



Agenda for Regular Planning & Zoning Meeting

Thursday, October 03, 2024 @ 6:00 PM

**Location: DALTON GARDENS CITY HALL,
6360 N 4th St., Dalton Gardens, ID**

**The meeting will be conducted in person and with online access using ZOOM:
<https://us02web.zoom.us/j/88674873076?pwd=zMWNhXDAoBHwTCNpt9TAI5V7iUIgVK.1>**

**Number: 1-669-900-6833 or 1-346-248-7799 or 1-253-215-8782
Webinar ID 886 7487 3076; Password: 206297**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES OF THE AUGUST 22, 2024, MEETING- ACTION ITEM**
- 4. CITY PLANNER REPORT**
- 5. PUBLIC COMMENT:** Each speaker will be allowed a maximum of three (3) minutes to address the Planning & Zoning Commission on matters relating to City government business. Comments related to future public hearings should be held for that public hearing. Please be advised that the Planning & Zoning Commission can only take official action this evening for those items already listed on the agenda.
- 6. DISCUSSION OF AREA OF CITY IMPACT**
- 7. DISCUSSION OF HILLSIDE ORDINANCE**
- 8. DISCUSSION OF FIRE CODE**
- 9. DISCUSSION OF COMMON DRIVEWAY ORDINANCE**
- 10. DISCUSSION OF AGENDA ITEMS FOR NOVEMBER 7, 2024, MEETING**
- 11. ADJOURN- ACTION ITEM**

Original Posting: 9/24/2024

The purpose of the Agenda is to assist the Commission and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of Public Hearings. Any individual who wishes to address the Commission on any other subject should plan to speak when Item: Public Comments is identified by the Chairman. The Chairman and Commission will not normally allow audience participation at any other time. Please no repetitive or abusive comments. Workshops are for Commission Members discussion only on a topic, no action or decisions occur at this time. No Public Comment is taken during Workshops. Assistance for persons with disabilities will be provided upon 24-hour notice prior to the meeting by calling, City Clerk at (208) 772-3698 x102.

City of Dalton Gardens
Planning & Zoning Meeting Minutes
Thursday, August 22, 2024

Meeting conducted via teleconference and in person.

1. **CALL TO ORDER REGULAR CITY COUNCIL MEETING:** Opened 6:02 PM
2. **ROLL CALL:** Commissioners Chad Haunschild, Melissa Cleveland, Ron Sampert, and Chairman Mike Becker were physically present; Also present: Jill Ainsworth -City Planner, and Sandy McFarland-City Clerk. Commissioner Caitlin O'Brien was available via Zoom.
3. **APPROVAL OF THE P&Z REGULAR MEETING JUNE 20, 2024:**
MCleveland made a motion to approve the regular meeting minutes from June 20, 2024.
CHaunschild seconded.

CHaunschild: yes RSampert: Abstain MBecker: yes MCleveland: yes CO'Briend: yes
Motion Carries.

4. **CITY PLANNER REPORT:** City planner updated the commission on permits, ADU issues, and donation of resident Bailey's log cabin to the city, in place of payment.
5. **PUBLIC COMMENT:** Opened 6:10 PM - Closed 6:15 PM

Emailed comment from Tanya Osternson. 1919 N. 9th St, Coeur D'Alene, ID 83814

6. **DISCUSSION OF HILLSIDE ORDINANCE:** Jill Ainsworth, City Planner spoke with the commissioners regarding the Hillside Ordinance and Area of City Impact together. Jill expressed concern for the level of impact Canfield Mountain could have on Dalton Gardens if the Hillside Ordinance is not amended. The commission discussed adding this to the future agenda for careful examination of the current ordinance and potential solutions
7. **DISCUSSION OF AREA CITY IMPACT:** The commission requested Commissioner Haunschild to provide additional information regarding the AIC to the October 3, 2024, meeting. No further discussion.
8. **DISCUSSION OF PLANNING AND ZONING MEETING DATES:** The City Planner asked that the commission consider moving the P&Z meeting to the beginning of the month to give more time to prepare for upcoming city council meetings. Commissioner MCleveland asked that the commission amend the agenda to change the date of P&Z meetings. Commissioner CHaunschild seconded the motion.

CHaunschild: yes RSampert: Abstain MBecker: yes MCleveland: yes CO'Briend: yes
Motion Carries.

9. **CONSIDERATION TO CHANGE P&Z DATE:** The Commission changed the P&Z meetings for the remainder of 2024. Meeting dates will be October 3, 2024, November 7, 2024, and December 5, 2024. September meeting will be skipped to prepare for October 3, 2024 meeting.

MCleveland made motion to approve P&Z Date change. CHaunschild seconded.

10. DISCUSSION OF AGENDA ITEMS FOR OCTOBER 3, 2024:

- a. Review Hillside Ordinance
- b. Review Common Driveway Ordinance
- c. Review of Fire Code
- d. Review of ACI

11. ADJOURNMENT: ACTION

**CO'Brien made a motion to adjourn the meeting. CHaunschild seconded.
All in favor. Adjourned 7:07 PM**

Mike Becker, Chairman

ATTEST:

Sandy McFarland, City Clerk



City of Dalton Gardens
 6360 N Fourth Street, Dalton Gardens,
 ID 83815 Phone: (208) 772-3698 Fax:
 (208) 772-3698

Monthly Planner Activity Report

September 19, 2024

Code amendments

No new code amendments since the Short-Term Rental amendments. The Short-Term Rental amendments will be forthcoming to the City Council for their final approval and acceptance.

Variations / Special Use Permits

No new variations or special use requests have been submitted.

Subdivisions

No new subdivision requests have been submitted.

Permits

There were twenty-three new records created in OpenGov during the month of August; eighteen which were community development permit related; the remaining were facility requests. The following should be noted for the month of August 2024.

Permit Type	New	Issued	Inspections
CBL	3	7	6
Roof	1	1	2
ROW	2	8	
BP	2	1	15
Mechanical	8	9	8

The above does not include the over 30 OpenGov records that have been researched, reviewed, and discussed to bring them forward in the process towards permit issuance and completion during the month of August. Total permit revenue collected was \$4,147.00.

Planning Commission

The Planning Commission did not meet in September as they have changed their meeting dates to earlier in the month to allow the ability to make the calendar for the city council meetings. The commission will meet on October 3, and will begin reviewing standards for common driveways, private roads, roads, hillside development, and discuss other topics of importance related to the Area of City Impact.

Code enforcement

The City's backlog of code compliance cases logged in to OpenGov are being reduced as new ones are added. The following were resolved this month. Additionally, the water overage

code violations have been forwarded to Panhandle Health for their assistance in action and abatement.

Case Number	
CE 24-21	Noxious weed
CE 23-6	Water Overage
CE 22-23	Noxious Weed
CE 24-19	Unpermitted work
CE 22-22	Noxious Weed
CE 24-18	Landscaping in Sight Triangle

Compliance is in progress for CE- 24-2. Many calls are received about what can be done on properties within the city limits which affords the opportunity to educate the public on our aquifer system and the vital role it plays. I average 3 to 5 calls per week from realtors or individuals looking to purchase/build in Dalton.

Respectfully submitted,

Jill Pinsworth
City Planner

6. DISCUSSION OF AREA OF CITY IMPACT

A. Idaho Code – ACI

Section 67-6526 – Idaho State Legislature

B. Kootenai County Code ACI for Dalton Gardens



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6526. AREAS OF IMPACT. (1) Legislative findings and intent.

(a) The legislature finds that areas of impact are properly under the jurisdiction of the county because the elected representatives of citizens in areas of impact are county officials, not city officials. While cities should receive notice of, and may provide input on, applications brought to the county in an area of impact, cities do not govern or control decisions on those applications. County commissioners make the final determination regarding area of impact boundaries within their county.

(b) An area of impact is where growth and development are expected to occur. Areas of impact should be planned for growth and development and should not be used to stop growth and development that conforms to applicable plans and ordinances. Areas of impact should be established, modified, or confirmed based on the ability and likelihood of a city or cities to annex lands within that area of impact in the near future. A city may adopt a comprehensive plan and conduct infrastructure, capital improvement, and other planning activities that extend beyond its current area of impact. Counties and cities shall review their area of impact boundaries at least every five (5) years to determine if modifications are needed or to confirm existing boundaries and may pursue modification of an established area of impact more frequently than every five (5) years.

(c) Prior to conducting the public hearings required under this chapter to establish, modify, or confirm an area of impact, cities and counties should work together to develop a proposed area of impact to be considered at the public hearing.

(d) Decisions regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review or challenge except as provided in subsection (5) of this section.

(2) Establishing an area of impact.

(a) Following the notice and hearing procedures provided in section 67-6509, Idaho Code, and in accordance with the provisions of subsection (4) of this section, the board of county commissioners of each county shall adopt by ordinance a map identifying the area of impact within the unincorporated area of the county for each city located in the county. Written notice of the hearing to be conducted under this subsection shall be provided by the county to each owner of property located within a proposed area of impact. If notice is also published pursuant to section 67-6509, Idaho Code, individual property owners may not challenge the proceeding on the basis that they did not actually receive notice by mail. The cost of the notice shall be

reimbursed to the county by the city whose area of impact is under consideration. The board of county commissioners is not required to receive a recommendation from the planning and zoning commission prior to enacting an ordinance establishing an area of impact. An area of impact must be established before a city may annex adjacent territory pursuant to the provisions of section 50-222, Idaho Code.

(b) If the requirements of paragraph (a) of this subsection are not met in establishing an area of impact, the city may demand compliance with this subsection by providing notice to the board of county commissioners of the demand for compliance. Once a demand has been made, a recommendation committee shall be established. The city and county shall each select a representative to participate on the committee within thirty (30) days of the demand for compliance and the process set forth in this paragraph shall commence.

(i) After the city and county representatives have been selected, they shall in turn select another city representative living within the applicable city and another county representative living in the county and not within any city to serve on the recommending committee. Meetings of the recommending committee may be hosted by the city or county and shall be conducted in accordance with Idaho open meetings law. These four (4) persons shall, by majority vote, provide a written recommendation to the board of county commissioners for an area of impact. The written recommendation shall be submitted to the governing boards within one hundred eighty (180) days after the selection of the recommending committee members.

(ii) If the board of county commissioners fails to enact an ordinance providing for an area of impact within ninety (90) days of receipt of the committee recommendation or expiration of the one hundred eighty (180) days for the committee to make its recommendation, the city may file a petition with the district court to identify the area of impact pursuant to subsection (5) of this section and in accordance with other applicable provisions of this section.

(3) Modification or confirmation of area of impact boundaries.

(a) Modification or confirmation of an existing area of impact boundary may be initiated by a city or cities or the county. If a county is initiating a modification or confirmation of an area of impact, the county shall provide at least thirty (30) days written notice to the applicable city or cities of the hearing on the proposed modification or confirmation. Any modifications to or confirmation of an area of impact boundary must be adopted by an ordinance approved by the board of county commissioners of the applicable county, following the notice and hearing procedures provided in section 67-6509, Idaho Code, and in accordance with the requirements for defining an area of impact as set forth in subsection (4) of this section. At least fifteen (15) days prior to the hearing, written notice of the hearing to be conducted under this paragraph shall be provided by the county to each owner of property located within the portion of the area of impact that is proposed to be modified. If notice is also published pursuant to section 67-6509, Idaho Code, individual property owners may not challenge the proceeding on the basis that they did not actually receive notice by mail. If the modification or confirmation

is proposed by a city, then the cost of the notice shall be reimbursed to the county by such city. If the county is pursuing the modification or confirmation, then the cost of notification shall be borne by the county. The board of county commissioners is not required to receive a recommendation from the planning and zoning commission prior to enacting an ordinance modifying or confirming an area of impact.

(b) Where areas of impact abut each other and adjustments are being proposed, or where areas of impact are proposed to abut each other, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. The city council of each city must approve the area of impact or modifications thereto to be proposed to the board of county commissioners. These decisions by the city councils are proposals and not subject to judicial review or challenge. If the cities with impact area boundaries that abut or are proposed to abut each other reach agreement on the proposed boundaries or adjustments thereto, the requested boundaries or adjustments shall be collectively submitted by the cities to the county for consideration in accordance with paragraph (a) of this subsection. If the cities cannot reach agreement, then any or all of the cities involved may submit their requests to the board of county commissioners for consideration pursuant to paragraph (a) of this subsection. In either case, the county shall conduct at least one (1) consolidated public hearing where it considers all such requests together.

(c) The county may accept, reject, or modify a city's requested modification or confirmation regarding an impact area boundary, but if the county does not make a final decision on the request within ninety (90) days of submission of the request, the city may petition the court to make a determination on the request pursuant to subsection (5) of this section.

(4) Provisions applicable to areas of impact.

(a) In defining an initial area of impact or in modifying or confirming an existing area of impact, the criteria set forth in this subsection shall be considered:

(i) Anticipated commercial and residential growth;

(ii) Geographic factors;

(iii) Transportation infrastructure and systems, including connectivity;

(iv) Areas where municipal or public sewer and water are expected to be provided within five (5) years; and

(v) Other public service district boundaries.

(b) In addition to the criteria set forth in paragraph (a) of this subsection, an area of impact shall not exceed the areas that are very likely to be annexed to the city within the next five (5) years. Except as otherwise provided in this paragraph, an area of impact shall not extend more than two (2) miles from existing city limits. An area of impact boundary shall not divide county recognized parcels of land. If only a portion of a recognized parcel falls within the two (2) mile limit, then the boundary may extend beyond two (2) miles on that parcel so that it encompasses the entire parcel. Adjustments to an area of impact may be proposed and considered at any time following the initial establishment of the area of impact.

(c) Areas of impact may cross county boundaries only by approval of the governing board of county commissioners after following the procedures and complying with the requirements for modification or confirmation of an area of impact boundary.

(d) Areas of impact shall not overlap.

(e) The applicable county's comprehensive plan and zoning and subdivision ordinances shall apply in the area of impact. The county may adopt individual county comprehensive plan and zoning and subdivision ordinance provisions regarding a specific area of impact.

(f) Following adoption of an area of impact, the board of county commissioners shall provide the city with written notice at least fifteen (15) days in advance of any county public hearings held pursuant to this chapter or to chapter 13, title 50, Idaho Code, involving land within that area of impact.

(g) Areas of impact shall remain fixed until modifications are made pursuant to subsection (3) of this section.

(h) Prior to considering a request to establish, modify, or confirm an area of impact, the governing boards may, but are not required to, submit the request to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by its governing board in compliance with all required timelines set forth in this section to make its recommendation to the governing board. The county and the city shall undertake a review of the area of impact at least once every five (5) years and shall consider whether adjustments are in the best interests of the citizenry.

(i) This section shall not preclude annexation or other growth and development in areas of any county within the state of Idaho that are not within the areas of impact provided for herein.

(j) The county's decision establishing, modifying, or confirming the boundaries for an area of impact shall be made in writing and shall contain the reasoning of the board of county commissioners, including application of the facts relied upon by the commissioners and the application of the pertinent requirements and criteria to establish or modify an area of impact.

(k) If the area of impact has been properly established, persons living within the delimited area of impact shall be entitled to representation on the planning, zoning, or the planning and zoning commission of the city of impact. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the areas of impact for that city. To achieve such proportional representation, membership of the planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504, Idaho Code. In instances where a city has combined either or both of its planning and zoning functions with the county, representation on the resulting joint planning, zoning or planning and zoning commission shall as nearly as possible reflect the proportion of population living within the impacted city, the area of impact outside the city, and the remaining unincorporated area of the county. Membership on such a joint planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of section 67-6504(a), Idaho Code.

(5) Petitions for review of establishment, modification, or confirmation of area of impact. The decisions by the board of county commissioners regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review, declaratory action, or other legal challenge, except as specifically provided in this subsection.

(a)(i) If a county has not complied with the provisions of subsection (2) or (3) of this section, the city seeking the establishment, modification, or confirmation of an area of impact may petition the district court to establish, modify, or confirm an area of impact that meets the criteria and requirements of subsection (4) of this section in accordance with the procedures provided in this subsection. If the modification of an area of impact boundary involves areas of impact boundaries that abut each other or that are proposed to abut each other, then any city whose area of impact abuts or is proposed to abut another area of impact boundary may file a petition challenging the county's determination regarding only those boundaries that abut or that are proposed to abut each other. Any petition regarding a proposed area of impact or portion thereof that is subject to challenge must be filed in the county in which the proposed area of impact or portion thereof is located.

(ii) Before a city may file a petition for review of an area of impact decision made by the county, as provided in paragraph (a) (i) of this subsection, it must first file a request for reconsideration with the board of county commissioners. Such request must be filed within fourteen (14) days of the issuance of the written decision by the board of county commissioners and must specify deficiencies in the decision of the board of county commissioners. Filing a timely request for reconsideration is a prerequisite to the city having standing to file a petition with the district court. The county shall act on and issue a written decision on the request for reconsideration within thirty (30) days of receipt of the request or the request shall be deemed denied. A petition challenging the decision of the county must be filed by the city within twenty-eight (28) days after the issuance of a decision by the county on the request for reconsideration or expiration of the thirty (30) day period for the county to act on the request.

(b) When filing a petition challenging the decision of the board of county commissioners with the clerk of the court, the petitioner shall pay a fee of one hundred dollars (\$100), which fee shall be in full for all clerk's fees except the regular fees provided by law for appeals. The court shall fix a time for the hearing on the petition to be held no less than thirty (30) days and no more than ninety (90) days from the filing of the petition. The petitioner shall serve or cause to be served a copy of the petition and notice of the hearing on the board of county commissioners or county clerk and the mayor or city clerk of such other city whose area of impact boundary is in question pursuant to paragraph (a) of this subsection at least twenty (20) days before the date of the hearing.

(c) No petition, objection, or reply authorized under this subsection need be verified.

(d) The hearing on a petition filed pursuant to this subsection shall be held within the county in which the area of impact or portion thereof is situated. The regular district court reporter shall reduce to writing the testimony and evidence introduced in the same manner as in a trial of civil actions. The judge of the court, either before or after the hearing, may view the lands pertaining to the proposed area of impact, lands on the outside of the city or cities in the same vicinity in which the lands sought to be included in the area of impact are situated, and other lands within the corporate limits of the city that might in any way be affected by the granting of the petition. The judge may consider such modifications as the judge finds in connection with the evidence introduced at the hearing, in making and arriving at a final decision and determination of the matter.

(e)(i) If the court finds that the board of county commissioners did not follow the notice and hearing requirements provided in this subsection, the court shall remand the matter back to the board of county commissioners to comply with the requirements and issue a new decision. If the court finds that the decision of the board of county commissioners was not arbitrary, capricious, or an abuse of discretion, the court shall affirm the decision of the board of commissioners. If the court finds that the decision of the board of county commissioners was arbitrary, capricious, or an abuse of discretion, the court may remand the matter to the board of county commissioners to correct its decision or the court may determine the appropriate boundaries of the area of impact in question before it. It shall not be necessary for the judge of the court to make written findings of fact or conclusions of law unless the court establishes the area of impact boundary. The court may award attorney's fees and costs to the prevailing party in such an action only if it finds that the other party or parties acted without a reasonable basis in fact or law.

(ii) If the court establishes the area of impact boundary, such boundary shall become the area of impact boundary as of the date of the decree establishing the boundary. Within twenty (20) days after the filing of the decree, the petitioner shall file or cause to be filed with the county recorder and with the city clerk a certified copy of the decree. The board of county commissioners shall adopt an ordinance consistent with the court decree within thirty (30) days of the entry of the decree or be subject to contempt and other sanctions or actions deemed appropriate by the court.

(f) Any city or county aggrieved by the decision of the court may appeal from the decision and judgment to the supreme court. The procedure of the appeal shall be the same as the procedure for appeals from final judgment in civil actions.

(6) Cities and counties shall review their existing areas of impact and shall reestablish the areas in conformance with the provisions of this section by December 31, 2025. Failure to timely conduct such review and reestablishment shall nullify the current area of impact boundaries and require the city and county to go through the process set forth in subsection (2) of this section.

History:

[67-6526, added 1975, ch. 188, sec. 2, p. 515; am. 1977, ch. 155, sec. 1, p. 396; am. 1979, ch. 87, sec. 1, p. 212; am. 1993, ch. 55, sec. 1, p. 150; am. 1995, ch. 118, sec. 97, p. 506; am. 1996, ch. 116, sec. 2, p. 428; am. 1999, ch. 251, sec. 1, p. 651; am. 2002, ch. 333, sec. 6, p. 947.; am. 2024, ch. 227, sec. 2, p. 796.]

How current is this law?

ARTICLE 10.3. DALTON GARDENS

SECTION:

8.10.301: Purpose

8.10.302: Comprehensive Plan

8.10.303: Subdivision Ordinance

8.10.304: Zoning Ordinance

8.10.305: Code And Ordinance Administration And Enforcement

8.10.306: Renegotiation

8.10.307: Geographic Area Of City Impact Defined And Established

8.10.301: PURPOSE:

The purpose of establishing the Dalton Gardens area of city impact is to identify an urban fringe area adjoining the city of Dalton Gardens, Idaho. The urban fringe area is realizing, or will realize, growth and development pressures that must be planned and managed in an orderly fashion. The area of city impact recognizes trade areas, geographic factors, and the potential delivery of public services as being associated with the city of Dalton Gardens and comprised of areas that may reasonably be annexed to the city in the near and distant future. (Ord. 493, 6-9-2016)

8.10.302: COMPREHENSIVE PLAN:

The comprehensive plan and subsequent amendments thereto as officially adopted by the county of Kootenai, Idaho, shall apply to the area of city impact within the unincorporated area of Kootenai County, Idaho. The city of Dalton Gardens shall amend its comprehensive plan to be consistent with the Kootenai County comprehensive plan, if in conflict. (Ord. 493, 6-9-2016)

8.10.303: SUBDIVISION ORDINANCE:

The subdivision regulations set forth in chapter 6 of this title and subsequent amendments thereto as officially adopted by the county of Kootenai, Idaho, shall apply to the area of city impact within the unincorporated area of Kootenai County, Idaho. The subdivision regulations set forth in chapter 6 of this title shall also prevail over any city ordinances pertaining to the division of original parcels of record, plat amendments, lot line adjustments, minor subdivisions, short plats, or administrative lot splits. (Ord. 493, 6-9-2016)

8.10.304: ZONING ORDINANCE:

The zoning regulations set forth in this title, zoning map, and subsequent amendments thereto, as officially adopted by the county shall apply to the area of city impact within the unincorporated area of Kootenai County, Idaho. (Ord. 493, 6-9-2016)

8.10.305: CODE AND ORDINANCE ADMINISTRATION AND ENFORCEMENT:

A. Kootenai County shall be responsible for the administration and enforcement of the plan and ordinances listed in sections 8.10.302, 8.10.303 and 8.10.304 of this article, and shall receive all permit fees for inspections performed to recapture direct costs of inspections, administration, legal publications, or other costs arising from fulfilling the terms of each ordinance or regulation.

B. Amendments to the Kootenai County comprehensive plan, requests for preliminary and final plats or the vacation thereof, requests for zone changes or any other type of development applications, with the exception of building permits or development applications for agricultural purposes, involving property located in the area of city impact within the unincorporated area of Kootenai County being proposed shall be reviewed by the city council upon recommendation of the city planning and zoning commission in accordance with titles 50 and 67, Idaho Code, who will give a recommendation to the county for approval, denial, or the placement of special conditions.

C. The city agrees not to annex any property outside of its established area of city impact, even if receiving a petition from such property owner, but reserves the right to renegotiate the area of impact boundaries in the future. This shall apply, with the exception of forty feet (40') south of the south boundary of the Dalton Gardens city limits, from 16th Street to 18th Street (right of way for Dalton Avenue). Upon a request for annexation within the area of city impact, the city agrees to notify the county and allow the county thirty (30) days to comment on such request.

D. Maintenance of public streets located in the area of city impact shall be the exclusive responsibility of the Lakes highway district unless stipulated by written agreement between the highway district and the city of Dalton Gardens.

E. The city of Dalton Gardens shall appoint a member on its planning and zoning commission to represent the area of city impact. This representative shall reside within the area of city impact and shall be reappointed, upon any vacancy, by citizens also residing within the area of city impact. (Ord. 493, 6-9-2016)

8.10.306: RENEGOTIATION:

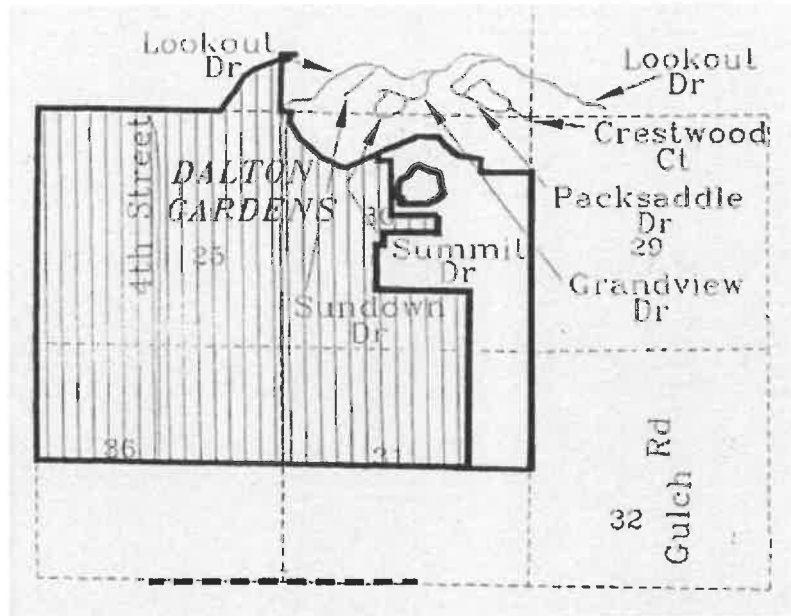
The area of city impact agreement shall be reviewed by the city of Dalton Gardens and Kootenai County at least once every five (5) years and shall be renegotiated at any time upon the request of either party hereto. Renegotiation shall begin thirty (30) days after written request by either the city or county and shall follow procedures for the original negotiation, as set forth in section 67-6526, Idaho Code. (Ord. 493, 6-9-2016)

8.10.307: GEOGRAPHIC AREA OF CITY IMPACT DEFINED AND ESTABLISHED:

A. Establishment: The officially adopted and agreed upon "area of city impact for Dalton Gardens, Idaho" is established and shown on the map entitled "Dalton Gardens area of city impact" as set forth in illustration 10-301 of this section.

ILLUSTRATION 10-301

DALTON GARDENS AREA OF CITY IMPACT MAP



B. Legal Description: The area of city impact for the city of Dalton Gardens is hereby legally described as follows:

BEGINNING at the point of intersection of the East right-of-way line of Government Way (a.k.a. Old U.S. Highway 95), and the East-West centerline of Section 36, Township 51 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, said beginning point being 30 feet East of the West Quarter corner of said Section 36;

thence East along said East-West centerline of Section 36 and continuing along the East-West centerline of Section 31, Township 51 North, Range 3 West, Boise Meridian, to the East Quarter corner of said Section 31;

thence North along the East line of Sections 31 and 30, to the Northeast corner of the Southeast Quarter of the Northeast Quarter of Section 30 being a point on the southerly line of the Hayden Lake Recreational Water and Sewer District as defined in Exhibit B, Case No. 34668, First District Court, State of Idaho;

thence northwesterly and westerly along said line as follows:

West along the North line of said Southeast Quarter of the Northeast Quarter to the Northwest corner thereof;

thence North, 345 feet, more or less, along the East line of the Northwest Quarter of the Northeast Quarter of said Section 30;

thence North 89°59'57" West, 475.00 feet (of record as West, parallel with the North line of said Section 30, a distance of 475 feet, more or less);

thence North 47°00'03" West, 575.00 feet (of record as North 47° West, 575 feet, more or less);

thence South 86°59'57" West, 150.00 feet (of record as South 87° West, 150 feet, more or less);

thence South 68°42'25" West, 1660.00 feet (of record as South 66° West, 1657 feet, more or less) along the southerly line of WOODLAND HEIGHTS 5TH ADDITION, according to the plat on file in Book G of Plats at page 64, and said southerly line extended to the Northeast corner of Lot 7, Block 2, WOODLAND HEIGHTS, according to the plat on file in Book E of Plats at page 129;

thence along the northeasterly line of Block 2 of said WOODLAND HEIGHTS as follows:

South 82°20'15" West, 52.47 feet;

thence North 83°51'30" West, 158.91 feet;

thence North 64°21'30" West, 415.97 feet;

thence North 49°39'15" West, 647.74 feet, to the Northwest corner of Lot 1, said Block 2;

thence North 31°28'59" West, 450.19 feet;

thence North 89°29'17" West, 170.00 feet;

thence North 0°46'08" West, 239.76 feet, to the North line of said Section 30;

thence North 89°00'11" West, 30.0 feet along said North line to the corner common to Sections 24 and 25, Township 51 North, Range 4 West and said Sections 19 and 30, Township 51 North, Range 3 West;

thence North, 1139.26 feet along the West line of Section 19, Township 51 North, Range 3 West, Boise Meridian, to the Southwest corner of the Dalton Water Association tract;

thence along the southerly line of said tract as follows:

North 69°20' East, 187.00 feet;

thence North 20°40' West, 50.00 feet;

thence North 69°20' East, 197 feet, more or less, to the North line of the Southwest Quarter of the Southwest Quarter of said Section 19;

thence West, 342 feet, more or less, along said North line to the Northwest corner of said Southwest Quarter of the Southwest Quarter;

thence South, 115.12 feet along the West line of said Section 19 and the East line of Section 24, Township 51 North, Range 4 West, Boise Meridian, to the Northeast corner of Tax Number 10001 (Book 82, page 933);

thence southwesterly along the northwesterly line of Tax Number 10001 as follows:

South 68°28'06" West, 633.85 feet;

thence South 51°52'34" West, 263.29 feet;

thence South 28°47'04" West, 269.98 feet;

thence South 33°08'44" West, 319.38 feet;

thence South 35°06'49" West, 340.48 feet to the North line of Section 25;

thence along the North line of Section 25, Township 51 North, Range 4 West, Boise Meridian, to a point on the East right-of-way line of Government Way (a.k.a. Old U.S. Highway 95), said point being 30.00 feet East of the Northwest corner of said Section 25;

thence South along the East right-of-way line of U.S. Highway 95, to the POINT OF BEGINNING.

C. Precedence: In the event of any conflict between this map and the legal description contained in this section, the legal description shall take precedence. (Ord. 493, 6-9-2016)

7. DISCUSSION OF HILLSIDE ORDINANCE

A. Hillside Ordinance Dalton Gardens

B. Kootenai County Hillside Ordinance

CHAPTER 5

HILLSIDE DEVELOPMENT

SECTION:

4-5-1: Short Title

4-5-2: Authority

4-5-3: Purpose

4-5-4: Definitions

4-5-5: Applicability

4-5-6: Application And Information Requirements

4-5-7: Process

4-5-8: Standards

4-5-9: Waiver Of Standards

4-5-10: Administration

4-5-11: Inspection

4-5-12: Maintenance

4-5-13: Prohibited Conduct, Enforcement, And Penalties

4-5-1: SHORT TITLE:

This chapter shall be known as the *HILLSIDE DEVELOPMENT ORDINANCE* of Dalton Gardens. (Ord. 166, 2-5-2004)

4-5-2: AUTHORITY:

This chapter is authorized under the provisions of Idaho Code section 67-6513. (Ord. 166, 2-5-2004)

4-5-3: PURPOSE:

A. To provide the maximum in public safety and welfare in the development and design of building sites, roadways, and other service amenities; and

B. To provide safe ingress and egress for vehicular, bicycle, and pedestrian traffic to and within the hillside areas, while at the same time minimizing the scarring effects of hillside development; and

C. To use to the fullest extent the current understanding of the planning, design, and engineering professions and the natural sciences including botany, biology, ecology, soils and geology, to mitigate potential hazards to public health, safety, and welfare, and to enhance the existing and future appearance and resources of the hillsides; and

D. To provide guidelines in the creation of buildings suited to the natural hillside surroundings through imaginative and innovative building techniques; and

E. To provide a variety of development patterns on the hillside; and

F. To provide variations in architectural design to reduce grading and scarring of the hillside. (Ord. 166, 2-5-2004)

4-5-4: DEFINITIONS:

ADMINISTRATOR: An official appointed by the mayor and city council to administer provisions of this chapter. This official may be a contract professional such as a licensed engineer.

DEVELOPMENT: Any work requiring a Dalton Gardens site disturbance permit.

SCARRING: Any permanent scar left on a hillside by a development activity.

SITE DISTURBANCE ORDINANCE: Dalton Gardens ordinance 165, and all subsequent amendments.

VISUAL IMPACT: The visible change in a hillside as a result of any development activity. (Ord. 166, 2-5-2004)

4-5-5: APPLICABILITY:

This chapter shall apply whenever a site disturbance permit is required and the overall slope is greater than six percent (6%). This chapter shall apply in conjunction with the Dalton Gardens site disturbance ordinance and any subsequent amendments. Any conflicts between ordinances shall be interpreted to mean that the most restrictive standard shall apply. This chapter shall apply to all development including individual building permits, special use permits, and land divisions. (Ord. 166, 2-5-2004)

4-5-6: APPLICATION AND INFORMATION REQUIREMENTS:

All applications for a hillside development permit shall be submitted to the city on a form provided by the city with a filing fee as set by resolution of the city council. At a minimum, the following shall be required:

A. **Visual Impact Report:** A visual impact report which has been reviewed and approved by an Idaho licensed design professional. The report shall include the following information:

1. **Graphic Rendition:** The existing view (prior to development) and the proposed view (after development) in a computer/photographic generated graphic form.

2. **Detailed Methods On Mitigation Of Visual Impacts:** These methods include, but are not limited to: architectural design, building site envelopes, height restrictions, landscaping, fencing, construction materials, and colors.

3. **Vegetation:** The existing vegetation and the proposed method of preserving and/or replacing such vegetation.

4. **Methods To Minimize Effects:** A statement detailing how the proposed development or subdivision minimizes visual impact and hillside scarring through careful site placement, roadway design, or other methods.

B. **Slope Stabilization And Revegetation Plan And Report:** The applicant shall hire an Idaho licensed design professional with expertise in landscape architecture to review and approve the slope stabilization and revegetation plan and report. The report shall include a description of the existing soils, the vegetation to be planted, soils amendments if necessary, and slope stabilization measures to be implemented. The report shall also include an analysis of the environmental effects of such operations including the effects on slope stability, soil erosion and water quality.

C. **Engineering Hydrology Report:** Based upon the slope stabilization plan and report, the city may require a professional engineer registered in the state of Idaho to complete an engineering hydrology investigation and report. This individual should be experienced and knowledgeable in the science of hydrology and in the techniques of hydrologic investigation. This report shall include the following information:

An adequate description of the hydrology of the site, conclusions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed. The report shall

include results of field investigations of the site, unless existing information is determined by the city to be sufficient to satisfy the purpose of this chapter.

D. Natural Features Plan And Report: A natural features plan and report with the following information:

1. Hazardous Areas: Location and identification of all potential hazardous areas including, but not limited to, land that is unsuitable for development because of poor drainage areas, high ground water, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered.

2. Important Features: The plan shall show important features, including, but not limited to, the following: outline of existing structures, watercourses, surface water, wetlands, power lines, telephone lines, airport influence areas, any existing easements, municipal boundaries, section lines, and property lines.

3. Protecting Important Features: A written statement explaining how the site plan, private road, and/or plat protects or mitigates impacts on the important natural features of the site.

E. Supplemental Data: Other supplemental data may be required by the city when deemed appropriate by the administrator, planning commission, mayor, or city council. (Ord. 166, 2-5-2004)

4-5-7: PROCESS:

Upon review of the application, the city shall apply the criteria listed in this section to determine whether or not to approve, approve with conditions, or deny the hillside development permit. No grading, filling, clearing, or excavation of any kind shall be initiated until the hillside development permit is approved by the city, a site disturbance permit (or waiver) is obtained from the city, and the development has received approval by the decision making body. The hillside development application must first be submitted to the planning commission for a public hearing, who will then make a recommendation to the city council for final decision.

Criteria for approval:

- A. The site is physically suitable for the design and location of the proposed development;
- B. The proposed development will provide safe ingress and egress for all building sites, and to the public at large;
- C. The proposed development shall result in minimum disturbance of hillside areas;
- D. Areas not suited for development because of soil, geology, vegetation, or hydrology limitations are designated as open space;
- E. Disruption of existing native vegetation is minimized;
- F. The proposal sets forth sufficient and adequate mitigation for the identified visual impacts beyond the normally expected impact of hillside development. (Ord. 166, 2-5-2004)

4-5-8: STANDARDS:

To ensure the intent of this chapter is achieved, the applicant shall retain a professional civil engineer currently registered in the state of Idaho to serve as the engineer of record.

- A. Responsibilities: It shall be the responsibility of the engineer of record:
 - 1. To prepare the preliminary development plan and permit application.
 - 2. To incorporate into the development plans all recommendations contained in the plans and other reports as required in this chapter.
 - 3. To act as coordinating agent between other professionals, the owner, the city, and other government agencies with a regulatory interest in the development.

4. To prepare any revised plans and to submit an as built record to the city upon the completion of the project.

B. Reports: The engineer of record shall submit all necessary reports to the city both prior to and during development activities.

C. Noncompliance: If the engineer of record, in the course of fulfilling the specified responsibilities, discovers that any work is being accomplished to a substantially lesser standard than required by this chapter or by the approved hillside development plan, the noncompliance shall be reported in writing to the owner, with copies of the report delivered to the city within three (3) working days of the discovery. The owner shall provide the city with recommendations for corrective measures, within five (5) calendar days of the notice. The city may require corrective action within a specified period. If any deficiency is deemed by the city to be an imminent threat to the public health, safety, or welfare, that work shall be stopped immediately until such deficiencies are corrected.

D. Replacement Of Engineer: If the engineer of record is replaced during the course of work, the work shall be stopped. Work may resume when the replacement engineer of record has agreed to accept the responsibility for previous and future work.

E. Inclement Weather: In the event work is stopped during inclement weather, all open, and/or unfinished work on the project shall be protected to the satisfaction of the city.

F. Completion Of Work: At the conclusion of the approved work, the engineer of record shall submit a report to the city stating that the work has been executed in compliance with the approved plans. The report shall have the signature and professional seal of the engineer of record, along with copies of all testing reports required by this chapter, by the city, or by the administrator.

G. Delays: The city may require the grading operation and/or project schedule be modified if delays occur which result in weather generated problems not anticipated at the time approval was granted. Construction shall be scheduled to minimize soil disturbance.

H. Development Of Special Hazard Areas: Any area that presents one or more of the following limiting factors shall not be permitted to be developed unless the engineer of record can demonstrate to the city, based on the required engineering reports, that these limitations can be overcome in such a manner as to prevent hazard to life, hazard to property, adverse effects on the use or stability of a public way or adverse impact on the natural environment:

1. Landslide areas or scarps, or areas of active landslides.
2. Natural slopes greater than fifteen percent (15%).
3. Water table within six feet (6') of the surface at any time of the year.
4. Any area of hydrologic hazard as determined by the engineering hydrology report.

I. Vegetation And Slope Stabilization:

1. Vegetation shall be removed only when absolutely necessary, such as for the construction of structures, filled areas, roadways, firebreaks, or as required by this title.

2. Every effort shall be made to conserve topsoil that is removed during construction for later use on areas requiring revegetation or landscaping.

3. Adequate soil and slope stabilization using any combination of vegetation and/or chemical or mechanical methods shall be established on all disturbed areas as each stage of development is completed.

4. New plantings shall be protected with organic cover unless determined not to be necessary in the slope stabilization and revegetation plan and report.

J. Slopes And Stabilization:

1. All retaining walls with a total vertical height of four feet (4') or more, including footing, shall be designed in accord with the regulations of this code for building permits.
2. All slopes that are stabilized by mechanical or chemical means shall conform to the surrounding terrain and shall be given aesthetic treatment that is designed to blend into the background and minimize the visual impacts on surrounding areas.
3. Large tracts shall be divided into smaller workable units on which construction can be completed within one construction season so that large areas are not left bare and exposed during the winter-spring runoff period.

K. Roadways:

1. Roadway alignments shall be designed to create the minimum feasible amounts of hillside scarring, land coverage and the disturbance of the soil.
2. Roadway alignments shall be designed to minimize removal of existing deep rooted perennial vegetation.
3. Roadway alignments shall be designed to follow natural terrain.
4. Roadways shall meet the standards of the associated highway districts of Kootenai County design criteria, except as revised by ordinance or variance. (Ord. 166, 2-5-2004)

4-5-9: WAIVER OF STANDARDS:

A. Authority: The city has the authority to grant a waiver if the engineer of record can demonstrate to the satisfaction of the city that any of the standards required by this article are not necessary in the proposed development, and that the omission of such requirements would not result in any of the following:

1. Hazard to public safety.
2. Hazard to public or private property.
3. Excessive hillside scarring.

B. Request: The request for a waiver of standards shall be in writing and shall state the reason for the request. The justification for the waiver shall be based on the engineering reports required in section 4-5-6 of this chapter. The request for a waiver shall be forwarded by the clerk to the planning commission for recommendation and the city council for final decision.

C. Alternatives: The city or administrator may approve an alternative development proposal when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this chapter and shall not be detrimental to the public health, safety, or welfare, and provides adequate mitigation of visual impacts and hillside scarring. (Ord. 166, 2-5-2004)

4-5-10: ADMINISTRATION:

A. General: This chapter shall be administered in a manner consistent with other ordinances of Dalton Gardens by an administrator as appointed by the mayor and city council. All applicants shall use the department of environmental quality's best management practices as guidelines to implement the requirements and standards set forth in this chapter. Changes in the supporting documents may be accomplished by subsequently adopted resolution.

B. Duration Of Permit: Permits shall expire if the work authorized by the permit is not started within one hundred eighty (180) days of issuance of the permit, or if work is suspended or abandoned at any time after the work has started for a period of one hundred eighty (180) days or more. The city may grant one time extension for an additional one hundred eighty (180) days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented work

authorized by the permit. The city may set specific time limits to the permit for project initiation and completion for environmental reasons or for coordination with other permitted site work.

C. Appeals: Appeals concerning interpretation or administration of this chapter shall be processed in accordance with Section 1-11-1. (Ord. 166, 2-5-2004; amd. Ord. 264, 3-5-2020)

4-5-11: INSPECTION:

All activities governed by these regulations shall be subject to inspection by the city as work is in progress. It shall be the permittee's responsibility to keep the city notified of the progress of the project and call for all required inspections. If deemed necessary by the city, special inspections and testing may be performed to verify conformance with this chapter. The cost of such special inspections and testing shall be borne by the applicant. (Ord. 166, 2-5-2004)

4-5-12: MAINTENANCE:

Maintenance requirements and responsibility shall be clearly identified for all projects where hillside development permits are required. When improvements benefit more than one lot, a maintenance agreement between all parties which benefit from the improvements must be established, including assurance of adequate funding. Easements across private property for maintenance access to improvements shall also be required where necessary. All maintenance agreements must be approved by the administrator.

In the event that appropriate maintenance of any improvements is not conducted, the city shall have the option of requiring the property owner or association to provide for maintenance, or take other enforcement measures as outlined in section 4-5-13 of this chapter. (Ord. 166, 2-5-2004)

4-5-13: PROHIBITED CONDUCT, ENFORCEMENT, AND PENALTIES:

The following actions shall be considered violations of this chapter:

- A. Failure to obtain a permit prior to the start of any development activity for which a permit is required under this chapter;
- B. Failure to call for inspections as required by this chapter, or by the approved hillside development plan and reports;
- C. Failure to complete the development activity within the time limits specified by the permit;
- D. Failure to install in a timely manner and maintain the necessary slope stabilization measures;
- E. Failure to minimize hillside scarring, road alignment, land coverage and soil disturbance;
- F. Conducting work on a site outside the scope of work outlined in the approved plans;
- G. Continuing work at a site after a stop work order has been placed;
- H. Failure to notify the city of substandard work as required in subsection 4-5-8C of this chapter.

If any of the above violations have occurred, the administrator may revoke the permit or order the work stopped by notice, in writing, served on any persons engaged in doing or causing such work to be done. Such person shall stop all site work until authorized by the administrator to proceed. The administrator may also withhold further issuance of permits. Stop work orders may be appealed in the same manner as other appeals.

Violations of this chapter may be considered a criminal misdemeanor and shall be punishable by a maximum fine of three hundred dollars (\$300.00) or six (6) months in jail, or both. Each day of violation shall constitute a separate offense. The city may also take civil action to compel performance and completion of, or maintenance of, improvements installed pursuant to this chapter. (Ord. 166, 2-5-2004)

Excerpts from Kootenai County Subdivision Ordinance for hillside subdivision design
Section 8.6.302.

11. When land disturbing activity is proposed in areas where the natural slope equals or exceeds fifteen percent (15%), the director may require submittal of four (4) copies of a conceptual engineering plan as part of a subdivision application. The plan shall be developed by an Idaho licensed civil engineer, and shall depict proposed building sites, road and driveway grades, profiles and cross sections, and the slope and location of cuts and fills. The purpose of this plan is to demonstrate the feasibility of the proposed subdivision design and to illustrate the nature and extent of earthwork required for site preparation and construction.

11. When land disturbing activity is proposed in areas where the natural slope equals or exceeds fifteen percent (15%), the director may require submittal of four (4) copies of a conceptual engineering plan as part of a subdivision application. The plan shall be developed by an Idaho licensed civil engineer, and shall depict proposed building sites, road and driveway grades, profiles and cross sections, and the slope and location of cuts and fills. The purpose of this plan is to demonstrate the feasibility of the proposed subdivision design and to illustrate the nature and extent of earthwork required for site preparation and construction.

12. Whenever the natural slope of any proposed building sites, roads, driveways or other development equals or exceeds fifteen percent (15%), there is a water table within six feet (6') of ground surface at any time of year, soils are highly erodible, or there are scarps, slumps, seeps or other geologic features that may be unstable, the director may require submittal of two (2) copies of a geotechnical analysis as part of a subdivision application. The geotechnical analysis shall:

- a. Be stamped and signed by an Idaho licensed civil or geological engineer having sufficient education and experience to prove competency in the field of geotechnical engineering;
- b. Explain the geologic and hydrologic features of the area;
- c. Evaluate the suitability of the site for intended uses;
- d. Identify potential problems relating to the geology and hydrology;
- e. Summarize the data upon which its conclusions are based; and
- f. Propose mitigation measures.

8. DISCUSSION OF FIRE CODE

***PLEASE NOTE Agenda Item #8 - Below are three standards for comparison; I have included the street standards of KCFR, Lakes Highway District, City of Dalton Garden, and Hayden.**

A. Fire Code

B. Dalton City Code

C. City Of Hayden Design Standard For Private Roads

D. Lakes Highway District Design Standards

E. Lakes Highway District Design Standard Detail Graphics

Kootenai County Fire & Rescue

Minimum Fire District Requirements for Access Roadways to Residential Properties. (2018 IFC, IDAPA18.08.01 and KCFR adopted rules 2012)

The purpose of this document is to provide information only. Each site will be evaluated for code compliance on its own merit by the Fire Marshal's Office. International Fire Code will be referenced as IFC.

Section 503 Fire Apparatus Access Roads and Driveways

2018 IFC 503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Section 503.2.1 through 503.2.8

2018 IFC 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of the shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

2018 IFC 503.2.4 Turning Radius. The required turning radius of a fire apparatus access road shall be determined by the local fire code official.

KCFR 2012 A minimum turning radius of twenty-five (25) feet on all corners (measured to the inside of the radius).

IDAPA 503.7 Driveways. Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet (45720mm) from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet (3658mm) and a minimum unobstructed height of 13 feet 6 inches (4115mm). Driveways in excess of 150 feet (45720mm) in length shall be provided with turnarounds. Driveways in excess of 200 feet (60960mm) in length and less than 20 feet (6096mm) in width may require turnouts in addition to turnarounds.

IDAPA 503.7.1 Limits. A driveway shall not serve in excess of five single family dwellings.

IDAPA 503.7.2 Turnarounds. Driveway turnarounds shall have an inside turning radius of not less than 30 feet (9144mm) and an outside turning radius of not less than 45 feet (13716mm). Driveways that connect with an access road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radius requirements for driveway turnarounds.

IDAPA 503.7.3 Turnouts. Where line of sight along a driveway is obstructed by a man-made or natural feature, turnouts shall be located as may be required by the fire code official to provide for safe passage

of vehicles. Driveway turnouts shall be of an all-weather road surface at least 10 feet (3048mm) wide and 30 feet (9144mm) long.

IDAPA 503.7.4 Bridge Load Limits. Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be established by the fire code official

IDAPA 503.7.5 Address markers. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and maintained thereafter. The address shall be visible and legible from the road on which the address is located. Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction. Where multiple addresses are required at a single driveway, they shall be mounted on a single post, and additional signs shall be posted at locations where driveways divide

IDAPA 503.7.6 Grade. The gradient for driveways shall not exceed 10 percent unless approved by the fire code official.

IDAPA 503.7.7 Security Gates. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and emergency operation shall be maintained operational at all times.

IDAPA 503.7.8 Surface. Driveways shall be designed and maintained to support the imposed loads of local responding fire apparatus and shall be surfaced as to provide all weather driving capabilities." (4-7-11) 04. Section 507. To section 507.2 Type of water supply. delete the existing language and add the following, "A water supply shall consist of water delivered by fire apparatus, reservoirs, pressure tanks, elevated tanks, water mains or other sources approved by the fire code official capable of providing the required fire flow. Exception. The water supply required by this code shall only apply to structures served by a municipal fire department or a fire protection district and within ten miles (16093m) of a responding fire station.

2018 IFC Appendix D, Fire Apparatus Access Roads.

2018 D101.1 Scope Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code

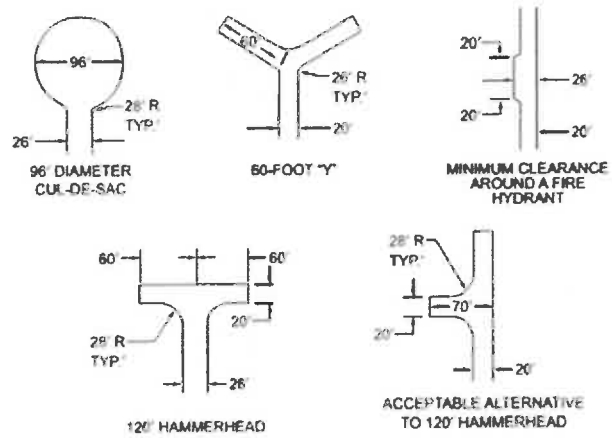
2018 IFC D103.2 Grade The gradient for driveways shall not exceed 10 percent unless approved by the fire code official.

Exception: Grades steeper than 10% as approved by the fire code official.

KCFR 2012 Switchbacks: A minimum distance of forty (40) feet between switch backs measured inside to inside of sixty (60) foot center radius.

Figure D 103.1

Dead-End Fire Apparatus Access Road Turnaround



Any additional questions regarding access should be directed to the Kootenai County Fire Marshal's Office. Site visits are encouraged early in the project and can be scheduled at (208) 777-8500

6-3-2: STREETS:

A. Conformity: The arrangement, character, extent, width, grade and location of all streets shall conform to the official map and comprehensive plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the official map or comprehensive plan, the arrangement and other design standards of streets shall conform to the provisions found herein. All new streets should conform to a north-south or east-west directional grid.

B. Relation To Adjoining Street System: The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas, unless delineated as a cul-de-sac in the commercial or light industrial districts.

C. Projection Of Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets.

D. Streets Carried To Property Lines: When a new subdivision adjoins unsubdivided land susceptible of being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided.

E. Street Jogs: Street jogs with centerline offsets of less than one hundred twenty five feet (125') shall be avoided.

F. Dead End Streets Or Cul-De-Sacs: Dead end streets or cul-de-sacs, designed to be so permanently, except the extension of Dalton Avenue, Hanley Avenue, 18th Street and Woodland Drive, shall not be allowed in the residential district.

G. Marginal Access Streets: Where a subdivision abuts or contains an existing arterial street, the city council may require marginal access streets or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

H. Minor Streets: Minor streets shall be so laid out that their use by through traffic will be discouraged.

I. Street Widths: Street widths for new publicly dedicated streets shall be sixty feet (60') wide and shall meet the requirements of Lakes highway district for paved roadways and shall comply with the requirements of the city's stormwater ordinance in title 4, chapter 3 of this code.

J. Reverse Curves: A tangent at least one hundred feet (100') long shall be introduced between reverse curves on arterial and collector streets.

K. Subdivision Into Large Tracts: Where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivision.

L. Reserve Strips: Reserve strips controlling access to streets shall be prohibited except under conditions approved by the city council.

M. Street Grades: No street grade shall be less than one percent (1%) and shall not exceed the following, with due allowance for reasonable vertical curves:

Street Type	Percent Grade
Arterial	6
Collector	8
Minor	10
Marginal access	6

N. Railroad On Or Abutting Subdivision: Where a subdivision borders on or contains a railroad right of way or limited access highway right of way, the city council may require a street approximately parallel to and on each side of such right of way, at a distance for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

O. Half Streets: Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the city council finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

P. Street Names And Numbers: Names of new streets shall not duplicate existing or platted street names, unless a new street is a continuation of or in alignment with the existing or platted street. House numbers shall be assigned in accordance with the house numbering system now in effect in the city. All new streets shall be named by the subdivider subject to the approval of the city.

Q. Access To Streets Across Ditches: The subdivider shall provide access to all proposed streets across all ditches in a standard method approved by the city engineer, and such access shall be in full compliance with the city's stormwater ordinance in title 4, chapter 3 of this code.

R. Vacation Of Streets: The city council shall not authorize the vacation of any street or part of a street so dedicated for public use if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the area.

S. Private Streets: Private streets shall not be approved nor shall public improvements be approved for any private street in the residential district.

T. Hardship To Owners Of Adjoining Property Avoided: The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it. (Ord. 228, 11-1-2012)

10-3-3: CONSTRUCTION AND DESIGN STANDARDS:

Private streets shall conform to the following construction and design requirements:

A. All private street construction shall be in accordance with the City of Hayden structural standards for streets, including compacted subgrade, ballast, base course and asphaltic concrete mat thickness, utilizing the appropriate traffic index as based upon use.

B. Construction plans shall demonstrate adequate treatment of stormwater runoff on private lands via grassy swales, or other stormwater treatment method as may be approved by the City Engineer.

C. Private streets shall be constructed in accordance with City structural standards for public streets, excepting that the minimum width of pavement, and requirements for curbs and sidewalks for private streets will be according to the following table:

Use	Lots/Units	Minimum Width Of Pavement	Sidewalk Or Path	Curbs
Residential	15 or fewer lots and 15 or fewer units	24 feet	4 feet minimum width, at least 1 side	Not required
Residential	Greater than 15 lots or greater than 15 units	Planned unit development only (in accordance with performance standards)		
Commercial/ industrial	6 or fewer lots	26 feet, or as required to accommodate truck movement and turning radii	5 feet minimum width, adjacent to all lots served	6 inch vertical or rolled
Commercial/ industrial	Greater than 6 lots	Planned unit development only (in accordance with performance standards)		

D. Private streets serving more than fifteen (15) residential lots or fifteen (15) residential dwelling units, and private streets serving more than six (6) commercial or industrial lots will only be permitted within planned unit developments.

E. Private streets in planned unit developments may be permitted, with flexibility in design standards related to width of pavement, curbs, sidewalks, and swales, provided that the private street meets the following performance standards:

1. Width Of Pavement: The public street standard provides adequate width for emergency vehicle access, and on street parking in residential areas. If a private street is proposed for a width of less than the public street standard, the developer must demonstrate:

a. Adequate parking has been provided in residential areas to allow for overflow (100 percent of the off street parking requirements contained within title 11, chapter 4 of this Code shall be required for residential units on streets where on-street parking is limited);

b. Adequate width to accommodate emergency vehicle access around a standing vehicle has been provided (minimum width of 24 feet on a two-way residential street, and 26 feet on a two-way commercial/industrial street with no on street parking; minimum width of 30 feet on a two-way street with parking on 1 side). Additionally, private streets serving commercial and/or industrial lots must demonstrate adequate width to accommodate truck maneuvering requirements and turning radii.

c. Developer will be required to provide and maintain "no parking" signage, as appropriate for the width of the proposed street, as part of the subdivision improvements. Enforcement of "no parking" zones shall be the responsibility of the property owners' association (as described in section 10-3-4 of this chapter).

2. Pedestrian Accessibility: The public street standard provides adjacent pedestrian access to all street frontage lots. The proposed design must provide comparable pedestrian accessibility.

3. Curb Requirements: The public street standard provides for six inch (6") vertical curbing in commercial and industrial zones, and vertical or rolled curbs in residential areas to prevent parking in the drainage swales, and/or adjacent sidewalks, to reduce the cost of future maintenance and/or extend the life of the pavement, and to enhance the aesthetics of the street. If a private street is proposed with a modified design for curbing, the developer must demonstrate that:

a. The design provides a similar degree of protection of swales and sidewalks as standard curbs;

b. The design proposed will provide continuity of design with surrounding properties and enhance the long term serviceability of the proposed development, or will otherwise enhance the aesthetics of the development.

F. All private streets longer than one hundred fifty feet (150') in length shall originate in a public right-of-way and terminate in a public right-of-way by way of a loop, or at one of the following turnaround areas if approved by the City Engineer and Fire Marshal:

1. A cul-de-sac;
2. A hammerhead/tee type turnaround;
3. Other such turnaround design as may be approved by Fire Marshal and the City Engineer upon a finding of functional equivalency to specific terminal designs as authorized by subsection F1 or F2 of this section.

G. Traffic signs required for safe pedestrian and vehicle traffic, including, but not limited to, designated parking and no parking areas, speed, stop, and such other signs as may be deemed necessary, shall be provided by the developer and maintained by the property owners' association (as described in section 10-3-4 of this chapter). All required signage shall conform to MUTCD standards. Construction drawings shall include a plan for signage for review and approval by the City Engineer.

H. Private streets shall conform to all other City of Hayden public street standards.

I. All private streets shall, during the progress of construction, be inspected and tested, at the expense of the owner or developer, by a qualified inspector, in order to ensure compliance with the construction and design standards as set forth in this section, and consistent with the construction drawings as set forth by the registered professional engineer and approved by the City Engineer, and sound engineering and construction practices. Reports of such inspections and tests shall be submitted, together with a certification of such compliance, for the review and approval of the City Engineer, prior to occupancy of any dwellings served thereby. (Ord. 559, 7-12-2016; amd. Ord. 578, 1-9-2018; Ord. 619, 4-13-2021)

Section 300

Design Criteria

Section 300 – Design Criteria

301. General Design Criteria

301.01. All designs shall be based on criteria listed in the Highway Standards for the Associated Highway Districts. Any variance from these Standards and/or use of other standards or design criteria must be submitted and reviewed in accordance with Section 500 of these Standards prior to use. Reference Manuals for design criteria (latest editions):

- MUTCD (Manual on Uniform Traffic Control Devices)
- AASHTO A Policy on the Geometric Design of Highways and Streets
- AASHTO Roadside Design Guide
- AASHTO Bridge Design Manual
- AASHTO Guide for the Development of Bicycle Facilities
- AASHTO Manuals as appropriate and not listed herein
- Idaho Transportation Department (ITD) Standard Drawings & Standard Specifications
- ITD Traffic Manual (online only)
- Idaho Standards for Public Works Construction (ISPWC) Standard Specifications and Standard Drawings
- Local Highway Technical Assistance Council (LHTAC) Manuals
- Public Right-of-Way Accessibility Guidelines
- Idaho Department of Environmental Quality, Stormwater Best Management Practices

302. Roadway Classification

302.01. All roadways within each Highway District shall be classified in accordance with the current version of the Federal Highway Act. All roads shall be classified as Arterials (Rural or Urban), Collectors or Local Residential Roads. It shall be the prerogative of the Highway District having jurisdiction over the area to define which roads are classified as Arterials, Collectors or Local Residential Roads. Refer to SD-1 for information on roads.

303. Public Right-of-Way

- 303.01. Arterial routes shall have a right-of-way between 80 and 120-feet in width with additional right-of-way or easement as needed to accommodate cut and fill sections.
- 303.02. Collectors shall have a right-of-way width of between 60 and 120-feet with additional right-of-way or easement as needed to accommodate cut and fill sections.
- 303.03. Local residential roads shall have a right-of-way width of between 60 and 80-feet with additional right-of-way or easement as needed to accommodate cut and fill sections.

- 303.04. Right-of-way for future connectivity of local public roads shall be provided. Additionally, roads providing access to 25 or more properties shall have multiple points of access from another public roadway.
- 303.05. Cul-de-sacs shall have a minimum right-of-way radius of 60-foot with additional right-of-way or easement as needed to accommodate cut and fill sections and snow storage area. Cul-de-sacs of a temporary nature may be allowed providing each right-of-way is shown on the plat and approved by the Highway District. A standard cul-de-sac layout is shown in the **Appendix**.
- 303.06. All intersecting rights-of-way lines at road intersections shall be connected by a curve having a minimum radius of 30 feet. All intersecting rights-of-way lines at cul-de-sac bulbs and private driveway approaches shall be connected by a curve having a radius of 20 to 30 feet or as directed by the Highway District.
- 303.07. There shall be a perpetual and exclusive minimum 10-foot roadway, drainage, and utility easement granted to the Highway District on each side of the right-of-way in addition to the right-of-way widths required in Sections 303.01 through and including 303.04.

304. Alignment

- 304.01. The following table is intended to show the minimum and maximum values for various parameters used in roadway design for the three classes of roads. Design centerline and super elevation rates shall comply with AASHTO, A Policy on Geometric Design of Highways and Streets based on agency designated classification and speed of roadway. The centerline profile of roads shall also be designed above the surrounding ground in flat and rolling terrain as defined in these Standards.

Design Parameters	Arterial	Collector	Local
Vertical Grades	Min. 0.5% Max. 6%	Min. 0.5% Max. 6%	Min. 0.5% Max 6% Max 2% Cul-de-sac
Horizontal Curvature On Centerline	7° max. Min. Radius 830'	11.5° max. Min. Radius 510'	25° max. Min. Radius 200'
Design Speed	35-55 mph	35-55 mph	35-45 mph
Superelevation	Max 0.06-ft/ft	Max. 0.06-ft/ft	Max 0.06-foot per foot
Minimum Runoff	150-feet	120-feet	110-feet
Angles of Intersection	80-90°	80-90°	80-90°
Turn Lanes	Paved Width = 14' all locations, Length and Taper = per ITD Design Manual, designed by P.E. Refer to Section 306.06.		

304.02 Where development occurs within an Area of City Impact, the District will defer to City Roadway Design Standards.

305. Stopping and Passing Sight Distance

305.01. The stopping and passing sight distances shall be at least the minimum shown in the following table for the design speed used on the roadway.

Minimum Sight Distances in Feet

Design Speed, MPH	20	25	30	35	40	50	60
Stopping Sight Distance:							
Stopping Distance, ft.	115	155	200	250	305	425	570
K Value for:							
Crest Vertical Curve	7	12	19	29	44	84	151
Sag Vertical Curve	17	26	37	49	64	96	136
Passing Sight Distance:							
Passing Distance, ft. 2 lane	710	900	1090	1280	1470	1835	2135
K Value for:							
Crest Vertical Curve	180	289	424	585	772	1203	1628

Notes:

1. K value is a coefficient by which the algebraic difference in grade may be multiplied to determine the length in feet of the vertical curve, which will provide minimum sight distance.
2. According to AASHTO’s Policy on Geometric Design of Highways and Streets (latest edition), the following values are assumed in sight distance design:
 - a. Driver's eye height: 3.50 feet for computation of stopping sight distance and passing sight distance.
 - b. Object height: 3.50 feet for computation of passing sight distance and 2.00 feet for computation of stopping sight distance.
 - c. Perception/reaction time: assumed equal to 2.5 sec(s) for stopping sight distance.

306. Roadway Cross Section

306.01. The Roadway Standard Drawing sheets (SD-1 and SD-2) in the **Appendix** depict the cross section characteristics for arterial, collector, and local residential roads. The pavement width is exclusive of the pavement requirements for bike/pedestrians, for paved shoulders or widening on corners. The pavement width for the class of road will be set

by the individual Highway District. The individual Highway District may also require bike/pedestrian paths, paved shoulders and/or pavement widening on corners (on narrow roads, on tight radius curves, or on roads with 5 percent or greater truck traffic.

306.02. Local residential roads are intended to provide access to local properties and provide connectivity or alternative access to nearby subdivisions or parcels of land. The Highway District will determine the paved surface width based on the following criteria:

1. A 22-foot paved surface width may be allowed if:
 - Topographical constraints limit construction of a 28 foot paved surface width or the local residential road serves a subdivision of less than 30-lots and there is no potential for future connectivity to adjacent parcels.
2. A 24-foot paved surface width may be allowed if:
 - Topographical constraints limit construction of a 28 foot paved surface width or the local residential road within a subdivision or travel shed has no potential to be classified as a collector.
3. A 28-foot paved surface width will be required if:
 - Local residential road functions as a collector and is funneling traffic to main roadways and existing collectors or serves a travel shed that warrants a wider roadway.

The applicant must meet with the Highway District early in the project development process to discuss the paved surface width for local residential roads. The pavement width determination will be at the sole discretion of the Highway District Board of Commissioners.

306.03. Collector roads are intended to link neighborhoods or areas of homogeneous land use with the arterial roadway system. These roadways not only serve traffic movements between arterials and local roads, but also serve through traffic within local areas.

The Highway District will determine the paved surface width for collector roads based on the following criteria:

1. A 24-foot paved surface width may be allowed if:
 - Topographical constraints limit construction of a 28-foot paved surface width, and the Highway District determines that the roadway alignment and cross section proposed are consistent with the anticipated traffic volume and composition.
2. A 28-foot paved surface is the standard width for a rural collector within the Associated Highway Districts' jurisdiction.
3. A pavement width greater than 28-feet may be required at the Highway Districts' discretion to provide an acceptable level of service to accommodate the anticipated

traffic volume and composition, considering the area topography, roadway alignment, and other design factors.

306.04. The typical curb and gutter section shown on the Roadway Standard Drawing SD-2 may be required on subdivisions with a density equal to or greater than one home per acre. Individual Highway Districts shall make that determination at the time of Plat Review by the Highway District.

306.05. Approaches shall be in conformance with the Local Highway Technical Assistance Council, "Manual for Use of Public Right-of-Way Standard Approach Policy," latest edition with the following exceptions. All approaches serving primarily truck traffic shall use a "curb return approach" in accordance with Fig. IV, C (SD-6). The radii shall be adequate to accommodate the truck turning movements and the maximum approach width shall be 40-feet. See Figure IV, C in the **Appendix SD-6**.

306.06. Turn lane, traffic signals, and other traffic control features in new developments shall be designed by a licensed Professional Engineer registered in Idaho.

306.06.1 For Safety, turn lanes shall be installed at all new or modified approaches based on the following traffic volumes:

Right-Turn Lanes ¹		Left-Turn By-Pass Lane ²		Left Turn Lane ²	
Through Volume, vph ³	Turn Volume ⁴	Opposing Through Volume, vph	Turn Volume	Opposing Through Volume, vph	Turn Volume
200	5	50	5	200	5
				100	5<19
				50	20 or more

1. Source, NCHRP Report 279, Table 4-7 (Idaho)
 2. Source, NCHRP Report 745, Table 1
 3. 10% of the Average Daily Traffic Volume.
 4. 10% of the total estimated Home-Based Trips

Approach trip generation shall be based on Trip Generation Estimates from the 2005 Spokane and Kootenai County Regional Travel Survey, estimating Home Based Trips of 5 per residential unit, Source KMPO

306.07. Bicycle and pedestrian paths, new and extensions, may be required by the Highway District for new developments and on major roadway reconstruction projects in accordance with Highway District, Kootenai Metropolitan Planning Organization, Idaho Transportation Department, and local City Master Plans.

Bicycle and pedestrian facility classes to be considered should be consistent with these facility descriptions:

- Class I: A Class I bicycle facility is a separated multiple use path 10 to 14 feet wide. The path is physically separated from motor vehicle traffic by a 10-foot minimum open space or barrier of 4.5 feet.
- Class II: A Class II bicycle facility has a 4- to 6-foot portion of the roadway designated for preferential use by bicyclists.
- Class III: A Class III bicycle facility is a shared facility where bicyclists and motorists share the same travel lane. The travel lane should be 14 feet in width.

All bike and pedestrian projects should be designed to meet Americans with Disabilities Act (ADA) accessibility standards and American Association of State Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets* (Green Book) guidelines whenever possible.

307. Drainage

307.01. All drainage for the development shall be designed by a Professional Engineer licensed in Idaho. Drainage plans shall be reviewed and approved by the Highway District in conjunction with the roadway plans. The minimum design flood for culvert sizing will be the 50-year flood event unless otherwise directed by the District. Any disruption of the normal drainage pattern of the area to be developed must have special consideration to facilitate future drainage of this area. It shall be the responsibility of the Developer to secure a Grading Permit from Kootenai County and to comply with the following requirements from the Highway Districts:

307.01.a. Approach Permit: Contractors shall have a valid permit from Kootenai County (or other local jurisdiction) for site and stormwater. This may include, but not be limited to, the following:

- A requirement that contractors have a US EPA Construction General Permit (CGP)
- A Notice of Intent (NOI) has been filed with US EPA, where applicable
- Permittees should be SEEP certified; a SEEP-certified foreman shall be on the project

The Kootenai County permit shall be documented in the Approach Permit.

307.01.b. A standard stabilized construction entrance and the requirement that Best Management Practices (BMP) are in place to protect the Highway District rights-of-way from stormwater, sedimentation, and erosion from construction zones. Site Plans should show stormwater drainage direction pre- and post-construction. Additionally, erosion and sedimentation controls, culvert locations, sheet flow direction, and conveyances should be clearly noted and provided to the Highway District with jurisdiction as part of the Approach Permit.

307.01.c. Permittees shall cover the cost for monitoring any/all stormwater discharge.

307.02. Culverts used for drainage purposes shall be corrugated steel or corrugated high-density polyethylene pipe (HDPE) Type C or Type S with approval from the Highway District. Steel culvert material thickness and cover over the top of the pipe to the road finish grade shall be in conformance with the following table and as approved by the Highway District. HDPE pipe specifications must be submitted with bury and cover details to the Highway District for approval.

Diameter (in.)	Steel Thickness (in.)	Minimum Cover Required (in.)	Apron Required
12	0.064	12	NO
15	0.064	12	NO
18	0.064	12	Yes
21	0.064	12	Yes
24	0.064	12	Yes
30	0.064	24	Yes
36	0.064	24	Yes

Corrugated metal pipe shall have 2½-inch x ½-inch corrugations. Culverts or multiplate installations larger than 36 inches in diameter or any structure under fills greater than 5 feet in height shall be designed by a Professional Engineer licensed in the State of Idaho.

All culvert installations shall be in accordance with the manufacturer’s requirements. The installer shall provide a copy of the installation requirements to the Highway District prior to installing culvert. Special ditch grading may be required for culverts over 12 inches in diameter and for polyethylene culverts to maintain the cover and the flow line.

307.03. Culverts under all roadways shall be a minimum of 18 inches in diameter until a length of 70-feet is reached. All culverts over 70-feet in length shall be 24-inches or more in diameter as required to accommodate the design flow. Culverts under driveway approaches shall have a minimum diameter of 12 inches and a minimum length of 40 feet (or as directed by the Highway District), meeting the requirements of 307.02.

307.04. All necessary drainage easements for maintenance of drainage paths and structures shall be shown and recorded on the plat as a part of the approved plat. Drainage easements necessary for draining stormwater across private property shall be shown on the plat with language requiring the underlying property owner to maintain said easement in a manner that will not impede or change the water velocity.

307.05. Disruption of natural drainage ditches and subsequent use of the roadway ditch to convey the natural drainage will not be acceptable.

- 307.06. Drywells may be used in special circumstances where all other possibilities of taking care of storm drainage water have been explored and there is no feasible alternate to drywell installation. Should drywells be necessary they will be constructed to the standards as shown in the **Appendix**. It shall be the responsibility of the Developer to secure all permits and pay all fees for installation of the drywells.
- 307.07. When a curb and gutter roadway section is proposed, a complete storm sewer system must be designed and constructed under the supervision of a Professional Engineer licensed in the State of Idaho.
- 307.08. The increase in runoff rate generated by developments shall comply with any and all applicable Kootenai County ordinances. The developer shall be responsible for obtaining all necessary permits. Copies of all permits must be submitted with improvement plans for review by the Highway District. Perpetual maintenance of the stormwater by the development must be on file at the Highway District before a development or a final plat can be formally reviewed and/or accepted.

308. Structures

- 308.01. Bridge structures, structures 20 feet in length or longer, shall be designed in accordance with 1) "Standard Specifications for Highway Bridges", latest edition, with supplements thereto prepared by the American Association of State Highway and Transportation Officials and 2) Idaho Transportation Development's Bridge Design LRFD Manual, latest edition. The minimum width of a bridge structure from the face-to-face of curb or the face-to-face of the guardrail or bridgerail should match the width of the approach roadway guardrail. The vertical clearance above waterways should be 2 feet above the design flood surface and 16 feet over other roadway surfaces. Only structures of steel or reinforced concrete shall be used.
- 308.02. Retaining walls shall be reinforced concrete, bin walls, or concrete crib walls or other approved retaining wall system. All retaining wall structures shall be designed by a Professional Engineer licensed in the State of Idaho and shall be approved by the applicable Highway District prior to construction.

309. Signing, Traffic Control, and Construction

- 309.01. All traffic control signing shall be included in the design plans, shall be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) latest edition, and be installed by the developer in accordance with the MUTCD.
- 309.02. All construction signing and permanent signing shall conform to the MUTCD, latest edition.
- 309.03. Sign-posts shall be metal square tubing type E-1 with type E-1 anchor post sleeve or 4 x 4 treated wood to be decided by each Highway District. See **Appendix** for standard drawing.

- 309.04. Special signing requested by other agencies or adjacent landowners shall meet MUTCD standards and shall be approved by the Highway District. Signs and posts placed within the clear zone shall not be constructed in a manner that creates a safety hazard.

310. Guardrail

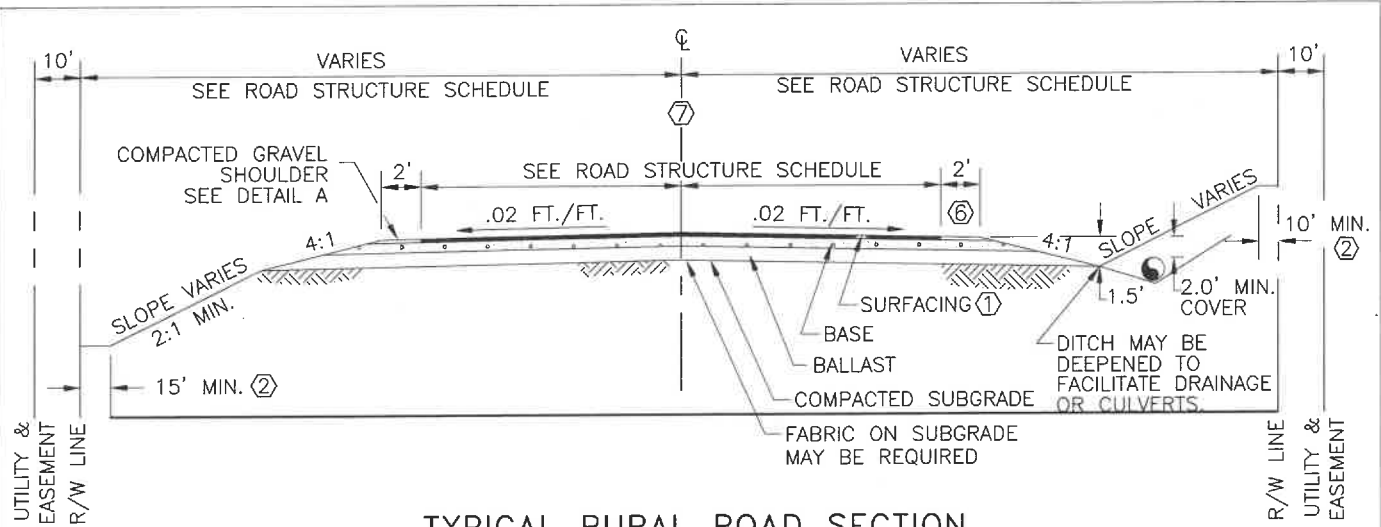
- 310.01. Guardrail may be necessary in certain areas depending upon the warrants for protecting the traveling public. The Highway District reserves the right to determine the need for guardrail under each separate circumstance. The warrants for determining the need for guardrail shall be made using the Idaho Transportation Department Design Manual or using the American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide for Selecting, Locating, and Designing Traffic Barriers, latest edition.
- 310.02. The type of guardrail to be installed shall be approved by each individual Highway District as the location dictates.

311. Striping or Pavement Markings

- 311.01. Each Highway District will determine where pavement markings will be required. Should centerline striping or other pavement markings be required, they will be constructed in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition. The spacing, location, and width of markings will be determined on an individual basis by the appropriate Highway District. Paint quality shall be the same as that used by the Idaho Transportation Department for their pavement marking.

312. Bicycle and Pedestrian Pathways

- 312.01. Alternative forms of transportation, including walking, bicycle riding, and bus transportation are encouraged. Each Highway District will consider each of these forms of transportation when reviewing a new development or road improvement project. Improvements to extend routes or provide additional linkages or safety will be evaluated as necessary to meet adjacent City Master Plans or Kootenai Metropolitan Planning Organization's (KMPO) Regional Transportation Master Plan.



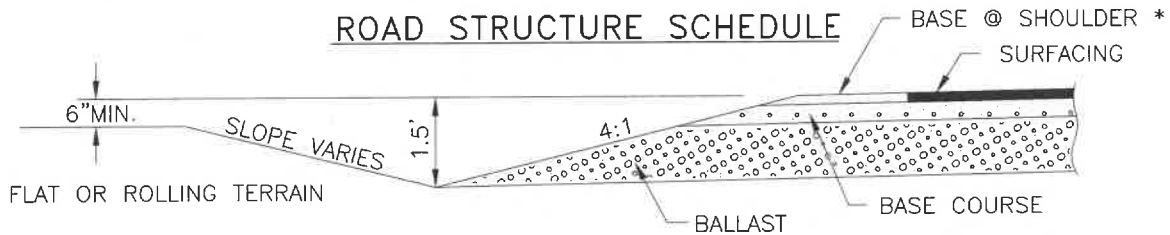
TYPICAL RURAL ROAD SECTION

N.T.S.

CLASS OF ROAD	BALLAST ③	BASE COURSE ③	PLANT MIX PAVEMENT ③	PAVEMENT WIDTH	RIGHT-OF-WAY WIDTH (FT)
ARTERIAL	12"	4"	4"	40' - 64'	80 - 120
COLLECTOR	12"	4"	4"	24' - 40' ⑤	60 - 120
LOCAL RESIDENTIAL	12"	4"	2"	22' - 28' ⑤	60
INDUSTRIAL / COMMERCIAL	12"	4"	4"	24' - 64'	*OUTSIDE ACI

NOTES:

- ① SURFACING SHALL BE PLANT MIX ASPHALT, ITD SP-3 1/2-INCH WITH CHIP SEAL AS REQUIRED BY INDIVIDUAL HIGHWAY DISTRICTS. CHIP SEALS SHALL BE APPLIED WITHIN 1 TO 2 YEARS OF ALL NEWLY PAVED ROADS, THE SEASON FOLLOWING THE INITIAL YEAR OF PAVING.
- ② IN CUT AND FILL SECTIONS, 10 FEET AT THE TOP OF CUT AND 15 FEET AT TOE OF FILL MAY SERVE AS ROADWAY, UTILITY & DRAINAGE EASEMENT WITH CONCURRENCE OF THE HIGHWAY DISTRICT.
- ③ ROAD STRUCTURE SECTIONS SHOWN ARE FOR GRANULAR SUBGRADE OR SUBGRADE SOILS WITH AN R VALUE GREATER THAN 15. A GEOTECHNICAL DESIGN IS REQUIRED FOR OTHER SOIL CONDITIONS. SUBGRADE TO BALLAST FABRIC SEPARATION IS REQUIRED ON NON-GRANULAR SUBGRADES. SEEDING OF ALL DENUDED AREAS IS REQUIRED.
- ④ DEPTHS ARE MINIMUM COMPACTED DEPTH REQUIREMENTS.
- ⑤ SEE SECTION 306 - ROADWAY CROSS SECTION.
- ⑥ CURB, GUTTER AND ROADWAY SECTION SHALL COMPLY WITH APPLICABLE CITY STANDARDS WHEN LOCATED WITHIN AREA OF CITY IMPACT.
- ⑦ ROAD CENTERLINE PROFILE MUST BE ABOVE THE ORIGINAL GROUND LINE AT CENTERLINE AND EDGE OF RIGHT OF WAY, IN FLAT OR ROLLING TERRAIN.



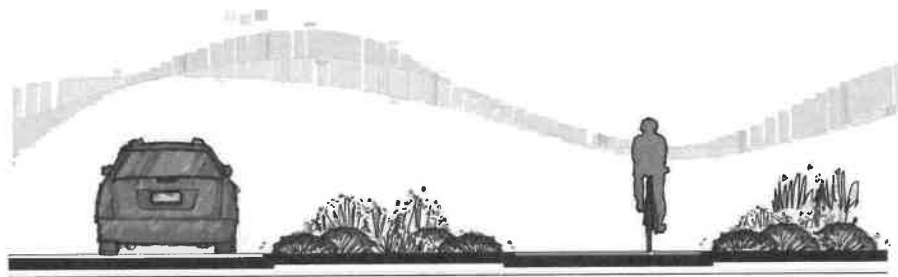
DETAIL A

N.T.S.

* SHOULDER MAY BE PAVED 1.0 FOOT WIDE WITH PLANT MIX ASPHALT ON LOCAL RURAL ROADS WITH HIGHWAY DISTRICT APPROVAL.

ASSOCIATED HIGHWAY DISTRICTS
KOOTENAI COUNTY, IDAHO

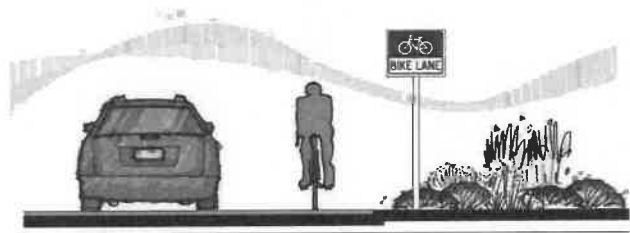
SD-1



← ROADWAY →

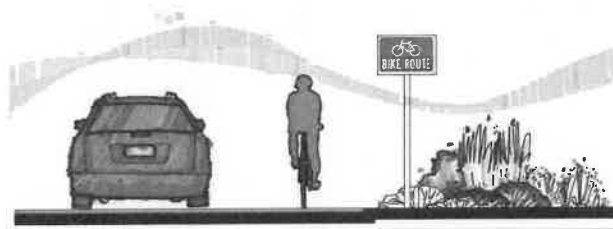
(Separated path from roadway for exclusive use of bicycles and pedestrians)

CLASS I BIKE PATH



Width depends on parking and edge condition
(Striped Bike Lane with Bike Lane symbol)

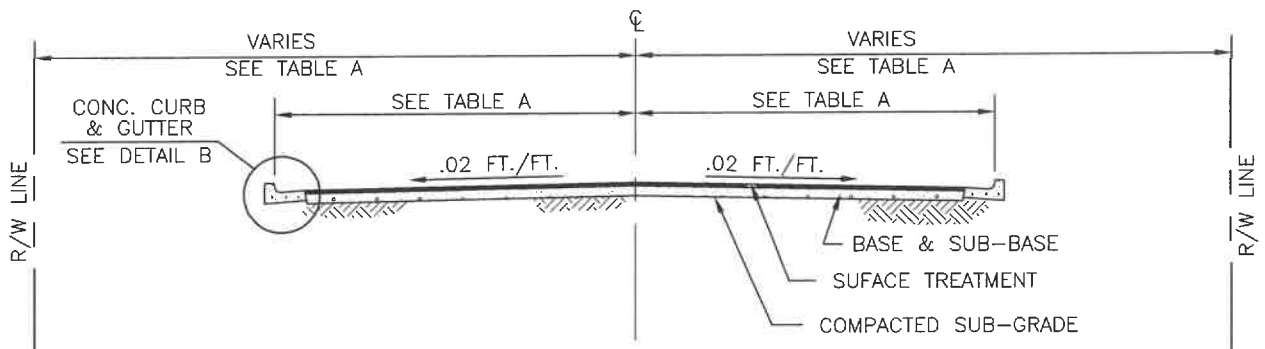
CLASS II BIKE LANE



Shared use with pedestrians and motor vehicle traffic.

CLASS III BIKE ROUTE





TYPICAL CURB & GUTTER SECTION

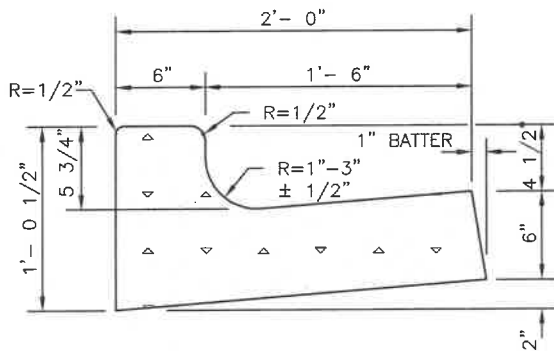
N.T.S.

CLASS OF ROAD	ROAD WIDTH FACE-FACE OF CURB	RIGHT-OF-WAY WIDTH (FT)	CURB TYPE
MINOR ARTERIAL	64'- 0"	80 - 120	VERTICAL
COLLECTOR OR COMMERCIAL	40'- 0"	60 - 120	VERTICAL
LOCAL RESIDENTIAL	36'- 0"	60 - 80	VERTICAL OR ROLL

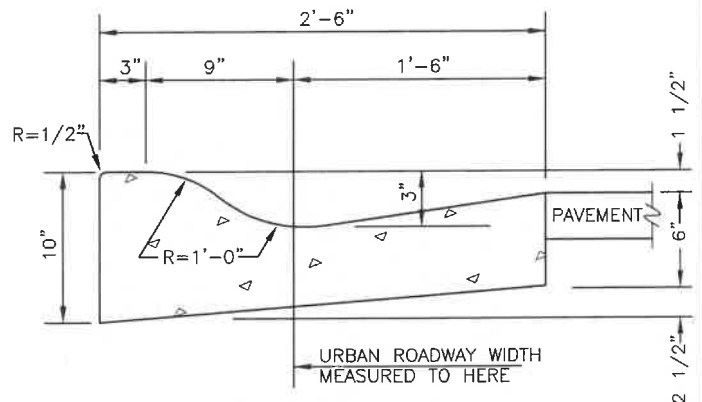
TABLE A

DETAIL B

N.T.S.



VERTICAL CURB



ROLL CURB

(LOCAL ROADS ONLY)

NOTES:

① CURB, GUTTER AND ROADWAY SECTION SHALL COMPLY WITH APPLICABLE CITY STANDARD WHEN LOCATED WITHIN AN AREA OF CITY IMPACT.

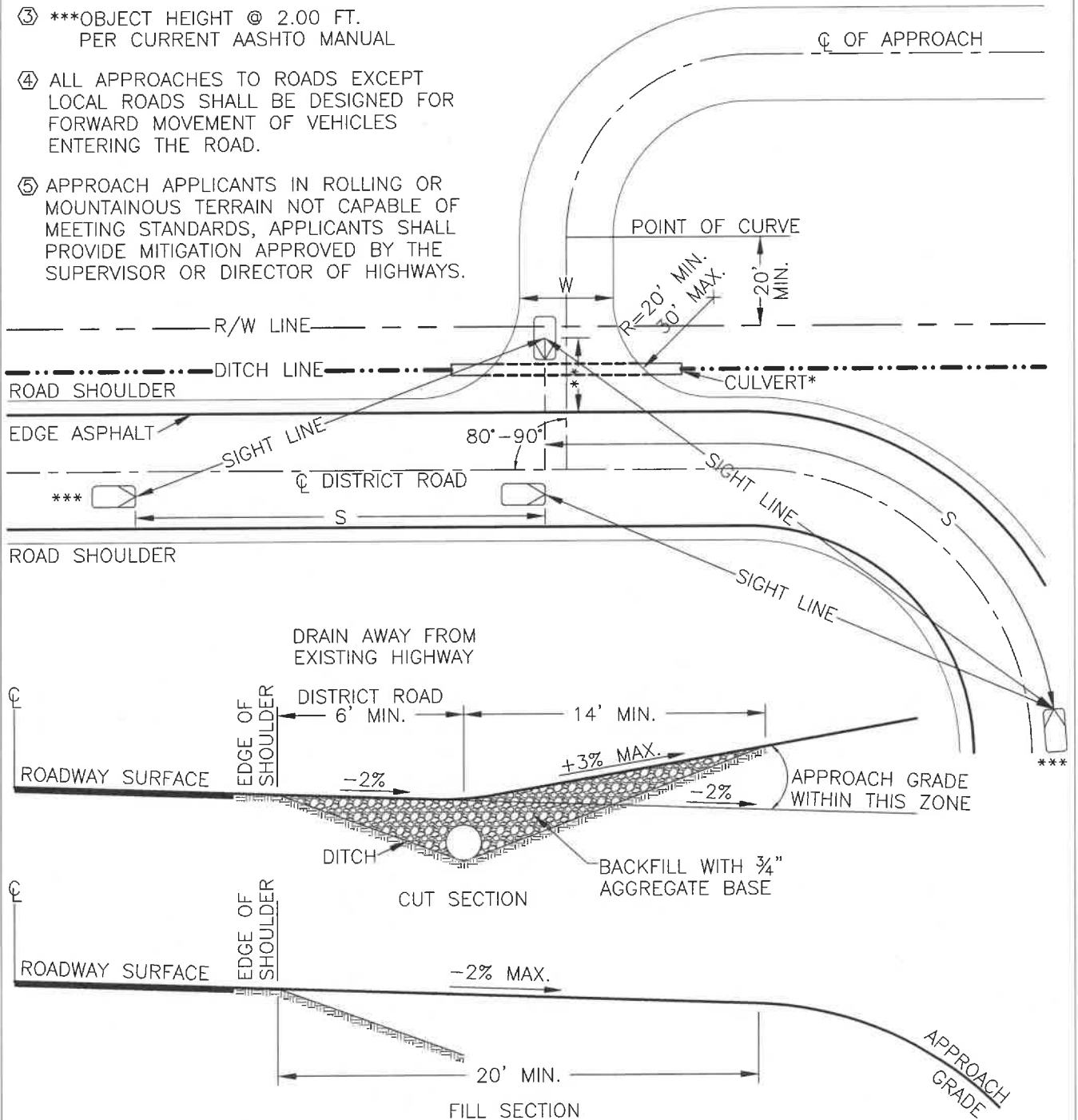
ASSOCIATED HIGHWAY DISTRICTS
KOOTENAI COUNTY, IDAHO

MINIMUM STOPPING SIGHT DISTANCES

DESIGN SPEED MPH	20	25	30	35	40	50	60
STOPPING DISTANCE, (S) FEET	115	155	200	250	305	425	570

NOTES:

- ① *CULVERT
MIN. 12" DIAMETER
MIN. 40' LENGTH
- ② **10' FROM EDGE OF ROADWAY
TO DRIVER'S EYE POSITION @ 3.50 FT.
ABOVE ROAD
- ③ ***OBJECT HEIGHT @ 2.00 FT.
PER CURRENT AASHTO MANUAL
- ④ ALL APPROACHES TO ROADS EXCEPT
LOCAL ROADS SHALL BE DESIGNED FOR
FORWARD MOVEMENT OF VEHICLES
ENTERING THE ROAD.
- ⑤ APPROACH APPLICANTS IN ROLLING OR
MOUNTAINOUS TERRAIN NOT CAPABLE OF
MEETING STANDARDS, APPLICANTS SHALL
PROVIDE MITIGATION APPROVED BY THE
SUPERVISOR OR DIRECTOR OF HIGHWAYS.



STANDARD APPROACH POLICY

ASSOCIATED HIGHWAY DISTRICTS
KOOTENAI COUNTY, IDAHO

Dear Building Contractor and/or Owner:

Both Kootenai County and the Associated Highway Districts of Kootenai County have minimum requirements for access roadways and driveways to residential properties. The Highway District's requirements are set forth in this letter. Failure to comply with these regulations has caused a multitude of problems for residents and the Highway District. This letter is provided to you as part of a continuing effort by the Highway District to improve the safety and integrity of roadways in the District.

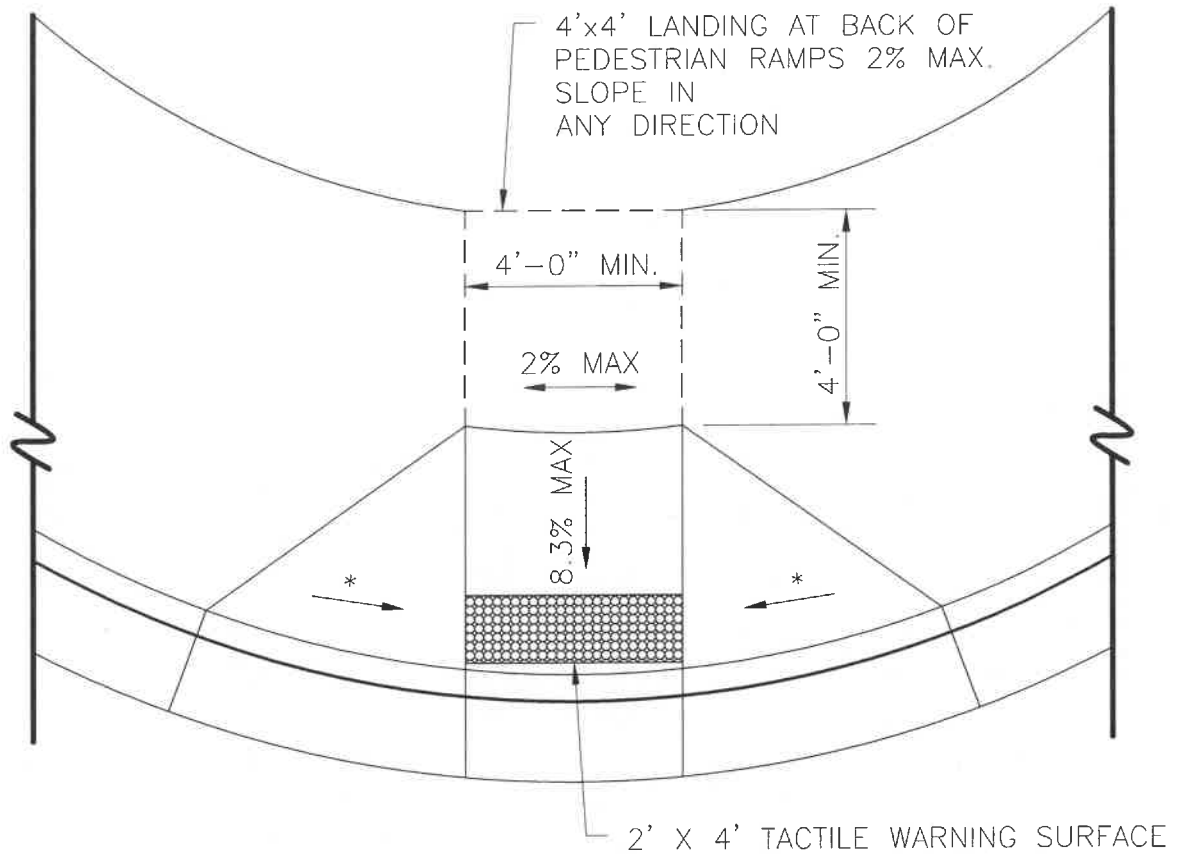
In an effort to avoid future problems, the Highway District will be performing a thorough review before signing off on Approach Permits. To perform this review, the District will require site information related to the approach. The District's efforts will also be of value to the owner by improving the awareness of the relationship between the home site, driveway and approach to the roadway.

Prior to obtaining Highway District approval for an approach permit, the Highway District will require submission of a site plan for the lot and driveway showing:

1. A 20 foot minimum, 30 foot maximum curve radius on edge of the driveway from the edge of the roadway pavement. All of the driveway, including the radius shall be within the extension of the lot line or property line.
2. A minus 2% driveway slope from the edge of the pavement to the center of the ditch line. This allows surface water from the driveway to drain off into the ditch and not sheet drain onto the roadway.
3. A positive 3% maximum driveway slope from the center of the ditch line to the right-of-way line where the driveway goes uphill from the roadway.
4. A minus 2% driveway slope from the edge of pavement for a distance of at least 20' where the driveway goes downhill from the roadway.
5. The proposed driveway slope from the right-of-way line to the garage or parking pad. The Highway District suggests meeting the requirements of Kootenai County's Ordinance for private road or driveway grades. Grades of 10% or greater shall not exceed one hundred (100) feet in length".
6. A sectional drawing of the driveway within the Highway District right-of-way showing driveway width, ditch section, maximum slopes for grading, maximum slope heights and erosion control measures to be used on the slopes. The driveway standard for the Highway District within the District's right-of-way is a width of at least 20 feet.
7. A site plan showing the location of the house and garage and/or parking pad with dimensions from side, front and rear lot lines. The site plan must provide for forward movement of all vehicles as they enter the Highway District roads.
8. The site plan shall show the proposed location of mailbox and any mailbox turnout area.

If you have any further questions, please don't hesitate to contact the appropriate Highway District:

East Side Highway District	(208) 765-4714
Lakes Highway District	(208) 772-7527
Post Falls Highway District	(208) 765-3717
Worley Highway District	(208) 664-0483



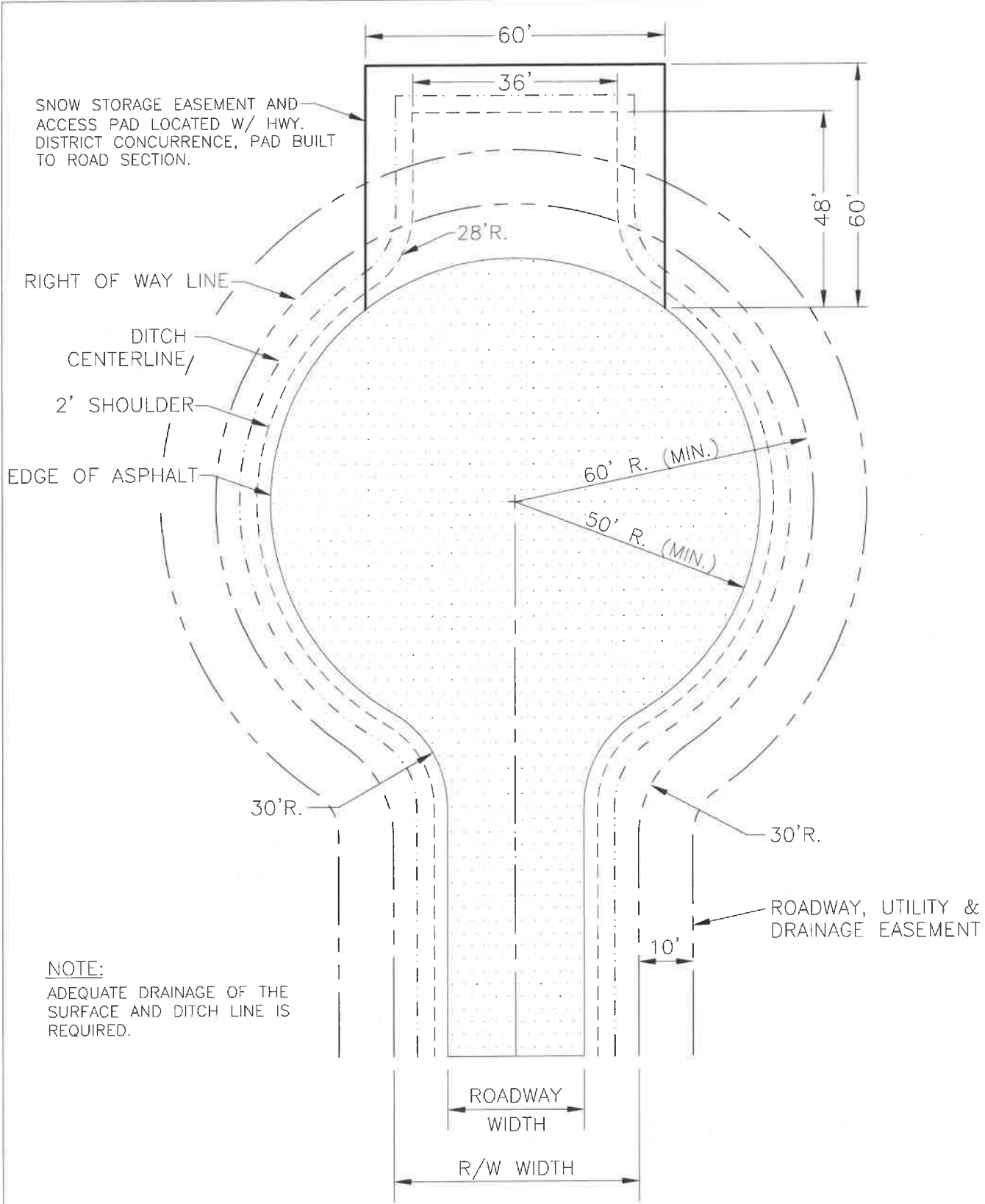
* MAXIMUM SLOPE 1:10

NOTES:

- ① PEDESTRIAN CURB DROPS ARE REQUIRED WHERE CURBS ARE USED.
- ② ALL PEDESTRIAN CURB DROPS MUST MEET AREA OF CITY IMPACT STANDARDS FOR THE LOCAL COMMUNITY.
- ③ ALL PEDESTRIAN CURB DROPS MUST COMPLY WITH THE AASHTO STANDARDS AND ADA REQUIREMENTS, LATEST EDITIONS.

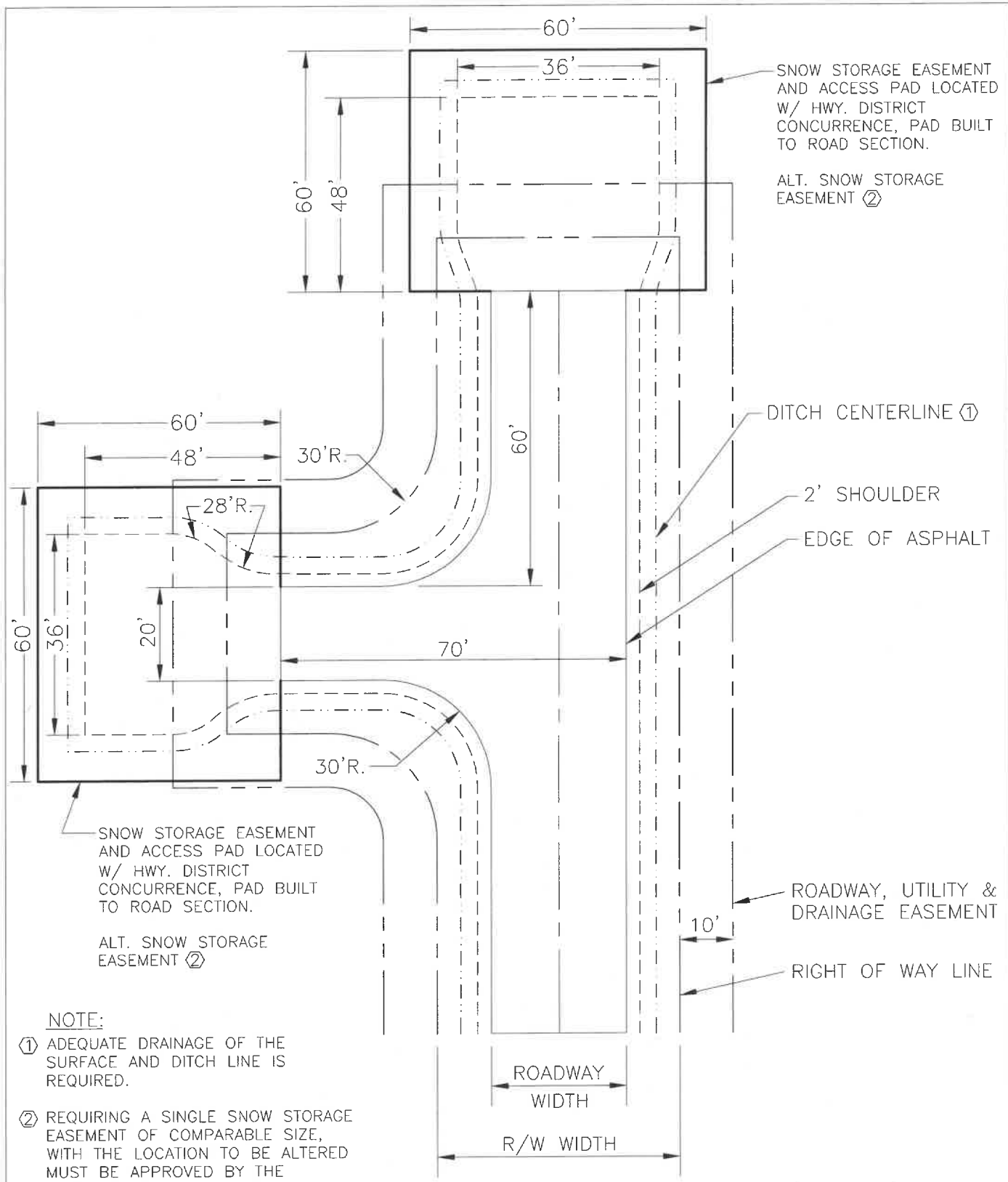
STANDARD PEDESTRIAN CURB DROP

ASSOCIATED HIGHWAY DISTRICTS
KOOTENAI COUNTY, IDAHO



STANDARD CUL-DE-SAC LAYOUT
N.T.S.

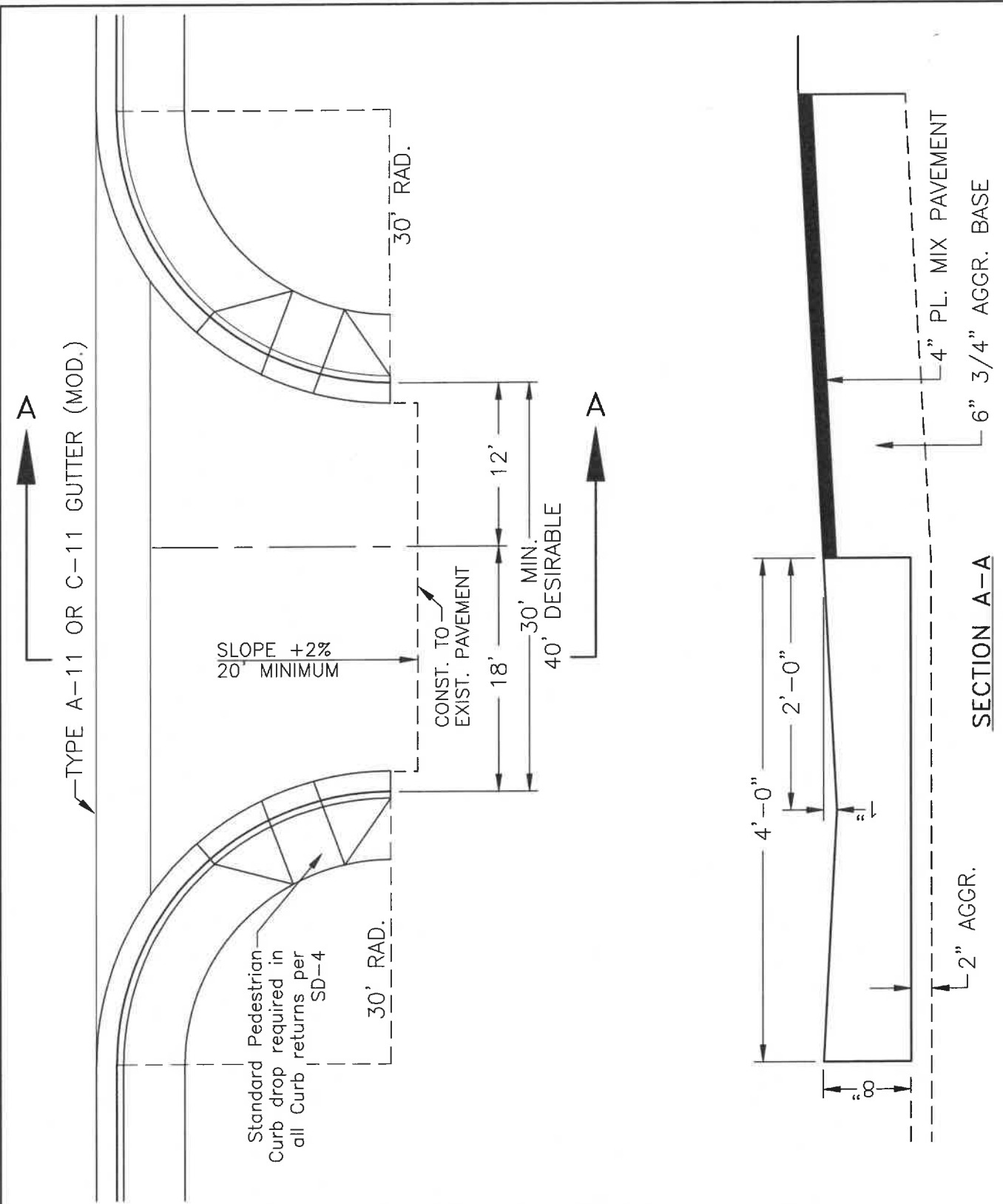
ASSOCIATED HIGHWAY DISTRICTS
KOOTENAI COUNTY, IDAHO



- NOTE:**
- ① ADEQUATE DRAINAGE OF THE SURFACE AND DITCH LINE IS REQUIRED.
 - ② REQUIRING A SINGLE SNOW STORAGE EASEMENT OF COMPARABLE SIZE, WITH THE LOCATION TO BE ALTERED MUST BE APPROVED BY THE DISTRICT.

STANDARD HAMMERHEAD TURNAROUND LAYOUT
N.T.S.

ASSOCIATED HIGHWAY DISTRICTS
KOOTENAI COUNTY, IDAHO



CURB RETURN APPROACH FOR TRUCK TRAFFIC
 REF.: LHTAC FIG. IV, C FROM "MANUAL FOR USE OF PUBLIC RIGHT-OF-WAY STANDARD APPROACH POLICY"

ASSOCIATED HIGHWAY DISTRICTS
 KOOTENAI COUNTY, IDAHO

OPEN-CUT POLICY & CHIP SEALING REQUIREMENTS

This policy applies to any person or firm wishing to Open-Cut a road within the jurisdiction of the Kootenai County Associated Highway Districts.

An open cut may be allowed at the Road Supervisors discretion when one or more of the following circumstances is met.

1. The road is classified as a local road.
2. The road is gravel.
3. The road is scheduled for reconstruction within 1 year.
4. The road has an ADT of 100 or less.
5. It is in the best interest of the public or the Highway District.

The Highway Districts will require any person or firm wishing to open-cut a road within this Highway District to place a bond with the Highway District for 150% of the estimated cost of restoring the road surface plus a fee of \$500.00 plus \$2.40/square yard of disturbed road surface. This fee is to be charged to insure that the proper overlap on all joints is done. When one (1) lane is removed and replaced to centerline, the full road width will be sealed in order to seal all joints, repair any damage to the other lane, and the status of the full width of the road will be maintained.

Payment will be required when application is made to the Highway District for a permit to perform the open-cut.

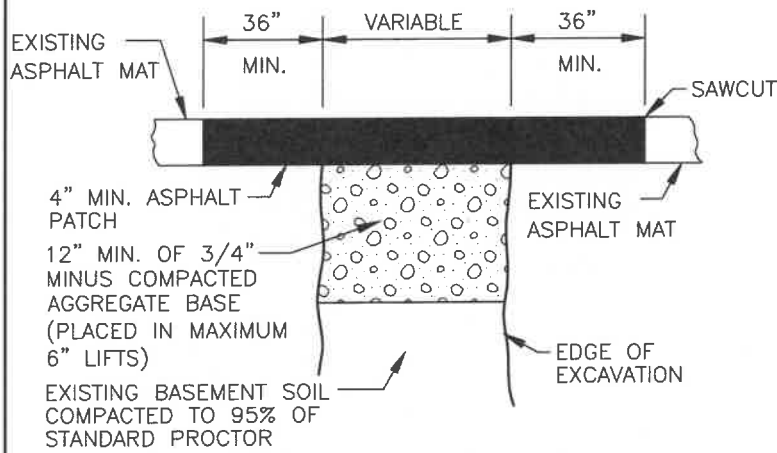
The chip seal on the open-cut roadway will be done the following year during the Highway District's regular chip seal season.

Open-cut repair shall be in accordance with SD-7B.

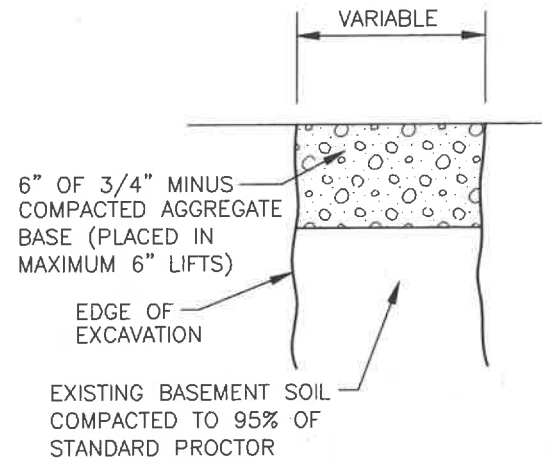
TRANSVERSE ROAD BORE REQUIREMENTS

All roads with one or more of the following criteria shall be bored, no open cuts shall be allowed unless a bore pit of reasonable size cannot be dug or reveals material that is unsuitable for boring, the bore fails to cross the road after 3 attempts or the pipe size is too big for a reasonable bore.

1. The road has a functional classification of a minor collector or above.
2. The pavement is less than 5 years old.
3. The road has been chip sealed within the last 3 years.
4. The road is being used as a detour route.



PAVED SURFACE



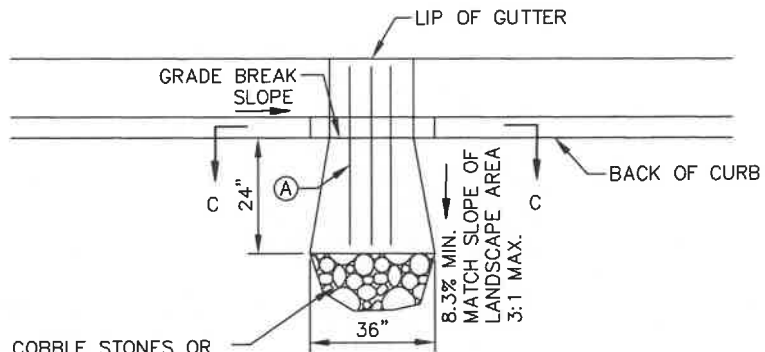
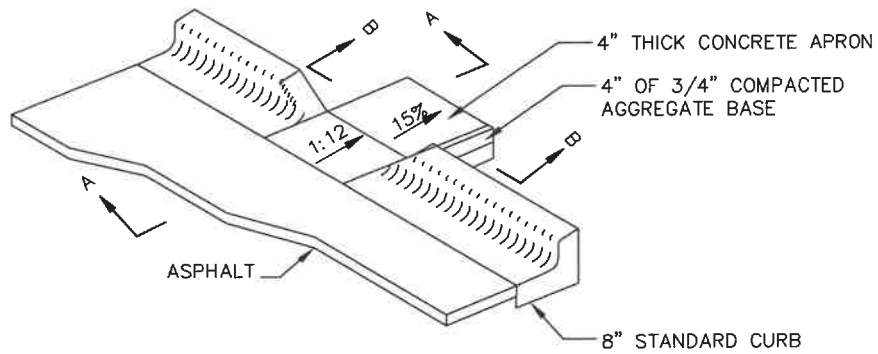
GRAVEL SURFACE

NOTES:

1. FULL DEPTH CONTROLLED DENSITY FILL (CDF) 1 SACK MIX MAY BE REQUIRED FULL DEPTH OF THE TRENCH
2. BACKFILL AT SUBGRADE SHALL NOT SHOW VISIBLE DEFLECTION UNDER 4,000 LB. WHEEL LOAD.
3. WHERE 50% OR MORE OF THE SURFACE AREA OF PAVEMENT HAS BEEN REMOVED OR DAMAGED, FULL WIDTH RESTORATION SHALL BE REQUIRED. ANY STRIP OF REMAINING PAVEMENT LESS THAN TWO FEET IN WIDTH ALONG CURB AND GUTTER OR PAVEMENT EDGE SHALL BE REMOVED AND REPLACED.
4. WHERE STREET SURFACING HAS BEEN IN SERVICE FIVE YEARS OR LESS, THE CONTRACTOR MUST BORE CROSSINGS. STREET CUTS PARALLEL TO CENTERLINE MUST BE APPROVED BY THE HIGHWAY DISTRICT AND WILL REQUIRE RESURFACING USING A PAVING MACHINE. CROSSINGS OF MAJOR COLLECTOR STREETS AND ARTERIALS MAY REQUIRE BORING AT THE DIRECTION OF THE HIGHWAY DISTRICT.
5. STREET SURFACING SHALL BE TACKED TO A NEAT STRAIGHT LINE WITH THE EDGES FREE OF DUST, MOISTURE OR LOOSE MATERIAL.
6. ALL COLD JOINT SURFACES SHALL BE TACKED WITH EMULSION WHICH SHALL HAVE "BROKEN" PRIOR TO PATCHING.
7. MATERIALS AND CONSTRUCTION OF STRUCTURAL REPAIR SHALL CONFORM TO HIGHWAY DISTRICT SPECIFICATIONS.
8. COMPLETED PATCH SHALL NOT DEVIATE FROM EXISTING SURFACE MORE THAT 0.03 FT. /10 FT. IN PROFILE OR 0.05 FT. / 10 FT. IN CROSS-SECTION WHEN MEASURED WITH A 10 FT. STRAIGHT EDGE.
9. COMPLETED PATCH SHALL NOT POND WATER.
10. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF STREET REPAIR FOR TWO YEARS AFTER INSTALLATION. THE BOND SHALL REMAIN IN PLACE FOR THIS TWO YEAR TIME PERIOD.
11. ALL MATERIAL TO BE COMPACTED TO AT LEAST 95% OF OPTIMUM DENSITY PER APPROPRIATE AASHTO STANDARD PROCTOR TEST RESULT.
12. CONTRACTOR SHALL PROVIDE A MINIMUM OF TWO TESTS ON THE TRENCH BACKFILL LAYERS AND ONE TEST ON THE 3/4" MINUS AGGREGATE BASE.

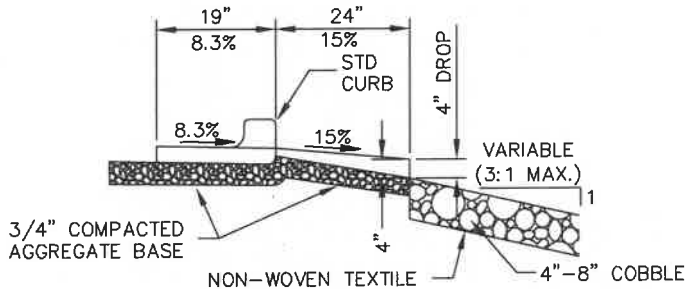
ROAD CUTS AND SURFACE REPAIRS

ASSOCIATED HIGHWAY DISTRICTS
KOOTENAI COUNTY, IDAHO

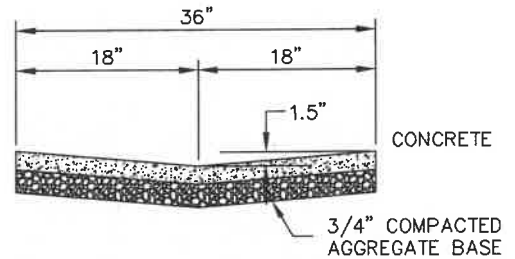


LINE WITH 4" TO 8" COBBLE STONES OR LARGER AGGREGATE DRAIN ROCK FROM EDGE OF THE APRON TO 1' BEYOND THE FLOW LINE OF THE RETENTION SWALE.

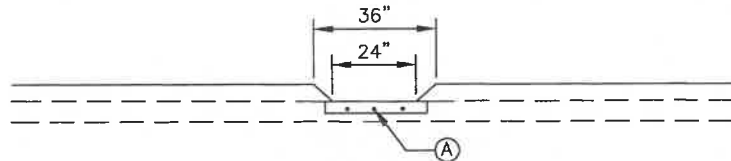
PLAN
N.T.S.



SECTION A-A
N.T.S.



SECTION B-B (PARTIAL)
N.T.S.



SECTION C-C
N.T.S.

NOTES:

- (A) 3 # 4 BARS AT MID DEPTH OF CONCRETE SPACE EQUALLY ACROSS CURB OPENING.
- (B) REQUIRED WITH INFILTRATION SWALE DESIGN.
- (C) CONCRETE APRON SHALL REMAIN FREE OF ALL OBSTRUCTIONS INCLUDING GRASS AND OTHER VEGETATION THAT MAY BE USED IN CONJUNCTION WITH LANDSCAPING OF SWALE OR RETENTION BASIN.
- (D) ADOPTED FROM IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION, 2012

DRAINAGE CURB CUT

ASSOCIATED HIGHWAY DISTRICTS
KOOTENAI COUNTY, IDAHO

9. DISCUSSION OF COMMON DRIVEWAY ORDINANCE

A. Common Driveway Ordinance

ARTICLE 6.1. APPLICABILITY, EXEMPT DIVISIONS AND LOT CONSOLIDATION

SECTION:

8.6.101: Description And Applicability

8.6.102: Zones Allowed

8.6.103: Exempt Divisions Of Land

8.6.104: Lot Consolidation

8.6.101: DESCRIPTION AND APPLICABILITY:

The provisions of this chapter shall apply to the division of one or more parcels of land into two (2) or more lots, and to the reconfiguration, combination or change in status of a lot or right-of-way (e.g., conversion of a utility lot to a building lot), within the unincorporated areas of Kootenai County unless otherwise specified in an area of city impact ordinance adopted pursuant to section 67-6526, Idaho Code, and as set forth in chapter 10 of this title. (Ord. 493, 6-9-2016)

8.6.102: ZONES ALLOWED:

Subdivisions are allowed in all zones with the exception of the Agricultural Zone. Divisions of land which meet the requirements of one or more of the exemptions set forth in section 8.6.103 of this article are permitted in all zones. (Ord. 493, 6-9-2016)

8.6.103: EXEMPT DIVISIONS OF LAND:

The following divisions of land shall be exempt from the provisions of this chapter. A parcel of land created under an exemption set forth in this section will be recognized as a separate parcel as of the day the instrument which created the parcel is recorded.

- A. Burial Plots: Divisions made for cemeteries or burial plots when used for that purpose.
- B. Conveyances To Public Entities or Utilities: Divisions resulting from the conveyance of a parcel to a government agency, taxing district, or a public utility regulated by the Idaho Public Utilities Commission. Structures used for the purpose of housing emergency response agencies such as fire stations, police stations or EMS services may contain habitable space. No structures shall contain habitable space if such parcels are to be used for any other purpose.
- C. Conveyances To Conservation Organization: Divisions resulting from the conveyance of land to a conservation organization, providing the land is conveyed as one parcel, and a conservation easement which complies with the requirements of section 8.6.904 of this chapter is recorded on the parcel.
- D. Boundary Line Adjustments: Boundary line adjustments which comply with the applicable requirements of this subsection shall be exempt from the provisions of this chapter.
 1. Boundary line adjustments to legally created parcels must comply with the following requirements:
 - a. No additional or non-contiguous parcels are created;
 - b. The resulting parcels meet the minimum size for the zone and are otherwise in conformance with all applicable provisions of this title; and
 - c. The adjustment does not result in parcels separated by a public road or a public or improved private right-of-way.
 2. A boundary line adjustment may add land from an unplatted parcel to an existing lot or from an existing lot to an unplatted parcel.
 3. A parcel that is not eligible for development permits because it does not conform to the applicable provisions of this title, or was created improperly, cannot become eligible for development permits solely as a result of a boundary line adjustment.
 4. In order to ensure that no additional parcels of land are inadvertently created, boundary line adjustments should be accomplished by recordation of a deed of conveyance for the property that is to be transferred, and then by recordation of a second deed for the receiving parcel which describes the new, exterior parcel boundaries. A statement should also be included on the deeds of conveyance which indicates that those instruments are being recorded for boundary line adjustment purposes, and that no additional parcels are being created as a result of the adjustment.
- E. Large Lot Divisions: Divisions of parcels which are at least forty (40) acres in size, when each resulting parcel is at least twenty (20) acres plus or minus three percent ($\pm 3\%$) in size. For purposes of this subsection, acreage may be based on the aliquot parts of the section of land in which the parcel is located. For example, a quarter-quarter section would be deemed to be a forty (40) acre parcel. Boundary line adjustments of parcels divided pursuant to this subsection, or any predecessor thereof, shall be exempt from the provisions of this chapter so long as all such parcels remain at least twenty (20) acres plus or minus three percent ($\pm 3\%$) in size.
- F. Decedent's Estates: Divisions made pursuant to a will, testamentary trust, testamentary provision of an inter vivos trust, or other similar instrument associated with a decedent's estate. The instrument must contain language providing for the division to be made. Such divisions must comply with the following requirements:

1. Each parcel has legal access to a public road;
2. Each parcel meets the minimum size for the zone; and
3. Each parcel is otherwise in conformance with all applicable provisions of this title.

G. Eminent Domain: Divisions resulting from the exercise of eminent domain by an agency of the State of Idaho or by any local agency or taxing district, including any purchase negotiated between the agency and the property owner in lieu of eminent domain proceedings.

H. Parcels Created By Court Order: Parcels of land created by court order other than one associated with a decedent's estate or exercise of eminent domain shall be considered a legally created parcel, but shall not be eligible for development permits until they are validated through approval of a major subdivision, minor subdivision, or minor land division pursuant to this chapter.

I. Subdivision Exemptions:

1. The Director may grant an exemption from the application of this chapter for any subdivision of an unplatted parcel which the Director determines, pursuant to this subsection, is not within the purposes of this chapter.

2. This subdivision exemption process requires approval of the Director. Subdivision exemptions may be granted only on the basis of the required findings enumerated in paragraph (3) of this subsection.

3. Required Findings. To approve an application for a subdivision exemption, the Director must make the following findings:

- a. The parcels will not enlarge or expand an existing nonconformity.
- b. The parcels are not located within a floodway.
- c. The parcels have legal access to a public road.
- d. The parcels meet the minimum size prescribed in the underlying zone, or can be combined with a parcel that meets the minimum size prescribed in the underlying zone.
- e. The proposal is not in conflict with the Comprehensive Plan.

4. The process for approval of a subdivision exemption shall be as set forth in section 8.8.204 of this title, with the exception of subsection C thereof. The decision of the Director may be appealed in accordance with chapter 8, article 8.5 of this title. (Ord. 514, 9-28-2017; amd. Ord. 546, 10-17-2019)

8.6.104: LOT CONSOLIDATION:

Consolidation of lots may be accomplished through the filing of a completed application for lot consolidation with the department and in the Office of the Kootenai County Assessor. The application shall be on a form approved by the Director and the Assessor. For purposes of this title, consolidation shall be effective upon filing and approval by the department. Upon filing and approval, interior lot lines within the consolidated lot shall be disregarded for purposes of determining setbacks and building envelopes. Upon consolidation, no subsequently built structures shall materially interfere with any preexisting easements or rights-of-way. Any subsequent redivision of any consolidated lot must be accomplished via the major subdivision or minor subdivision process, as appropriate. (Ord. 493, 6-9-2016)

ARTICLE 6.7. DESIGN AND MAINTENANCE STANDARDS

SECTION:

8.6.701: Purpose

8.6.702: General Design Requirements

8.6.703: Levels Of Service

8.6.704: Utility And Service Standards

8.6.705: Easements And Rights Of Way

8.6.706: Subdivision And Lot Design

8.6.707: Roads And Trails

8.6.708: Sensitive Area Requirements

8.6.709: Improvement Requirements

8.6.710: Operation And Maintenance Requirements

8.6.711: Financial Guarantees

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. (Ord. 493, 6-9-2016; amd. Ord. 560, 12-17-2020)

8.6.702: GENERAL DESIGN REQUIREMENTS:

A. No land shall be subdivided which the board finds to be unsuitable for building sites because of potential hazards, such as flooding, inadequate drainage, severe erosion potential, site contamination, excessive slope, rockfall, landslides, subsidence (sinking or settling), high groundwater, inadequate water supply or sewage disposal capabilities, high voltage power lines, high pressure gas lines, poor air quality, vehicular traffic hazards, or any other situation that may be detrimental to the health, safety, or welfare of residents or the public, unless the hazards are eliminated or adequately mitigated.

B. Development of land shall occur in conjunction with services and facilities that are appropriate for the size and density of the development. Services and facilities necessary to serve the subdivision must be feasible, available and adequate, and the proposal must include such on and off site improvements as will mitigate the impacts of the development, so that the existing quality of services is not compromised and there is no substantial increase in the cost of services to existing residents. Mitigation of impacts may include on and off site improvements, or payments in lieu of such improvements, so long as they are authorized by law, are directly related to the proposed subdivision, and are roughly proportional, both in nature and extent, to the impacts of the proposed subdivision.

C. Subdivisions located within the airport overlay zone must be in conformance with the then current airport master plan, and the plat must include an aviation easement which has been approved by the airport director.

D. For lots that will not be used for habitable structures, such as open space, unmanned utility lots and dock lots, the board may waive any of the requirements for services and facilities listed in this article so long as the public, agencies, infrastructure, and future lot owners will not be negatively affected. (Ord. 493, 6-9-2016)

8.6.703: LEVELS OF SERVICE:

The following levels of service are minimum requirements. Other services and facilities may be required on a project by project basis.

A. For lots of less than one acre in size, the following services are required:

1. A sewage disposal system meeting the requirements of Panhandle health district or DEQ, as appropriate.
2. A shared water system, approved by PHD or DEQ, as appropriate, that can provide adequate domestic fire flows or water storage, if required by the fire district. The director may waive the shared water system requirement, if the topography warrants a modification to the requirement.
3. Electrical service to each lot.
4. Fire protection from a fire protection district.
5. Road access to each new lot meeting the standards of section 8.6.707 of this article.
6. For subdivisions with thirty (30) or more lots, garbage collection service must be established after fifteen (15) homes have been constructed.

B. For lots between 1.00 and 4.99 acres, the following services are required:

1. A sewage disposal system meeting the requirements of Panhandle health district or DEQ, as appropriate.
2. Reasonable assurance of an adequate and reliable water source for each lot.
3. Electrical service to each lot.
4. Fire protection from a fire protection district.
5. Road access to each new lot meeting the standards of section 8.6.707 of this article.
6. For subdivisions with thirty (30) or more lots, garbage collection service must be established after fifteen (15) homes have been constructed.

C. For lots of 5.00 acres or more, the following services are required:

1. A sewage disposal system meeting the requirements of Panhandle health district or DEQ, as appropriate.
2. Reasonable assurance of an adequate and reliable water source.
3. Fire protection from a fire protection district.
4. Road access to each new lot meeting the standards of section 8.6.707 of this article.
5. For subdivisions with thirty (30) or more lots, garbage collection service must be established after fifteen (15) homes have been constructed.

D. The following services are required for subdivisions in the commercial, light industrial and industrial zones:

1. Adequate infrastructure for the proposed use, including treatment of nondomestic wastewater in a wastewater treatment plant approved by DEQ. No subsurface discharge of nondomestic wastewater is permitted.
2. A water system that meets the state requirements for a public water system and can provide fire flows as required by the fire protection district with jurisdiction.
3. Electrical service to each lot.
4. Fire protection from a fire protection district.
5. Publicly maintained road access to each lot, as approved by the highway district with jurisdiction.
6. Garbage collection service. (Ord. 493, 6-9-2016)

8.6.704: UTILITY AND SERVICE STANDARDS:

A. Domestic Water Systems:

1. Annexation, connection, or both may be required upon issuance of a "will serve" letter for a subdivision by a water district established pursuant to title 42, chapter 32, Idaho Code, an irrigation district established pursuant to title 43, Idaho Code, or a public utility regulated under title 61, Idaho Code. If water service is to be provided through a shared water system serving ten (10) or more lots and such service will not be provided by a water district, irrigation district, or public utility, the applicant must form a water association, corporation, limited liability company, or other lawful business entity, which may be either for profit or nonprofit, to own, operate and maintain the system. Water districts and utility corporations must be established in conformance with applicable law, and cooperative corporations such as homeowners' associations must also comply with the requirements of section 8.6.710 of this article and section 8.6.902 of this chapter.

2. The new components of a water system and any necessary improvements to an existing system must be designed and constructed in conformance with the requirements of DEQ, the "Idaho Standards For Public Works Construction" promulgated by the Idaho division of public works, the fire protection district with jurisdiction, and if applicable, the water district, utility or corporation which will be providing service. Distribution lines shall be installed to each lot.

B. Fire Protection Systems:

1. Subdivisions shall comply with the applicable requirements of the fire protection district with jurisdiction, including those pertaining to roads, driveways, fire flows, hydrants, water storage and defensible space. In addition, each lot shall have a building site capable of being accessed by a driveway which complies with the minimum standards of section 8.4.201 of this title, or alternatively, with the standards of the fire protection district with jurisdiction.

2. Subdivisions shall also minimize the hazards associated with wildfire, and major subdivisions in timbered areas shall provide a fire mitigation plan developed by a professional forester that complies with the requirements of section 8.6.901 of this chapter and is approved by the director and the fire protection district with jurisdiction, or the Idaho department of lands, as appropriate. The fire mitigation plan must be implemented as part of the required improvements for the subdivision.

C. Sewage Disposal Systems: If a public sewage system is available and provides a "will serve" letter, connection shall be required. If a private, shared sewage system is available and provides a "will serve" letter, connection may be required, providing the cost of service is commensurate with that charged to existing customers. If connection to a shared system is required, collection lines shall be installed to each lot. All sewage disposal systems shall meet the standards of the Panhandle health district and/or DEQ. If required, shared sewage systems shall be installed and approved, or the necessary improvements secured by a financial guarantee, prior to final approval of the subdivision. Individual septic systems may be installed after final subdivision approval, in conjunction with building permits.

D. Underground Utility Placement: Underground installation of utilities shall be required unless utility providers determine that site conditions would preclude or would render such installation impractical or cost prohibitive, taking into consideration such factors as terrain, available easements, safety, maintenance, repair, replacement and the like.

E. Stormwater Management: Lots shall be laid out to provide drainage away from building sites. Stormwater management and erosion control shall comply with the requirements of chapter 7, article 7.1 of this title, in accordance with best management practices approved by the county. Infiltration of stormwater in small quantities is preferred. The collection and concentration of stormwater in detention and retention basins, wet ponds, constructed wetlands or similar facilities is discouraged and shall only be allowed when there is no feasible alternative. The installation of curbing is also discouraged because it concentrates runoff. Discharge of untreated stormwater into streams, lakes, natural wetlands or groundwater is prohibited.

F. Under Road Utilities: Whenever a utility is proposed to be installed under a road, the utility's location and construction shall meet the requirements of the public highway agency with jurisdiction for public roads, or the road owner for private roads. In all instances, placement of utilities shall be coordinated with proposed road improvements and shall be installed before the road is completed. (Ord. 493, 6-9-2016)

8.6.705: EASEMENTS AND RIGHTS OF WAY:

A. Utility Easements: A general utility easement of at least ten feet (10') in width shall be provided to each lot. Any shared components of sewage, water, stormwater or other infrastructure systems shall either be within the general utility easement, or within an easement dedicated or conveyed to the entity responsible for maintenance. Easements must also be provided for individual sewage lines and drainfields that will not be located on the same parcel as residences.

B. Roads: Rights of way for public roads shall meet the requirements of the public highway agency with jurisdiction.

Private road easements shall be at least sixty feet (60') in width. Common driveway easements shall be at least forty feet (40') in width. Cut and fill slopes and stormwater systems adjacent to roads and driveways must either be shown as easements or rights of way in favor of the maintenance entity. When future access may be needed to adjacent parcels of land, road easements and rights of way shall extend to the property line of the subdivision. Except for private roads and common driveways approved by the board, roads and associated rights of way shall be dedicated to the public highway agency with jurisdiction. Private roads and common driveways shall be dedicated to the maintenance entity.

C. Trails And Sidewalks: Public trail easements or rights of way may be required, depending on the location of the subdivision and the need for pedestrian trails or sidewalks. If required, they shall be dedicated or conveyed to Kootenai County or to the maintenance entity. The width of trail easements and rights of way shall be adequate for the intended use, and shall meet the requirements of the county and the maintenance entity. When future access may be needed to adjacent parcels of land, trail easements and rights of way shall extend to the property line of the subdivision.

D. Public Access, Parks And Facilities: Public access easements or the conveyance of land for public access, parks or facilities may be required for subdivisions that are contiguous to: 1) public lands, 2) streams, lakes, ponds, wetlands or similar areas, or 3) for areas designated in a county facilities acquisition plan. If so required, the property owner shall be paid fair market value for the easement or land.

E. Other Requirements:

1. All required easements and rights of way shall be depicted on the face of the plat.
2. The board or director may also require that stream and wetland protection buffers be shown as easements or rights of way. (Ord. 493, 6-9-2016)

8.6.706: SUBDIVISION AND LOT DESIGN:

A. Compatibility: Subdivisions shall be designed to be compatible with existing homes, businesses and neighborhoods, and with the natural characteristics of the area. Subdivisions shall minimize grading, road construction and disturbance of the terrain, vegetation, soils, and drainageways, and shall prevent soil erosion. To achieve this, the board may require building envelopes, no disturbance zones, height restrictions and planting or retention of vegetation.

B. Lot Design: Subdivisions must result in lots of reasonable utility and livability. Subdivision designs shall not contain irregular configurations that result in unusable land or that may cause future land use conflicts. All building lots must have at least one building site that can meet required setbacks and be accessed with a driveway which complies with the standards set forth in section 8.4.201 of this title, or alternatively, those of the fire protection district with jurisdiction.

C. Lot Access: All new lots shall have frontage and direct access onto a road or common driveway meeting the standards of section 8.6.707 of this article. A previously existing lot with an existing residence shall not be considered a new lot. For irregularly shaped subdivisions, or sites with severe physical constraints, the board may allow access to individual lots via an easement. Driveway approaches to public roads must be approved by the public highway agency with jurisdiction. No new accesses to individual lots are permitted from state highways or arterial roads as shown on the public highway agency's then current functional classification map. In some cases the public highway agency may require relocation, reconfiguration, consolidation or elimination of existing approaches.

D. Continuity: No single lot shall be divided by a right of way, road, municipal or county boundary line, or by another parcel of land. To the greatest extent possible, no single lot should be divided by a common driveway. (Ord. 493, 6-9-2016)

8.6.707: ROADS AND TRAILS:

A. Public And Private Roads:

1. Roads Within Subdivisions:

a. Roads in major subdivisions shall comply with the "Highway Standards For The Associated Highway Districts Of Kootenai County, Idaho" ("the standards"). Such roads may be dedicated as public roads to the highway district with jurisdiction. Otherwise, the director shall verify that all private roads comply with the standards, and those roads shall be dedicated to the maintenance entity.

b. Roads in minor subdivisions or condominiums which provide legal and physical access to five (5) or more parcels shall comply with the standards. Such roads may be dedicated as public roads to the highway district with jurisdiction. Otherwise, the director shall verify that those roads comply with the 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 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 To Public Roads:

a. If a new road is to be constructed between a major subdivision and the nearest existing public road, the road shall comply with the standards. If an existing private road will connect a major subdivision 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.

b. If a new road is to be constructed between a minor subdivision or condominium and the nearest existing public or

private road, the road shall comply with the standards. If the road will connect to an existing public road, it 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.

c. If an existing private road will connect a minor subdivision or condominium to the nearest existing public road, the road must meet, or must be brought into compliance with, the standards set forth in the then current international fire code as adopted pursuant to title 7, chapter 1 of this code.

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 the director, upon recommendation of the highway district, 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.

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 section 8.6.711 of this article and section 8.6.903 of this chapter is provided, in which case they shall be constructed prior to issuance of noninfrastructure 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 (1¹/₂) 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 feet (5') 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. (Ord. 493, 6-9-2016; amd. Ord. 546, 10-17-2019)

8.6.708: SENSITIVE AREA REQUIREMENTS:

A. Flood Zones: If any portion of the subdivision, or any infrastructure which will serve the subdivision, is located within a special flood hazard area, the plat and development plans shall comply with the standards set forth in chapter 7, article 7.2 of this title.

B. Subdivisions In Viewsheds: Mountain and water views and vistas are an important part of the character of Kootenai County, contributing to the visual quality of the area, increasing property values, attracting visitors, and enhancing the desirability and livability of the community. As such, it is in the public interest that land be developed in a manner that is visually unobtrusive, environmentally responsible, and is compatible with the character of the area.

1. Subdivisions with lots of less than five (5) acres and natural slopes of thirty five percent (35%) or greater must be designed to fit the houses, structures 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.

2. If the vertical height of any cut or fill slope, or any combination thereof, will exceed thirty feet (30'), effective measures must be taken to mitigate the visibility of the slope.

C. Stream And Wetland Protection Buffers: When a subdivision abuts a stream or wetland, a stream or wetland protection buffer must be reserved and shown on supplemental pages to the plat. The purpose of this area is to protect downstream property owners and water resources from increased or decreased flows, to prevent sedimentation, to promote good water quality, and to protect fish and wildlife habitat. Stream and wetland protection buffers shall comply with the following requirements:

1. Depiction Of Buffers:

a. The width of stream and wetland protection buffers shall be as set forth in table 6-701 of this section.

TABLE 6-701

STREAM AND WETLAND PROTECTION BUFFER WIDTHS

Waterway Type	Required Width
Class I streams	75 feet from the ordinary high water mark
Class II streams	30 feet from the ordinary high water mark
Wetlands	Determined by the board based on a wetland analysis

b. The area shall be labeled "Stream (Or Wetland, As Applicable) Protection Buffer", and within this area native vegetation and large organic debris shall be protected or replanted to leave the area in the most natural condition possible.

2. Road And Utility Crossings:

a. Proposed road and utility crossings through a stream or wetland protection buffer must be shown on the plat, must be kept to a minimum, and must take the shortest possible route across the area.

b. Roads and utilities shall not be constructed within stream and wetland protection buffers except at approved crossings.

3. Maintenance: Any necessary maintenance shall comply with the standards set forth in chapter 7, article 7.1 of this title, and with applicable best management practices.

4. Fences, Walkways, Stairway Landings, And Trams: Fences, walkways which do not exceed four feet (4') in width, stairway landings which do not exceed six feet (6') in length or width, and trams may be constructed in such protection buffers, providing there is minimal disturbance of the ground and vegetation.

5. Easements: The board may require that this area be shown as an easement or a conservation easement.

D. Shoreline Management Areas: When a subdivision abuts a shoreline, the shoreline management area must be reserved and shown on the plan. Activities within the shoreline management area shall be limited to those set forth in chapter 7, article 7.1 of this title, and shall also be in conformance with applicable best management practices. (Ord. 493, 6-9-2016; amd. Ord. 546, 10-17-2019)

8.6.709: IMPROVEMENT REQUIREMENTS:

A. Installation Of Improvements:

1. Before application for final approval of any plat, required improvements shall be either:

a. Installed and approved by the design professional who developed the plans and the agencies with jurisdiction or providing services; or

b. Secured by a financial guarantee and subdivision completion agreement which complies with the standards set forth in section 8.6.711 of this article and section 8.6.903 of this chapter, and has been approved by the director.

2. If a portion of the work has been completed and approved by the design professional and agencies with jurisdiction or providing services, only the remaining work will need to be covered by the financial guarantee.

B. Plan Approval And Site Disturbance Permit:

1. Approvals Required: No site disturbance, terrain modification, construction or clearing shall take place until preliminary subdivision approval has been granted, construction plans have been approved by all agencies with jurisdiction and those providing services, and a site disturbance permit has been issued by the department.

2. Construction Plan Signature: All construction plans shall be stamped and/or signed by an Idaho licensed professional engineer or other appropriate design professional.

3. Dust Control Required: Dust control is required on all construction sites, and a dust control plan must be submitted for review and approval by the director prior to the start of any site work. (Ord. 493, 6-9-2016)

8.6.710: OPERATION AND MAINTENANCE REQUIREMENTS:

A. Operation And Maintenance Required: All subdivision improvements, common areas and green space shall be operated and maintained by the owner, in accordance with applicable best management practices and approved plans. An organization that will operate and maintain shared land and improvements must be, or have been, established prior to or concurrent with final approval and recordation of the plat. Organizational options include taxing districts (such as water or sewer districts), for profit corporations, limited liability companies or other lawfully created business entities, nonprofit corporations, limited liability companies or other lawfully created business entities, or cooperative corporations such as a homeowners' association. If private maintenance by a cooperative corporation is proposed, the documents establishing the organization must meet the minimum requirements outlined in section 8.6.902 of this chapter, must be approved by the director, and must be recorded concurrently with the plat. In addition, if land or improvements are going to be owned and managed by a cooperative corporation, and the corporation ceases to exist, or fails to fulfill its obligations, the individual lot owners shall be responsible for operation and maintenance of the land and improvements.

B. County Authority To Maintain Private Systems: If a private maintenance organization fails to maintain commonly owned land, shared infrastructure or improvements in accordance with applicable BMPs and approved maintenance plans, the department may perform, or contract for the performance of, the necessary maintenance, and the director may bill individual property owners for the associated costs. Any unpaid assessments may result in termination of the service. Before any action may be taken, the department shall notify the maintenance organization and the property owners within the subdivision of the deficiencies and the intended action via certified mail. Any notices sent via certified mail which are returned to the department shall be re-sent via first class mail. The department shall give the property owners and maintenance organization at least forty five (45) days to correct the deficiencies before taking action. A property owner or affected person may appeal the proposed action in accordance with chapter 8, article 8.5 of this title. Nothing in this section shall obligate the county to provide maintenance of private systems. (Ord. 493, 6-9-2016)

8.6.711: FINANCIAL GUARANTEES:

A. Financial Guarantee In Lieu Of Improvements: Financial guarantees may be provided in lieu of improvements upon review and approval by the director and all affected agencies prior to application for final approval of a subdivision. If an agency is unwilling or unable to approve a financial guarantee, the director may assume this authority. The amount of the guarantee shall be one hundred fifty percent (150%) of the estimated cost of construction and the expiration date of the guarantee shall be at least sixty (60) days after the expected agency approval date for the improvements. Cost estimates shall be developed by the design professional who developed the construction plans. If it is anticipated that improvements will be completed over a period of time, separate financial guarantees should be provided (e.g., 1 for roads, another for the water system, etc.). Partial releases are not permitted.

B. Warranty: A separate financial guarantee is required as a warranty to ensure correction of any deficiencies identified within twelve (12) months of final agency approval of improvements. The amount of this warranty shall be ten percent (10%) of the total cost of construction. If improvements are completed and approved by applicable agencies and design professionals prior to application for final subdivision approval, the warranty shall be provided with the application. If improvements are to be completed after final approval, the warranty shall be provided prior to release of the financial guarantee for construction. If the applicant fails to provide this warranty, the director may withdraw a portion of the construction guarantee to meet this requirement, or may take other enforcement action as authorized by law.

C. Subdivision Completion And Warranty Agreements: A subdivision completion and warranty agreement which complies with the requirements of section 8.6.903 of this chapter shall accompany each financial guarantee, and must be approved by the director. These agreements shall be contractually binding on the department and the property owner, and, if a party to the agreement, the contractor. Financial guarantees shall provide for installation and agency approval of improvements within two (2) years from the date of final subdivision approval. Upon written request by the property owner, the director may

grant one extension of up to one year for good cause shown.

D. Financial Guarantee For Property Corners And Street Monumentation: Interior monuments for a subdivision need not be set prior to the recording of the subdivision plat if the following conditions are met:

1. The land surveyor performing the survey work in connection with the plat certifies that the interior monuments will be set within one year of the recordation of the plat; and

2. The applicant furnishes to the county a bond or cash deposit guaranteeing the payment of one hundred percent (100%) of the estimated cost of setting the interior monuments for the subdivision as provided in sections 50-1332 and 50-1333, Idaho Code.

E. Types Of Financial Guarantees:

1. The county will accept the following types of financial guarantees:

a. An irrevocable letter of credit issued by a financial institution chartered by the federal government or a state government.

b. Cash deposit (cash, cashier's check, bank draft, or money order).

c. Certificate of deposit or other similar bank account which provides that the board and the director have exclusive access to the account.

2. In addition, the director may accept surety bonds for required warranties, and for a portion of financial guarantees for incomplete improvements, except those related to stormwater and erosion control. A surety bond will not be accepted for stormwater or erosion control work. If accepted for other incomplete improvements, at least seven thousand five hundred dollars (\$7,500.00) of the required financial guarantee must be provided in the form of a letter of credit, cash or a bank account.

F. Failure To Complete Improvements Or Correct Deficiencies: Any failure to complete improvements or correct deficiencies in accordance with a subdivision completion or warranty agreement and approved plans shall constitute good and sufficient cause for the director to take enforcement action in accordance with chapter 8, article 8.6 of this title or as otherwise authorized by law, and/or to draw on the funds and contract for completion of the work. In addition to direct costs to complete the work, the director may also withdraw funds to cover the department's administrative costs associated with such actions. Before any action may be taken, the department shall give the property owner written notice via certified mail. Any notice sent via certified mail which is returned to the department shall be re-sent via first class mail. The property owner shall permit the contractor and department staff to access the property to complete the necessary improvements. If the director or board is unable to gain access to the funds, or if costs exceed the value of the financial guarantee, the property owner will be billed for the outstanding balance.

G. Release Of Financial Guarantee: No financial guarantee shall be released until the associated improvements have been approved in writing by the agencies with jurisdiction or providing services, the developer's design professional and the director. No partial releases are permitted. (Ord. 493, 6-9-2016)