> <li>h. Certification by the County Surveyor that the plat conforms to the requirements of Title 50, Chapter 13, <i>Idaho Code</i>.</li> <li>i. Certifications by the chairman of the Board, or chairman <i>pro tem</i>, that the plat has been accepted and approved.</li> <li>j. Certification by the County Recorder that the plat has been accepted for recording, with the date of recordation.</li> </ul>		

**SECTION 4.** That Section 8.6.503, Kootenai County Code, shall be, and the same is hereby amended as follows:

**8.6.503: APPROVAL PROCEDURE:**

A. Procedure for Processing of Applications.

1. Site Inspection and Plan Review. The applicant must provide a draft declaration of condominium and conceptual condominium plat drawing. The planner and applicant will review the approval process with the applicant and will confer with the applicant as to the design and feasibility of the proposal.
  
2. Existing Site Disturbances and Code Violations. If any unpermitted site disturbance or development has previously occurred (e.g. construction of roads, driveways, building pads), a County site disturbance permit must be obtained, a financial guarantee must be provided, and stormwater and erosion control systems which comply with the applicable standards of chapter 7, article 7.1 of this title, and associated resolutions and BMPs, must be installed and approved before an application for approval of a condominium plat will be accepted as complete for purposes of vesting and processing. The Director may require placement or replacement of trees or other vegetation needed for screening and buffering of the condominium as a condition of condominium plat approval. Any other violations of this title or of title 7, chapter 1 of this code must also be corrected prior to application, except to the extent that approval of the application will remedy any such violation.
  
3. Condominium Design. The applicant and design consultant will then lay out the design of the project and, if necessary, will revise the proposed declaration of condominium, and the project surveyor will draw a proposed condominium plat. Any parcel where a condominium plat is proposed which is less than five (5) acres in size and has natural slopes that equal or

exceed thirty-five percent (35%) must be designed to fit the houses and roads into and around the hillside in a manner that minimizes disturbance of the terrain, vegetation and drainageways, that will not result in soil erosion, and that is compatible with the natural characteristics of the area. Otherwise, the requirements for design, improvements and maintenance for condominium plats shall be as set forth in article 6.7 of this chapter.

4. Neighborhood Meeting. Prior to submitting an application, the Applicant is encouraged to meet with neighbors to discuss the proposed project.

5. Application. The applicant must then submit a complete application packet to the Department, including a sufficient number of complete agency review packets as determined by the Director. The application, the proposed declaration and proposed plat must meet the requirements of section 8.6.502 of this article. Incomplete applications will not be processed except as provided in this article.

6. Agency Review.

a. If the application is complete, the Department shall review the application and forward it to other agencies with relevant jurisdiction or expertise with a request for review and comment within thirty (30) days of receipt. After the packets have been sent, the applicant should contact each agency to determine whether there are additional requirements which will apply to the proposed **condominium subdivision**. Agency responses should explain whether the proposal appears feasible and will meet the agency's requirements, any negative effects that may result from the **condominium subdivision** and any actions which may be needed to mitigate those effects and ensure that the development does not compromise the quality, or increase the cost, of public services and facilities, any additional information that may be needed, and what is required or recommended prior to final approval.

b. Agencies that may be asked to comment include, but are not limited to, the fire protection and highway districts with jurisdiction, the Idaho Transportation Department, the school district serving the area, Panhandle Health District, the Idaho Department of Environmental Quality, the Idaho Department of Water Resources, water and sewer service providers, utility providers, the U.S. Army Corps of Engineers, Kootenai County Noxious Weeds Department, Idaho Department of Lands, Idaho Department of Fish and Game, Kootenai-Shoshone Soil Conservation District, and the Coeur d'Alene Tribe. Projects located within an Area of City Impact will also be forwarded to the appropriate city or cities for review and comment. In addition to providing general comments, the Department will request that the following agencies address these specific items:

i. Panhandle Health District: The requirements for the lifting of sanitary restrictions, as required prior to recordation.

ii. Water Purveyor: A will-serve letter, any actions required to secure water connections, and confirmation that the water system is adequate for both domestic and fire flow, particularly if hydrants are proposed or required.



- iii. Sewer District: A will-serve letter, and any actions required to secure sewer connections.
- c. Requests by an agency for actions to be taken, or fees to be paid, to mitigate impacts of a condominium subdivision should be roughly proportional, both in nature and extent, to the impact of the proposed development.

7. Comment Period. The Department shall also schedule the application for a thirty (30) day public comment period, which shall run concurrently with the agency comment period. The Department shall cause a Notice of Comment Period to be published in the *Coeur d'Alene Press* at the applicant's expense. The Department shall also cause notice to be mailed to all property owners required to be noticed under Table 8-401 of this title, including any contiguous lots or parcels under the same ownership, at the applicant's expense, on or before the first day of the comment period. Information submitted prior to the close of the comment period shall be entered into the record on the application.

#### B. Order of Decision and Required Findings.

1. After the close of the comment period, the Director shall review the relevant evidence in the record and the standards for approval, and shall issue an Order of Decision. The applicant shall bear the burden of proof (including both the burden of going forward with evidence and the burden of persuasion) that the application complies with the applicable requirements of this article. To approve a condominium plat, the Director must make the following findings:

- a. The applicant has provided information sufficient to determine whether the application complies with the relevant requirements of this chapter.
- b. The declaration of condominium meets the relevant requirements of Title 55, Chapter 15, Idaho Code.
- c. The condominium plat meets the relevant requirements of subsection 8.6.302(C) of this chapter, Title 50, Chapter 13, Idaho Code, and Title 55, Chapter 15, Idaho Code.
- d. The condominium plat and the project are in compliance with other applicable provisions of this code without variances, or with such variances to, or deviations from, requirements or standards as may be approved by the Director.
- e. The condominium plat and the project meet the requirements of all agencies with jurisdiction and those providing services.
- f. The design and proposed uses are compatible with existing homes, businesses and neighborhoods, and with the natural characteristics of the area. The condominium creates individual units and common areas of reasonable utility and livability, capable of being built upon without imposing an unreasonable burden on future owners. Areas not suited for development are designated as common areas of the condominium and as open space.

g. Negative environmental, social and economic impacts have been, or will be mitigated. Driveway construction and disturbance of the terrain, vegetation and drainageways will be minimized and will not result in soil erosion. The design adequately addressed site constraints or hazards.

h. Services and facilities which will serve the condominium subdivision are available and adequate. On- and off-site improvements, or payments in lieu of such improvements, that are roughly proportional, both in nature and extent, to the impact of the proposed development have been made in order to mitigate the impacts of the condominium subdivision so that it does not compromise the quality or increase the cost of services.

i. The sanitary restrictions will be lifted prior to recordation.

j. Appropriate documents which establish a condominium owners' association which will bear responsibility for maintenance of commonly owned land, infrastructure, or other improvements, have been approved by the Director and are ready to be recorded with the condominium plat.

k. Any required conservation easements or other documents have been approved by the Director and are ready to be recorded with the condominium plat.

l. Public notice and an opportunity for interested parties to comment on the application have been given in accordance with the applicable provisions of Idaho Code and this title.

2. Any requested variance or deviation from standards which would otherwise apply to the proposed condominium subdivision shall not be approved except upon the following findings:

a. An undue hardship exists because of characteristics of the site;

b. The granting of the variance or deviation will not be in conflict with the public interest; and

c. The variance or deviation is the minimum necessary to make possible the use associated with the request.

3. If the application and the condominium comply with all of the requirements of paragraph (1) of this subsection, the Director shall approve the application. If the application and the condominium do not comply with one or more of these requirements, or if insufficient information was provided to make that determination, the Director shall deny the application.

4. To grant approval of any requested variance or deviation from standards which would otherwise apply to the proposed condominium, the Director must make all of the findings set forth in paragraph (2) of this subsection.

5. The order of decision of the Director shall comply with section 67-6535, Idaho Code, and shall cite the applicable legal standards, state the evidence and conclusions on which the decision was based, and explain any relevant contested facts and its evaluation of these facts.

Decisions of approval shall include any conditions of approval. Decisions of denial shall identify any actions which the applicant may be able to take to gain approval. The order of decision shall be issued within thirty-five (35) days of the close of the comment period unless otherwise agreed to by the applicant.

6. The decision of the Director may be appealed in accordance with the provisions of chapter 8, article 8.5 of this title.

**SECTION 5.** That Section 8.6.701, Kootenai County Code, shall be, and the same is hereby amended as follows:

**8.6.701: PURPOSE:** The purpose of this section is to delineate the minimum on-site design requirements for major subdivisions, minor subdivisions and condominium plats. While off-site improvements may also be required to mitigate the effects of the development, these will be considered project by project. For purposes of this article and articles 6.8 and 6.9 of this chapter only, the term "subdivision" shall include condominiums except where condominiums are specifically referenced therein.

**SECTION 6.** That Section 8.6.707, Kootenai County Code, shall be, and the same is hereby repealed.

**SECTION 7.** That a new Section 8.6.707, Kootenai County Code, shall be, and the same is hereby added as follows:

**8.6.707: ROADS AND TRAILS:**

A. Public and Private Roads.

1. Roads Within or Adjacent to Subdivisions or Condominiums.

a. The following public and private roads shall comply with the *Highway Standards for the Associated Highway Districts of Kootenai County, Idaho* ("the Standards"):

- i. Roads within or adjacent to major subdivisions.
- ii. Roads within or adjacent to minor subdivisions which provide or will provide legal and physical access to a total of five (5) or more parcels.
- iii. Roads within or adjacent to condominiums which provide or will provide legal and physical access to a total of five (5) or more units, parcels, or combination of units and parcels.
- iv. Roads within or adjacent to condominiums which do not abut a public road.

Such roads may be dedicated as public roads to the highway district with jurisdiction. Otherwise, the director shall verify that all such roads comply with the *Standards*, and those roads shall be dedicated to the maintenance entity.

b. The following private roads shall comply with the standards for fire apparatus access roads set forth in the then-current International Fire Code adopted pursuant to title 7, chapter 1 of this code (“the IFC standards”):

- i. Roads within or adjacent to minor subdivisions which provide or will provide legal and physical access to a total of four (4) or fewer parcels.
- ii. Roads within or adjacent to condominiums which abut a public road and provide or will provide legal and physical access to a total of four (4) or fewer units, parcels, or combination of units and parcels.

The director shall verify that all such roads comply with the IFC Standards, and those roads shall be dedicated to the maintenance entity.

c. When future access may be needed to adjacent parcels of land, roads within or adjacent to a major subdivision, minor subdivision, or condominium shall extend to the property line of the subdivision or condominium unless topography or other factors make continuation of the road impossible or impracticable.

2. Roads Connecting Subdivisions or Condominiums to Public Roads. If a new road is to be constructed between a major subdivision, minor subdivision or condominium and the nearest existing public road, the road shall comply with the *Standards*. If an existing private road will connect a major subdivision, minor subdivision or condominium to the nearest existing public road, the road must be brought into compliance with the *Standards*. The road may be dedicated as a public road to the highway district with jurisdiction. Otherwise, the director shall verify that the road complies with the *Standards*, and the road shall be dedicated to the maintenance entity.

3. Verification of Compliance with Highway District Standards.

a. If the director finds that the road complies with the *Standards* and that it complies with the requirements of this section, the director shall approve the road and shall give final approval to any associated permits.

b. The director may seek a recommendation from the highway district in which the road is located as to whether a newly constructed private road complies with the *Standards*.

c. If compliance with the *Standards* is required and the director, upon recommendation of the highway district with jurisdiction, determines that a road should be approved with a variance, exception or deviation from the *Standards*, the road will be deemed to comply with the *Standards* for purposes of this chapter and section 8.4.201 of this title. If the highway district with jurisdiction does not provide a recommendation within twenty-eight (28) days after receipt of a request for recommendation, the director may make this determination without such recommendation.

d. If compliance with the IFC standards is required and the director, upon recommendation of the fire protection district with jurisdiction, determines that a road should be approved with a variance, exception or deviation from the IFC standards, the

road will be deemed to comply with the IFC standards for purposes of this chapter and section 8.4.201 of this title. If the fire protection district with jurisdiction does not provide a recommendation within twenty-eight (28) days after receipt of a request for recommendation, the director may make this determination without such recommendation.

4. Private Roads. Subdivision and condominium plats which depict private roads shall include a notation stating that the private roads depicted on the plat will not be maintained by any highway district, and that there are no guarantees, warranties or promises that the highway district with jurisdiction will ever assume maintenance of such roads.

#### B. Common Driveways.

1. The Board, or the Director in the case of a minor subdivision or condominium, may approve a privately maintained common driveway as the means of access to new lots upon the following findings:

a. The common driveway will provide legal and physical access to four (4) or fewer parcels;

b. A road through the land proposed for subdivision is not appropriate or necessary to provide access to private lands lying adjacent to or beyond the subdivision;

c. Access through the land is not now necessary, nor will it be necessary in the future, to provide continuity of public roads with functional grades and design, and

d. The lots being created will not be further subdivided, and no additional access to the driveway will be allowed, until it is constructed in accordance with this chapter and with the *Standards* or any variance, exception or deviation from the *Standards* which has been approved by the highway district with jurisdiction. The Board may require a restriction on the plat, or the recordation of a public covenant in favor of the County and the highway district, to ensure compliance with this requirement.

2. Common driveways are a required infrastructure improvement, and shall be constructed prior to final approval of a major subdivision, or recordation of a minor subdivision or condominium plat, unless a financial guarantee which complies with the requirements set forth in sections 8.6.711 and 8.6.903 of this chapter is provided, in which case they shall be constructed prior to issuance of non-infrastructure building permits. Common driveways shall be constructed in accordance with section 8.4.201 of this title.

C. Connectivity. Roads, trails and sidewalks in subdivisions shall be designed to complement and enhance existing transportation systems so as to create an integrated network that allows for the safe and efficient movement of people within the subdivision, to adjacent subdivisions, and to nearby commercial areas, schools, places of worship, and other community facilities. Roads shall be designed with as many connections as possible, and with relatively direct routes in and out of the subdivision, without running traffic through previously established neighborhoods. Cul-de-sacs are discouraged, but may be approved where natural or built features preclude connection to existing or future roads. A newly developed dead end road shall not serve more

than twenty-five (25) parcels. Where feasible, subdivisions shall have at least two (2) means of emergency access which comply with the standards set forth in section 8.4.201 of this title, or alternatively, those of the fire protection district with jurisdiction. When future access may be needed to adjacent parcels of land, road and trail rights-of-way shall extend to the property lines of the subdivision. Roads and trails shall be designed to minimize conflict between vehicles and pedestrians.

D. Stream and Wetland Protection Buffers. Roads shall not be constructed within stream and wetland protection buffers, except for crossings which comply with the standards set forth in section 8.6.708 of this article.

E. Road Names, Signing, and Addressing. All road names, identification signs, and addressing shall comply with the provisions of chapter 4, article 4.10 of this title, and the applicable requirements of the highway district with jurisdiction.

F. Pedestrian and Bicycle Access.

1. Off-road trails, lanes or walkways may be required:

- a. If shown on a bicycle facilities plan adopted by the public highway agency with jurisdiction;
- b. Along through streets in subdivisions within one and one-half (1½) miles of a school, park, bicycle trail, recreational area, or community facility; or
- c. When necessary to ensure the safety of pedestrians and bicyclists.

2. The trail shall be designed to serve the intended use, and except for bicycle lanes, shall be separated from the road by a vegetation strip at least five (5) feet wide. If there is no direct route through a subdivision, or if cul-de-sacs are proposed, one or more trails may be required to provide short, direct routes for pedestrians. For safety, trails should be located in close proximity to and visible from homes and streets. If a trail or walkway is required, an easement or right-of-way must be dedicated or conveyed in conformance with section 8.6.705 of this article.

**SECTION 8.** That Section 8.6.802, Kootenai County Code, shall be, and the same is hereby amended as follows:

**8.6.802: LOT SALES AND BUILDING PERMITS:**

A. ~~With the exception of one model home, no~~ Non-infrastructure building permits may be issued upon recordation of a final plat. However, except as provided in subsection (B) of this section, no certificates of occupancy will be issued until all infrastructure improvements are complete and approved by all agencies with jurisdiction and providing services until the plat is recorded, and all improvements are complete and approved by all agencies with jurisdiction or providing services.

~~B. A building permit for one model home may be issued if a financial guarantee is provided to ensure completion of infrastructure serving the home. No certificate of occupancy may be issued for one (1) residential structure on one (1) lot so long as until the infrastructure serving the home has been completed and all necessary approvals have been obtained.~~

**SECTION 9.** That Section 8.8.205, Kootenai County Code, shall be, and the same is hereby amended as follows:

**8.8.205: BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY:** All permits for construction, alteration, or for occupancy, shall be processed in compliance with the provisions of Title 7, Chapter 1 of this code and the building codes adopted thereby.

A. Building Permits. It shall be unlawful to construct, alter, move, demolish, repair, or use any building or structure within Kootenai County, except in compliance with this title and Title 7, Chapter 1 of this code. The Director may attach specific conditions to any building permit related to land use functions, and to ensure compliance with the requirements and intent of this title and the protection of public health and safety.

B. Requirements for Binding Site Plans. Each building permit application will be accompanied by an 8 ½ x 11 site plan, drawn to scale, depicting the following information:

1. North arrow, scale, date;
2. Lot lines with dimensions and area;
3. Distances to property lines from all structures;
4. Existing and proposed easements, roads and road names;
5. Utility locations (including well and septic);
6. Location and setback from property lines of all existing and proposed structures;
7. Location of driveways and parking areas;
8. Location of lakes, ponds, wetlands, waterways and drainages;
9. Location of any special setback and/or building envelope requirements.

The work authorized by the approved building permit shall comply with the site plan approved by the Department. The contractor or property owner shall clearly mark the property corners to facilitate the measurement of setbacks. If site inspection by Department personnel reveals that construction on-site is not in compliance with the approved site plan, work at the site shall cease until a new site plan is submitted to, and approved by, the Department.

C. Additional Requirements for Development in Special Flood Hazard Areas. Before construction or development begins within any special flood hazard area, the applicant shall

provide sufficient information to conclusively demonstrate compliance with the applicable provisions of chapter 7, article 7.2 of this title. At a minimum, this shall include the following:

1. A fully completed, pre- and post-construction elevation certificate for each structure;
2. A certification by a licensed professional engineer that any structural fill has been appropriately compacted;
3. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and
4. Any additional information required by the Director.

D. Certificates of Occupancy.

1. It shall be unlawful to use or occupy, or permit the use or occupancy, of any building or premises, or both, or part thereof thereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefor.
2. The request for a Certificate of Occupancy will state the proposed use of the building and/or the land, that the use conforms to the requirements of this title, and with any or all conditional provisions that may have been imposed, and shall be accompanied by approval signatures of those agencies having jurisdiction over the use or structure.
3. The Department will not issue a Certificate of Occupancy until all building permit requirements and/or conditions of approval have been met, **any pending plat is recorded**, and all necessary agency signatures and approvals are obtained. The Department shall have the right to inspect the site prior to approval of the Certificate of Occupancy.

**SECTION 10.** 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 11.** 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 12.** 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 \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**KOOTENAI COUNTY  
BOARD OF COMMISSIONERS**

\_\_\_\_\_  
Chris Fillios, Chairman

\_\_\_\_\_  
Leslie Duncan, Commissioner

\_\_\_\_\_  
Bill Brooks, Commissioner

**ATTEST:**  
JIM BRANNON, CLERK

By: \_\_\_\_\_  
Kathryn Ford, Deputy Clerk

Publication Date: \_\_\_\_\_, 2020