

**KOOTENAI COUNTY SUBDIVISION ORDINANCE NO. 394
CASE NO. OA-130-06 (Subdivision Ordinance Text Amendments)
Title 10, Kootenai County Code**

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An Ordinance in and for the unincorporated areas of Kootenai County, Idaho, amending the following sections of Kootenai County Ordinance Number 344: to clarify definitions of common driveway, gated community and Wetland Specialist, 1.06 (B) Exemptions, 2.01 (A) Application Requirements- Preliminary Subdivision Approval, 2.01 (B) Application Requirements- Final Subdivision Approval, Table 2-1, 2.01 (C) Approval Process and Requirements, 2.02 Minor Subdivisions, 2.01 (B) Approval Process and Requirements, 3.01 (B) Levels of Utilities and Services, 3.01 (E) Subdivision and Lot Design, 3.01 (E) Roads and Trails, 4.01 Bonus Densities, 4.04 Conservation Design Procedure, 4.05 Additional Requirements for Conservation Design Subdivisions, and renumbering sections and making stylistic changes in language for purposes of codification; adding Appendix E, Natural Resources Report and Map- Requirements for Bonus Densities with Conservation Design Subdivisions; establishing subdivision regulations; providing purposes, definitions, and applicability; application requirements and approval procedures; design, improvement and maintenance requirements; standards for Conservation Design Subdivisions; administration and enforcement procedures; Appendices; repealing conflicting Ordinances; providing for severability; providing an effective date.

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

SECTION 1. That former Titles 10A and 10B, Kootenai County Code, be, and the same are hereby combined as Title 10, Kootenai County Code, the provisions of which shall read as set forth in this Ordinance.

SECTION 2. That Kootenai County Ordinance No. 344, adopted on December 29, 2004, be, and the same is hereby designated as Title 10, Kootenai County Code, and is hereby amended to read as follows:

CHAPTER 1 GENERAL PROVISIONS

- Section 10-1-1 Title
- Section 10-1-2 Authority
- Section 10-1-3 Purpose
- Section 10-1-4 Definitions
- Section 10-1-5 Acronyms
- Section 10-1-6 Applicability and Exemptions

10-1-1: TITLE:

This Title shall be known as the *Subdivision Ordinance of Kootenai County, Idaho*.

10-1-2: AUTHORITY:

These regulations are authorized by Title 31, Chapter 7, Title 50, Chapter 13, and Title 67, Chapter 65 of *Idaho Code*; and Article 12, Section 2 of the *Idaho Constitution*, as amended or subsequently codified.

10-1-3: PURPOSE:

The purpose of this Title is to promote and protect the health, safety, and general welfare of the public and to:

- Ensure that development is in conformance with *Idaho Code*, with the goals and policies of the *Kootenai County Comprehensive Plan*, with the requirements of County ordinances, and with the requirements of other agencies.
- Provide for orderly development of land.
- Ensure that development mitigates negative environmental, social and economic impacts.

- Create buildable lots of reasonable utility and livability.
- Preserve, protect and enhance ground and surface water quality.
- Establish a transportation system for vehicles, bicycles and pedestrians that is safe, efficient, and cost effective and that minimizes congestion.
- Provide for adequate and affordable fire, water, sewer, stormwater and other services.
- Encourage the conservation of open space and environmentally sensitive areas.
- Provide for the administration of these regulations.

10-1-4: DEFINITIONS:

Words used in the present tense include the future tense. Words used in singular number include the plural, and vice versa. The word “shall” and “must” are mandatory, and the word “may” indicates the use of discretion. Unless clearly stated otherwise, the following words and phrases shall have the following meanings:

Affected Person - One having an interest in real property that may be affected by a decision.

Agent - One who acts for or in the place of another.

Agency - Any city or political subdivision of the State, including but not limited to counties, school districts, highway districts, any agency of State government, and any city or political subdivision of another state.

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

Approach - An access point onto a public or private road.

Best Management Practices (BMP's) - Land management practices, approved by the State of Idaho or other Idaho public agency, designed to minimize the discharge of sediment and other pollutants. These include, but are not limited to, the *Idaho Forest Practices Rules*, the *Rules Governing Solid Waste Management*, the *Rules for Individual and Subsurface Sewage Disposal Systems*, the *Rules and Minimum Standards for Stream Channel Alterations*, the Rathdrum Prairie sewage disposal and critical materials regulations, the *Rules Governing Exploration and Surface Mining Operations in Idaho*, the *Idaho Well Construction Standards Rules*, the *Rules Governing Placer and Dredge Mining in Idaho*, the *Rules Governing Dairy Wastes*, *Best Management Practices for Containing Critical Materials During Above Ground Storage and Handling*, and the *Catalog of Storm Water Best Management Practices for Idaho Cities and Counties*.

Board - The Kootenai County Board of Commissioners.

Building Envelope - A designated area, shown on a plat, within which all structures must be located.

Conservation Design Subdivision - A subdivision design that maximizes the conservation of open space and the natural, cultural or historic characteristics of an area. The subdivision name for a conservation design subdivision will be followed by the suffix “CDS”.

Conservation Easement - A non-possessory interest of a holder in real property, imposing limitations or affirmative obligations for retaining or protecting natural, scenic, or open space values of real property; for assuring its availability for agriculture, forest, recreation or open space use; for maintaining or enhancing air or water quality; or for preserving the historical, architectural, archeological or cultural aspects of real property (*Idaho Code* §55-2101).

Conservation Organization - A charitable corporation, association, or trust, whose purposes or powers include: a) retaining or protecting the natural, scenic, or open space values of real property for agriculture, forest, recreation, or open space use, b) protecting natural resources, c) maintaining or enhancing air or water quality, or d) preserving the historical, architectural, archaeological, or cultural aspects of real property. Conservation organizations are allowed, by *Idaho Code*, to be the holders of conservation easements (*Idaho Code* §55-2101).

Contiguous - Sharing a mutual boundary line.

Conveyance - The transfer of title, or grant of an interest in land, by the owner. Conveyances may include land, easements, and rights-of-way transferred to either public or private entities.

Cooperative Corporation - Any nonprofit corporation, operating on a cooperative basis, owned, operated, organized and maintained by its members, for the purpose of providing goods or services to its members.

Design Professional - An individual with specialized knowledge and experience, who is qualified to develop plans for various components of a subdivision development. With regard to stormwater plans, the design professional must meet the definition found in the *Kootenai County Site Disturbance Ordinance*.

Department - Kootenai County Building and Planning Department.

Director - The Director of the Kootenai County Building and Planning Department or their designee.

Drainageway - A water course that does not meet the definition of a Class I or Class II stream.

Driveway - A means of vehicular access from a public or private road to a lot or parcel of land.

Driveway, Common - A driveway that provides vehicular access from a public or private road to not more than four lots or parcels of land.

Easement - A right of use, falling short of ownership, usually for a certain stated purpose (*Idaho Code* §50-1301).

Final Plat - The final drawing of a subdivision and associated conveyances, to be recorded as a public document.

Financial Guarantee - An irrevocable letter of credit, cash deposit, bank account, or surety bond, pledged to secure the performance of an obligation.

Fire District - A structural fire protection district.

Frontage - The portion of a lot that is contiguous with the road used to access the lot.

Functional Classification - The classification of roads based on their function, with respect to both mobility and access. Functional classifications include interstates and state highways, principal and minor arterials, collectors and local streets.

Gated Community - A form of closed community with more than ten residential lots, characterized by a controlled entrance for pedestrians, bicycles, and automobiles, may be staffed by full-time, private security guards, may lead into one or more small residential streets, with walls or fences surrounding the perimeter of the entire development. Many gated communities may have various amenities which make it possible for residents to stay within the community for day-to-day activities.

Grade - Ground level. Also, the slope of a road specified in percent (%).

Green Space - Land meeting the definition of Green Space in Chapter 4 of this Title.

Gross Acreage - The size of a lot or parcel including one-half (½) of adjoining rights-of-way.

Hearing Body - The entity charged with the conduct of a public hearing and a decision or recommendation on an application. The hearing body may be a Hearing Examiner, the Planning Commission or the Board of County Commissioners.

Hydrologic Protection Area - The area adjoining a lake, river, stream, wetland, water course or drainageway that must be reserved and shown on 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.

Infrastructure - Support facilities for a subdivision including, but not limited to, water, sewer, road, fire protection, stormwater and utility systems. This term includes both project support facilities, and public system facilities serving the area.

Ladder Fuel - Shrubs, brush and woody debris that can carry a fire into the tree canopy.

Lake - A body of perennial, standing open water, larger than one (1) acre in size. Lakes include the bed, banks and wetlands below the ordinary high water mark. Lakes do not include drainage or irrigation ditches, farm or stock ponds, settling or gravel ponds.

Land Disturbing Activity - Any man-made change to the land surface, including the removal of vegetation and topsoil, filling, and grading, but not including landscaping or agricultural land uses such as planting, cultivating and harvesting of crops or trees.

Large Organic Debris (LOD) - Live or dead trees, and parts or pieces of trees that are large enough or long enough, or sufficiently buried in the stream bank or bed, to be stable during high flows. Pieces longer than the channel width, or longer than twenty (20) feet, are considered stable. LOD creates diverse fish habitat and stable stream channels by reducing water velocity, trapping stream gravel and allowing scour pools and side channels to form.

Lot - A legally created, platted parcel of land.

Major Subdivision - A subdivision that proposes to: a) create five (5) or more lots, or b) re-divide land that has been subdivided in the previous five (5) years, when the two subdivisions together will create five or more lots, or c) create 2-4 lots with shared infrastructure or improvements, or a water system that requires engineering, that must be constructed to meet the requirements of the County or other agencies.

Maintenance Entity - An organization, such as a homeowners association, that provides maintenance for land, infrastructure or shared improvements within a subdivision.

Minor Subdivision - A subdivision that proposes to create four (4) or fewer lots, with no shared infrastructure or improvements other than a water system and/or a common driveway that does not require engineering that must be constructed to meet the requirements of the County or other agencies. Property that has been subdivided within the previous 5 years cannot be re-divided as a minor subdivision, except when the two subdivisions together will create four or fewer lots.

Mitigate - To cause to become less harsh or hostile, to make less severe, or to lessen the negative consequences of an action.

Natural Slope - The slope of the land prior to any man-made disturbance.

Net acreage - The size of a lot or parcel excluding adjoining rights-of-way.

Ordinary High Water Mark - The mark on the bed and banks of water courses, where the presence and action of waters are so common and usual, and so long continued in ordinary years, as to impart upon the soil and vegetation a character distinct from that of the abutting upland.

Parcel - A piece of land that is separately described in a deed of conveyance. Parcel boundaries, as used in this Title, may or may not coincide with parcel boundaries as assigned by the Kootenai County Assessor.

Perpetual - Continuing forever, valid for all time.

Plat - A map or drawing of a subdivision of land into lots, blocks, and roads, along with associated conveyances, to be filed as a public document.

Preliminary Subdivision Plan - A map or drawing illustrating a preliminary subdivision proposal.

Professional Forester - An individual with at least a bachelor's degree in forestry.

Professional Wildlife Biologist - An individual with at least a bachelor's degree in wildlife biology.

Planned Unit Development - A Planned Unit Development (PUD) is an integrated design for development of residential, commercial or industrial uses, or combinations of uses, under single ownership or control, in which the standards of the Zoning Ordinance may be varied. PUD's allow flexibility and creativity in site and building design and location, in accordance with an approved plan, and the goals and policies of the Zoning Ordinance and Comprehensive Plan.

Rathdrum Aquifer - A groundwater aquifer located beneath the Rathdrum Prairie in Northern Kootenai County. The official boundary of the Rathdrum Aquifer is designated in the February 9, 1978 Federal Register, Vol. 43, No. 28, and is depicted on an associated map published by the Environmental Protection Agency.

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

Right-of-way - Land conveyed to the public and under the jurisdiction of a public highway agency.

Road, Public - A travel way for vehicles, owned and/or maintained by a public agency.

Road, Private - A travel way for vehicles, that is not owned or maintained by a public agency.

Sanitary Restrictions - Water and sewer requirements imposed on a subdivision plat per *Idaho Code* §50-1326.

Sensitive Areas - Sensitive areas are defined as a) land in, or within 300 feet of wetlands, streams, or lakes, b) areas where the water table is within 6 feet of ground surface at any time of the year, c) areas with slopes $\geq 25\%$ or that exhibit signs of instability, d) habitat for rare, threatened or endangered plants or animals, e) areas where the ground surface is within 50 feet of an unconsolidated, sand or gravel aquifer, and f) areas of special flood hazard (flood zones).

Sewage Disposal System - A system of piping, treatment devices, receptacles, structures, or areas of land designed, used or dedicated to convey, store, stabilize, neutralize, treat or dispose of wastewater. This definition includes individual sewage disposal systems such as a septic system and drainfield.

Slope - An incline, described by the vertical change in elevation that occurs in 100 feet of horizontal distance (rise divided by run), expressed in percent (%). Slope is measured perpendicular to the contour of the land, and is the maximum incline for a given area.

Stream - A natural water course of perceptible extent, with definite beds and banks, which confines and conducts continuously or intermittently flowing water. Definite beds are defined as having a sandy or rocky bottom which results from the scouring action of water flow.

Class I - A stream used for domestic water supply, or which is important for the spawning, rearing or migration of fish. Such waters will be considered to be class I upstream from the point of domestic diversion for a minimum distance of 1,320 feet.

Class II - Usually headwater streams or minor drainages that are used by only a few, if any, fish for spawning or rearing. Where fish use is unknown, streams shall be considered Class II where the total upstream watershed is less than two hundred forty (240) acres. The principal value of Class II streams lies in their influence on water quality and quantity in class I streams.

Structure - That which is built or constructed.

Substantial change - Any change that will likely cause a material or directly relevant bearing on the decision making process or the public's, or an agency's, reasonable expectation of information provided at the time of application. Additionally, for purposes of this section, any change in the number or configuration of lots may constitute a substantial change.

Subdivision - The division of land into two or more lots or parcels of land by recording a deed or plat.

Topography - The configuration of the ground surface.

Topographic Map - A map with lines of equal elevation, showing the relief and configuration of the ground surface.

Utility - A service provided to a subdivision, including water, telephone, power, cable, sewer and stormwater treatment and disposal.

Unobtrusive - Inconspicuous, not prominent.

Vested - Guaranteed as a legal right. The right to have a subdivision application processed according to regulations in place at the time a complete application was submitted.

Water System - A system of wells, pumps, piping, treatment devices, receptacles, and structures, designed, used or dedicated to obtain, convey, treat, or store water. A shared water system is a system that serves two or more lots within a subdivision.

Watershed - The surrounding land areas from which water drains to a given point.

Wetland - Those areas that are inundated or saturated by surface or ground water, at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation

adapted for life in saturated soil conditions. Wetlands generally include swamps, marches, bogs and similar areas.

Wetland Specialist - A specialist in the field of wetlands delineation and assessment. A wetlands specialist has the ability to delineate wetlands, assess the function and value of particular wetlands, and provides assistance with wetland regulations and permits including the completion of application and permit forms, and provide technical advice about avoidance, minimization and compensatory mitigation of effects to wetlands. A wetlands specialist shall have at a minimum of a Bachelors of Science degree from an accredited university in biology, botany, ecology or a similar related field and a minimum of two years full time field work experience as a wetlands professional or additional education that includes completion of a wetland-specific training program. This field experience may be in the form of certification from the Society of Wetlands Specialists or a list of accepted and approved plans from the U.S. Army Corps of Engineers or other applicable local, state or federal agencies. Any additional education or training shall include comprehensive information on wetland hydrology, hydric soils and hydroptic vegetation. Experience in wetland delineation should include delineating wetlands using state or federal regulatory manuals, preparing wetlands delineation reports as outlined by state or federal regulations, conducting wetland function and value assessments, and developing and implementing mitigation plans.

Will Serve Letter - A written statement from the owner of a water and/or a sewage system indicating that the system has the capacity to provide water or sewage service, and that the owner is willing to provide service, to all of the lots in the proposed subdivision.

10-1-5: ACRONYMS:

BMP's	Best Management Practices
CC&R's	Covenants, Conditions and Restrictions
DEQ	Idaho Department of Environmental Quality
EMS	Emergency Medical Service
EPA	U.S. Environmental Protection Agency
P.G.	Professional Geologist
IDL	Idaho Department of Lands
IDWR	Idaho Department of Water Resources
ITD	Idaho Transportation Department
NPDES	National Pollution Discharge Elimination System
P.E.	Professional Engineer
PHD	Panhandle Health District
PUD	Planned Unit Development

10-1-6: APPLICABILITY AND EXEMPTIONS:

A. Applicability - These regulations apply to the division of land into two (2) or more lots or parcels, and to the reconfiguration, combination or change in status of a platted 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 by an Area of City Impact ordinance adopted pursuant to *Idaho Code* §67-6526.

B. Exemptions

1. The following divisions of land are exempt from the requirements of this Title. Parcels of land created under these provisions will be recognized as separate pieces of property on the day the instrument creating them is recorded.

a. Divisions made for cemeteries or burial plots when used for that purpose.

- b. Divisions resulting from the conveyance of a parcel of land to a taxing district, government agency, or utility regulated by the Public Utilities Commission, providing the parcel will not be used for habitable structures such as offices or service centers. Divisions used for the purpose of housing emergency service responders such as fire stations, police stations or ambulance services are permitted.
- c. Divisions resulting from the conveyance of land to a conservation organization, providing the land is conveyed as one parcel, and a conservation easement meeting the requirements of Appendix D, is recorded on the parcel. Any further divisions must be in accordance with this Title.
- d. Adjustments to platted lot lines, or to a combination of the boundary lines of platted and legally created, un-platted parcels providing: a) no additional lots or parcels are created, b) the lots or parcels are changed less than 20% from the original platted lot boundary, c) the resulting lots meet the minimum size for the zone and are otherwise in conformance with all County ordinances, d) the lot line adjustment does not result in lots separated by a right-of-way or road and e) a statement is included on the deed of conveyance indicating that the instrument is being recorded for lot line adjustment purposes, and that the property being transferred is not a separate, buildable lot. Lot line adjustments that do not meet these requirements must go through the replat or minor replat process.
- e. Boundary line adjustments to legally created, un-platted parcels, providing: a) no additional parcels are created, b) the resulting parcels meet the minimum size for the zone and are otherwise in conformance with all County ordinances, and c) the boundary line adjustment does not result in lots separated by a right-of-way or road. A parcel of land that is not buildable because it does not conform to County ordinances, or was created improperly, cannot be converted to a buildable parcel through a boundary line adjustment. *Note: Lot and boundary line adjustments are accomplished by recording a deed of conveyance for the property that will be transferred, and then, for the receiving parcel, recording a second deed describing the new, exterior parcel boundaries (so that an additional parcel of land is not inadvertently created).*
- f. For original parcels of land, division into a maximum of four (4) parcels, providing each parcel is at least twenty (20) acres in size, the parcels are in conformance with all County ordinances, and providing each parcel has a recorded access easement to a public road. One-half (1/2) of adjoining rights-of-way may be included in acreage calculations. For purposes of determining eligibility for this exemption, acreage that has not been surveyed may be based on the aliquot parts of the section of land in which the parcel is located. For example, one-half (1/2) of a quarter quarter section will be considered to be 20 acres. Surveying will, however, be required for any subsequent divisions of land, and the parcels created will then be required to meet minimum lot sizes.

An original parcel of land is one that was separately described in a deed of conveyance prior to May 14, 1974, and was held as an individual parcel (it was not combined by deed). For original parcels less than eighty (80) acres in size, a maximum of one parcel may be created for each twenty (20) acres. For example, on a 60-acre original parcel, a maximum of three 20-acre parcels may be created. To receive this exemption, the property owner must provide documentation verifying that these requirements have been met, and that the exempt land divisions have not been previously taken.

- g. Divisions made pursuant to a Last Will and Testament, following the death of the property owner, providing no more than four (4) parcels are created, each parcel has a recorded

access easement to a public road, and each parcel meets the minimum size for the zone and is otherwise in conformance with all County ordinances.

- h. Division resulting from the exercise of eminent domain. Per *Idaho Code* §67-6527, this is not a violation of this Title.
2. Parcels of land created by court order, not associated with a Last Will and Testament, will not be eligible for building permits until the subdivision is approved, and a plat is recorded in conformance with the procedures of this Title.

CHAPTER 2 APPLICATION REQUIREMENTS AND APPROVAL PROCEDURES

Section 10-2-1 Major Subdivision

- A. Application Requirements - Preliminary Subdivision Approval
- B. Application Requirements - Final Subdivision Approval
- C. Approval Process and Requirements

Section 10-2-2 Minor Subdivision

- A. Application Requirements
- B. Approval Process and Requirements

Section 10-2-3 Minor Re-plats and Amendments

- A. Application Requirements
- B. Approval Process and Requirements

Section 10-2-4 Plat, Right-of-Way or Easement Vacation

Section 10-2-5 Time Extension for Preliminary Subdivision Approval

- A. Application Requirements
- B. Approval Requirements

Section 10-2-6 Condition Modification

- A. Application Requirements
- B. Approval Process and Requirements

10-2-1: MAJOR SUBDIVISION:

A Major Subdivision is one that proposes to: a) create five (5) or more lots, or b) re-divide land that has been subdivided in the previous five (5) years, when the two subdivisions together will create five or more lots, or c) create 2-4 lots with shared infrastructure or improvements, or a water system that requires engineering, that must be constructed to meet the requirements of the County or other agencies.

A. Application Requirements - Preliminary Subdivision Approval

The subdivision application and plat contain the information that the hearing body and Board need to make a decision on the proposal. To gain approval, adequate information must be provided to demonstrate that the project can meet the requirements of the County and of other agencies.

For preliminary subdivision approval, the applicant is required to submit one complete application packet to the County, plus additional packets for each agency/ organization reviewing the proposal. The Director determines which agencies will receive applications and the County will forward the application packets to those agencies. An Applicant may request that an incomplete application be accepted by submitting a letter stating which items are missing, and giving a detailed explanation and rationale for the incomplete submission. If the Director determines that the information is not

necessary to establish conformance with the required findings (Section 10-2-1(C)(1)(k), he may approve the request, the application will be deemed to be complete, will be vested under current ordinances, and will be processed. If the Director denies the request, the application will not be processed or scheduled for public hearing until it is complete. This determination may be appealed in accordance with Section 10-5-2. An application shall be governed by the rules and policies in effect on the day a complete application is submitted to the Department.

The following items constitute a complete application for preliminary approval of a major subdivision, with the required elements of agency packets identified by a ☆ symbol. (Items shown with a ♦ are required for minor subdivision applications, which are explained in Section 10-2-2).

1. ☆♦ Application Form - completed application form with property owners' signatures or a notarized letter from the property owners' authorizing the applicant to file the subdivision application.
2. ♦ Completed check list of application requirements.
3. ♦ Fees, as adopted by Board Resolution.
4. ♦ Title Report or similar document containing the legal description, ownership and easements for the property (two copies).
5. ☆ Large plan and supplemental pages - must meet the requirements outlined in Table 2-1 (three copies for the County, two for highway district, one for other agencies).
6. Small Plan - 11" x 17" copy of the plan and supplemental pages.
7. Surrounding Area/ Adjoining Subdivisions Map - scale not less than 1"= 400', showing adjoining subdivisions; street and lot layout sufficiently distant from the project to illustrate the relationship to proposed streets and lots; neighboring land owned by the same applicant; and surrounding properties within ¼ mile or 2 parcels (whichever is greater) in every direction (three copies).
8. ☆♦ Photos - at least six pictures of the site, taken at various angles, depicting the general character of the site, accompanied by a map showing the location and orientation of the photos.
9. ☆♦ Narrative - listing the acreage of the subdivision; the number of lots proposed; the location, approximate dimensions, and intended use of any nonresidential lots (e.g. for utilities, schools, churches, parks or open space); the characteristics of the site, including existing vegetation, soils and wildlife; what is proposed for water, sewer service, roads, trails or other improvements; plans for preserving land for timber, agriculture, recreation, wildlife or other open space uses; proposed phasing; proposed conveyances, including conservation easements; special design features of the subdivision such as clustering of lots or conservation design; the proposed completion schedule; and proposed methods of ownership and maintenance of open space, shared infrastructure and improvements. As part of the application narrative, a qualified professional engineer, land surveyor, biologist or other qualified professional with expertise in the initial determination of wetlands, must provide a written statement regarding the presence or absence of wetlands on the property, and the applicant must identify sensitive areas, as defined by this Title.

10. ♦ Groundwater quantity - adequate information must be provided to ensure that new or existing wells will provide sufficient water for the subdivision, without negatively affecting nearby property owners. The following are required:
- a. Subdivisions served by a well on each lot: Documentation by an Idaho licensed professional engineer (P.E.) or geologist (P.G.) that the aquifer proposed for water supply has sufficient production capability to provide drinking water to all of the lots in the proposed subdivision, and that a location is available within each lot for installation of a well without conflicting with proposed sewage systems.
 - b. Subdivisions served by a new water system serving from two to nine lots: Documentation by an Idaho licensed P.E. or P.G. that the sources proposed for water supply have sufficient production capability to provide drinking water to the lots in the proposed subdivision.
 - c. Subdivisions served by a new public drinking water system: DEQ written approval of an engineering report prepared by an Idaho licensed P.E. or P.G. demonstrating that an adequate water supply is available to meet the estimated demand for water from the lots in the proposed subdivision.
 - d. Subdivisions served by connection to an existing public water system: A letter from the owner of the system indicating it has sufficient reserve production capacity to supply water to the lots in the proposed subdivision.

At a minimum, available well logs within one-half (1/2) mile of the boundary of the site must be provided as part of the above submittals. For residential uses, 1,500 gallons per day, with a minimum flow of 5 gallons per minute for four hours, per residence, will be considered adequate if no more than one-half (1/2) acre of property will be irrigated. For low flow wells, storage may be provided to meet this requirement. If approved by the Idaho Department of Environmental Quality, other methods of estimating water demand may be used, including the *Washington State Water System Design Manual*. If conformance with these requirements is questionable, the Applicant shall secure an option for a secondary water source that does meet the requirements. If necessary to demonstrate compliance, the Director may require additional information, such as historic and current static water levels in the area (two copies).

11. ♦ Conceptual Site Disturbance and Stormwater Plan - a plan, developed by a design professional, proposing suitable methods and locations for stormwater treatment systems. Proposed systems must conform to the *Kootenai County Site Disturbance Ordinance*, associated resolutions, and approved best management practices (BMP's), such as the *State of Idaho Catalog of Storm Water Best Management Practices for Idaho Cities and Counties*. If slopes, soils, groundwater or other conditions may not meet the design parameters of proposed BMP's, the Director may require that test holes be evaluated to determine soil types in the vicinity of the stormwater systems. Test holes that have been examined by the Panhandle Health District for sewage disposal suitability may be used to fulfill this requirement, if they are in the vicinity of the proposed stormwater systems. Otherwise, test holes must be evaluated by a soils expert, or an Idaho licensed civil or geological engineer having sufficient education and experience to prove competency in the field of geotechnical engineering (four copies). For minor subdivisions, when land disturbing activity is proposed in areas where the natural slope is less than 15%, a Conceptual Site Disturbance and Stormwater Plan does not need to be submitted as part of the application package.

12. ♦ Conceptual Engineering Plan - When land disturbing activity is proposed in areas where the natural slope equals or exceeds 15%, the Director may require 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 earth work required for site preparation and construction. (four copies).
13. Traffic Impact Study - when requested by a road agency or the Director. This study shall include: a) existing traffic counts and level of service on adjacent and nearby streets, b) vehicle trips that will be generated by the development, c) the effect the subdivision will have on the level of service on affected streets, d) the effect added traffic will have on signals, turn lanes, or other transportation infrastructure, e) improvements needed to maintain adequate levels of service, and f) any other information required to evaluate impacts to the transportation system (three copies).
14. ♦ Geotechnical Analysis - for proposed building sites, roads, driveways or other development where the natural slope equals or exceeds 15%, where there is a high water table (within 6 feet of ground surface at any time of year), where soils are highly erodible, or where there are scarps, slumps, seeps or other geologic features that may be unstable, as determined by the Director. The geotechnical analysis shall 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. The geotechnical analysis shall explain the geologic and hydrologic features of the area, shall evaluate the suitability of the site for intended uses, shall identify potential problems relating to the geology and hydrology, shall summarize the data upon which conclusions are based, and shall propose mitigation measures (two copies).
15. ♦ Wetland Delineation and Analysis - If National Wetlands Inventory maps show wetlands on the site, or if soil survey maps indicate the presence of hydric soils, or if a qualified professional or the Director determine there may be wetlands on the site, a more detailed delineation and classification shall be provided and shown on the supplemental page of the plan. The wetlands delineation must be provided by a qualified professional, which includes but is not limited to professional engineer, landscape architect or wetlands specialist in accordance with the *Corps of Engineers Wetlands Delineation Manual* and the *Classification of Wetlands and Deepwater Habitats of the United States*, published by the U.S. Dept. of the Interior, Fish and Wildlife Service. In addition to delineating the boundaries and classifying the wetland, the professional must provide a report explaining the likely impacts of the project on the wetland, and recommend actions to mitigate the impacts and preserve the wetland plants and animals.
16. Existing Resources Report/Site Analysis Map, as delineated in Appendix E (only required for conservation design subdivisions requesting bonus lots) - The report must be prepared by a landscape architect in consultation with a professional wildlife or conservation biologist or the Idaho Department of Fish and Game. The map must be prepared by a landscape architect in consultation with a professional wildlife or conservation biologist or the Idaho Department of Fish and Game, and shall be shown as a supplemental page to the plan at a scale between 1"= 40' and 1"= 100'.

B. Application Requirements - Final Subdivision Approval

The following items constitute a complete application for final approval of a major subdivision. The Applicant is required to submit one application packet. An application that is incomplete will not be

processed. (Items shown with a ♦ are required for minor subdivision applications, which are explained in Section 10-2-2).

1. Application Form - a completed application form with property owners' signature(s) or a notarized letter from the property owners' authorizing the Applicant to file the application.
2. Completed check list of application requirements.
3. Fees, as adopted by Board resolution.
4. ♦ Large Plat, signature page and supplemental pages prepared by an Idaho- licensed surveyor, meeting the requirements outlined in Table 2-1 and *Idaho Code* Title 50 Chapter 13.
5. ♦ Small Plat - 11" x 17" copy of the plat and supplemental pages.
6. Narrative - explaining how the conditions of approval were met; the status of phasing and infrastructure improvements; the total acres and number of lots in the final proposal; any modifications from the original proposal; and confirming that road signs and corner monuments have been installed.
7. For major subdivisions in timbered areas, a Wildfire Mitigation Plan, prepared by a professional forester, and certification from the forester that the plan has been implemented. The plan must meet the requirements of Appendix A and be approved by the fire district, the Director, or Idaho Dept. of Lands.
8. A Site Disturbance Permit or written exemption issued by the Department, and if stormwater management systems are completed, as-built approval from the design professional.
9. Any documentation needed to show compliance with requirements or conditions of approval, including a written agreement for garbage collection service.
10. Construction Plans (if not previously submitted) - as approved by agencies with jurisdiction, including plans for roads, trails, water, sewer systems, dust control, etc. If improvements are completed, as-built plans and written approvals are required from the design professionals.
11. ♦ If noxious weeds have been identified, an approved weed mitigation plan and proof that the plan has been implemented (e.g. receipts for spraying).
12. For watersheds that drain to surface water, a copy of the NPDES Notice of Intent that was provided to the EPA.
13. ♦ Associated Documents - copies of any documents, such as conservation easements, restrictive covenants, by-laws and homeowners association articles of incorporation that are associated with the subdivision. These must be approved by the Director and must meet the requirements of this Title.
14. Financial Guarantees - draft copies of financial guarantees that will be submitted for the required warranty, or in lieu of completed, approved infrastructure improvements. Financial guarantees must be approved by the Director and agencies with jurisdiction, must meet the requirements of Section 10-3-4, and must be accompanied by a subdivision completion and/or warranty agreement meeting the requirements of Appendix C. If an agency is unable or unwilling to approve a financial guarantee, the Director shall assume this authority.