

**Omnibus III Amendments – Case No. ORA18-0003**

**Table of Changes**

<b>Section(s)</b>	<b>Description</b>	<b>Staff Rec.</b>	<b>Justification</b>	<b>In Accord with the Comp Plan</b>	<b>In Accord with Update</b>
8.2.105, 8.2.110, 8.2.204, 8.2.209, 8.2.304, 8.2.305, 8.2.310, 8.2.404, 8.2.405, 8.2.406, 8.2.411, 8.5.202	Amending the requirement to obtain a special notice permit for a personal storage building to be built prior to the establishment of a primary use in the Agricultural, Rural, Agricultural Suburban, and Restricted Residential zones to provide that such permit shall be required only if the building will be 200 square feet or greater and the parcel is less than one acre in size, and to provide that such permit shall not be required if the building will be 400 square feet or less and the setback areas from the structure to the property line will be twice the normal setback distance	Keep	To liberalize existing rules regarding personal storage buildings to be built prior to the establishment of a primary use, including elimination of the need for a special notice permit in certain circumstances	Not expressly, but does not conflict	Yes, Land Use 1B, P4 <sup>1</sup>
8.2.105, 8.2.204, 8.2.305, 8.2.306, 8.2.405, 8.2.406, 8.2.407	Providing for the keeping of domestic fowl as a use permitted of right in the Agricultural, Rural, and Agricultural Suburban zones, and as an accessory use permitted of right on parcels of 8,250 sq. ft. or greater (hens only; roosters allowed only on parcels of five acres or greater) in the Restricted Residential zone	Keep	To specifically address domestic fowl in the LUDC, particularly in situations in which the keeping of domestic fowl has the potential for creation of a nuisance; currently, domestic fowl are lumped in with livestock	Not expressly, but does not conflict	Yes, Agriculture, Policy 1 <sup>2</sup>
8.2.505	Expressly prohibiting the keeping of livestock or domestic fowl in the High Density Residential zone	Keep	To specifically address a situation in which the keeping of domestic fowl is most likely to constitute a nuisance	Not expressly, but does not conflict	Yes, Agriculture Policy 2 <sup>3</sup>

<sup>1</sup> Allow, to the greatest extent possible, rural property owners reasonable economic opportunities for the use of their land.

<sup>2</sup> Support agricultural and timberland land use regulations that conform to the state’s right to farm and right to conduct forestry practices legislation.

<sup>3</sup> Reduce conflicts between agricultural/timber operations and non-agricultural/timber development through such means as notification of adjacent agricultural/timber land uses prior to or concurrent with obtaining development permits, adequate buffers, fencing, anti-nuisance requirements and other measures.

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8.2.307, 8.2.408	Expressly prohibiting the keeping of livestock on parcels of less than ¾ acre in size in the Agricultural Suburban and Restricted Residential zones	Keep	To specifically address a situation in which the keeping of livestock is most likely to constitute a nuisance	Not expressly, but does not conflict	Yes, Agriculture Policy 2 <sup>4</sup>
8.2.105, 8.2.204, 8.2.305, 8.2.408	Expressly prohibiting the keeping of domestic fowl on parcels of less than 8,250 square feet in size in the Agricultural Suburban and Restricted Residential zones	Keep	To specifically address a situation in which the keeping of domestic fowl is most likely to constitute a nuisance	Not expressly, but does not conflict	Yes, Agriculture Policy 2 <sup>5</sup>
8.2.603, 8.2.703, 8.2.803, 8.2.903	Providing for helipads, helicopter operation, and helicopter storage as a use permitted of right on parcels of any size in the Commercial, Mining, Light Industrial, and Industrial zones	Keep	To expressly permit uses related to helicopter operations in non-residential zones; this is not currently addressed in the LUDC	Not expressly, but does not conflict	Yes, Property Rights Obj. 1, P 3 <sup>6</sup>
8.2.603	Providing that residential uses are a primary use permitted by right in the Commercial zone with the same maximum density that applies in the High Density Residential zone	Keep	To liberalize rules regarding residential uses in the Commercial zone; this could facilitate more mixed-use development	Not expressly, but does not conflict	Yes, Property Rights Obj. 1, P 3 <sup>7</sup>
8.2.606, 8.2.705, 8.2.807, 8.2.906, 8.5.136 (new)	Permitting solid waste transfer stations that do not fall within the definition of “public utility complex facility” upon issuance of a conditional use permit in the Commercial, Mining, Light Industrial and Industrial zones, and establishing performance standards	Keep	To expressly provide a permitting process and performance standards for facilities that store, process and/or transfer solid waste when they would not fall within the definition of “public utility complex facility” in the LUDC	Not expressly, but does not conflict	Yes, Public Services G-2 <sup>8</sup> and P-1 <sup>9</sup>

<sup>4</sup> See footnote 3 on page 1.

<sup>5</sup> See footnote 3 on page 1.

<sup>6</sup> Protect the rights of property owners to the greatest extent possible by maximizing the land uses permitted by right in each zone and minimizing conditional and prohibited land uses.

<sup>7</sup> See footnote 4 above.

<sup>8</sup> To coordinate with the public and private service providers to deliver public services.

<sup>9</sup> Work with different county departments to identify future county service and facility needs and promote the acquisition of properties to meet these needs.

<b>Section(s)</b>	<b>Description</b>	<b>Staff Rec.</b>	<b>Justification</b>	<b>In Accord with the Comp Plan</b>	<b>In Accord with Update</b>
8.3.311	Requiring the order of decision on applications for final planned unit development (PUD) approval, and the approved final PUD plan, to be recorded at the property owner's expense	Keep	To ensure that final PUD approvals are included in the chain of title of parcels within the area covered in the PUD plan	Not expressly, but does not conflict	Not expressly, but does not conflict
8.3.313	Repealing the requirement for minor PUD amendments that the area of each affected lot or parcel may only be changed less than 20% from the original boundaries	Keep	To liberalize rules regarding minor PUD amendments	Not expressly, but does not conflict	Not expressly, but does not conflict
8.4.401	Providing that temporary or intermittent use of a recreational vehicle shall be limited to 90 days, followed by at least 30 days of non-use, and shall not exceed 180 days in a calendar year	Keep	To address a situation which is likely to constitute a nuisance by prohibiting the use of an RV as a permanent residence	Not expressly, but does not conflict	Yes, Agriculture Policy 2 <sup>10</sup>
8.4.603	Clarifying landscaping standards and providing that facilities for the display, service and retail sale, lease or rental of new or used motor vehicles, boats, recreational vehicles or trailers may display and store those items outdoors without visual screening and within the required front yard setback	Keep	To make landscaping standards less onerous by scaling them to what is truly appropriate for the mostly rural nature of the unincorporated county; the current regulations would be more appropriate within a city	Yes, Land Use LU-1H <sup>11</sup>	Not expressly, but does not conflict
8.4.805	Providing that schools, places of worship and places of assembly may have on-premise signs regardless of the zone in which they are located	Keep	To allow schools, places of worship and places of assembly to have on-premises signs if they are located in a residential zone	Not expressly, but does not conflict	Not expressly, but does not conflict
8.4.1004	Clarifying requirements for address numbering of parcels containing multiple buildings, dwelling units or entrances and the instances in which common driveways may be named	Keep	To eliminate potential conflicts and inconsistencies in assigning road names and address numbers in such situations	Not expressly but does not conflict	Not expressly, but does not conflict

<sup>10</sup> See footnote 3 on page 1.

<sup>11</sup> Develop regulations that identify when new or modified development adjacent to existing uses should provide screening and other site design techniques to mitigate impacts on existing development.

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8.4.1410 (new)	Adding a definition of “dock lot” and providing uses permitted on dock lots, allowable access to dock lots, and outdoor storage requirements for dock lots	Keep; change definition to be consistent with performance standards (done)	To more adequately address a longstanding category of property in the County and adopt rules reflecting the natural limitations on the reasonable use of such lots	Not expressly but does not conflict	Yes, Property Rights Obj. 1, P 3 <sup>12</sup>
8.5.104, 8.5.125	Providing that initial approval of an asphalt or concrete batch plant shall be for five years, with renewals thereof subject to administrative approval by the Director for additional successive five-year periods, and providing that renewals of restrictive surface mining operations shall also be subject to administrative approval by the Director for additional successive five-year periods	Keep	To provide a periodic review process for these uses so that the Director can confirm that they are complying with all applicable laws, rules and regulations and are not creating a nuisance	Not expressly, but does not conflict	Yes, Property Rights Obj. 1, P 2 <sup>13</sup>
8.5.127	Repealing the requirement for issuance of a conditional use permit for a school to demonstrate compliance with site area guidelines	Keep	To remove a requirement that is impossible to comply with, as no such guidelines exist	Not expressly, but does not conflict	Not expressly, but does not conflict
8.6.103	Clarifying limitations on boundary line adjustments	Keep	To clarify that BLAs cannot create non-contiguous lots	NA <sup>14</sup>	NA
8.6.103	Repealing a provision limiting the number of parcels which may be created through a decedent’s estate to four parcels	Keep	To eliminate the limit on the number of parcels that can be created via decedent’s estate	NA	NA

<sup>12</sup> See footnote 6 on page 2.

<sup>13</sup> Tailor land use regulations to reasonably and narrowly address nuisances and other concerns related to health, safety and general welfare, while respecting individual property rights.

<sup>14</sup> Plain English clarification.

Section(s)	Description	Staff Rec.	Justification	In Accord with the Comp Plan	In Accord with Update
8.6.103	Adopting provisions for approval of a subdivision exemption pertaining to one or more unplatted parcels of land	Keep	To provide a process to allow an unplatted parcel to be deemed eligible for permits in unusual situations	Not expressly, but does not conflict	Yes, Property Rights, Obj. 1, P 2 and 3 <sup>15</sup>
8.6.203, 8.6.302, 8.6.405 (renumbered from 8.6.402), 8.6.406 (renumbered from 8.6.403), 8.6.502	Providing that all subdivision, condominium plat and minor amendment applications must be submitted electronically unless waived by the Director, and repealing provisions requiring submittal of multiple copies of electronically filed documents	Keep	To align the LUDC with current technology and practice and saves paper and storage space; provides an exception in instances where electronic submittal is impossible or impractical	Not expressly, but does not conflict	Not expressly, but does not conflict
8.6.203, 8.6.302, 8.6.502	Requiring groundwater quality reports for major subdivisions and minor subdivisions, and condominiums to be performed by a professional geologist (P.G.) and requiring a detailed hydrogeological analysis if the proposed subdivision is not over the Rathdrum Prairie Aquifer and there are wells within one-half mile of the subdivision or condominium site, or whenever new or existing wells may negatively affect the quantity of water available to nearby property owners	Keep, but discuss additional wording to address actual water volumes and rate of flow over time Change the term <i>prove</i> to <i>demonstrate the likelihood</i> (done)	To adopt enhanced requirements for submittals regarding available water and potential negative effects to existing water users; water availability and quantity is becoming a greater issue in the County, particularly for parcels not over the Aquifer	Yes, Natural Resources Goal 4, NR-4B <sup>16</sup>	Yes, Natural Resources Obj. 3, P 6 <sup>17</sup>

<sup>15</sup> See footnote 6 on page 2 and footnote 13 on page 4.

<sup>16</sup> Propose development regulations which require development applicants to estimate all groundwater requirements for each project, these groundwater requirements shall include, but are not limited to, source and quantity.

<sup>17</sup> Work with appropriate agencies to develop methodologies developers could use to estimate groundwater and surface water needs to determine if sufficient water is available to serve developments without negatively impacting surrounding land owners sand the hydrologic system.

<b>Section(s)</b>	<b>Description</b>	<b>Staff Rec.</b>	<b>Justification</b>	<b>In Accord with the Comp Plan</b>	<b>In Accord with Update</b>
8.6.206, 8.6.707	Repealing the requirement that major subdivisions with eleven lots or greater must be gated if the roads within the subdivision will be private roads	Keep	To provide major subdivisions with the option of private roads without the need to create a gated community, particularly when the highway district is not willing to accept subdivision roads into its road system	Not expressly, but does not conflict	Not expressly, but does not conflict
Table 6-301 (after section 8.6.302)	Providing a new Table 6-301, Kootenai County Code, showing the required form and content of minor subdivision plans, proposed plats and supplemental pages	Keep	Non-substantive change to provide applicants and planners with easier access to minor subdivision application requirements	NA <sup>18</sup>	NA
8.6.303, 8.6.503, 8.8.202	Providing that the 30-day agency comment period and the 30-day public comment period for minor subdivisions, condominiums and special notice permits shall run concurrently	Keep	To increase efficiency of these processes by reducing processing time	Not expressly, but does not conflict	Yes, Property Rights, Obj. 1, P 2 and 3 <sup>19</sup>
8.6.404 (renumbered from 8.6.401), 8.6.408 (new)	Providing a process for approval of relocation of private roads, common driveways, easements, driveway approaches, septic systems, building sites or utilities when all affected property owners have consented to the proposed changes	Keep	To provide a process for approval of relocation of subdivision infrastructure as needed without having to record a plat amendment; this will save County Surveyor time as well as simplifying this process	Not expressly, but does not conflict	Yes, Property Rights, Obj. 1, P 2 and 3 <sup>20</sup>
8.6.708	Repealing the requirement that subdivisions with lots of less than five acres and natural slopes of 35% or more must be developed in conjunction with an approved PUD or as a conservation subdivision	Keep	To remove the current requirement, which merely adds time and money to the process without a corresponding benefit	Not expressly, but does not conflict	Yes, Property Rights, Obj. 1, P 2 and 3 <sup>21</sup>

<sup>18</sup> Helpful formatting.

<sup>19</sup> See footnote 6 on page 2 and footnote 13 on page 4.

<sup>20</sup> See footnote 6 on page 2 and footnote 13 on page 4.

<sup>21</sup> See footnote 6 on page 2 and footnote 13 on page 4.

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8.6.808 (new)	Providing for issuance of a certificate of lawful division to an owner of a lawfully divided parcel upon request and payment of applicable fees	Keep	To provide a helpful public service which should also reduce staff research time	Not expressly, but does not conflict	Not expressly, but does not conflict
8.7.101	Clarifying that site disturbance permits are required for construction of all new common driveways	Keep	To provide clarifying language that remedies an inconsistency in the current code	NA	NA
8.7.102	Clarifying that site disturbance plan requirements shall apply to activities conducted by utility providers only when compliance with site disturbance regulations is required under subsection 8.7.101(d)	Keep	To provide clarifying language that remedies an inconsistency in the current code	NA	NA
8.7.102	Clarifying the instances in which a site disturbance plan may be prepared by a person other than a design professional	Keep	To provide clarifying language that remedies an inconsistency in the current code	NA	NA
8.7.106	Repealing existing stormwater treatment regulations and establishing new stormwater treatment regulations	Keep	To remove treatment standards that cannot be verified and replace them with more realistic, verifiable standards	Yes, LU-1C <sup>22</sup>	Yes, Property Rights, Obj. 1, P 2 and 3 <sup>23</sup>
8.7.108 (new), 8.7.109 (new)	Establishing requirements for down-gradient analyses and geotechnical analyses, and establishing the instances in which compliance with these regulations shall be required	Keep	To adopt specific stormwater treatment standards that more adequately address soil stability and stormwater management for development in environmentally sensitive areas	Yes, NR-2C <sup>24</sup>	Yes, Land Use Obj. 7A, P 4 <sup>25</sup>

<sup>22</sup> Review land use and permitting procedures to assure that regulatory processes are understandable and predictable, and can be accomplished within reasonable time periods and costs.

<sup>23</sup> See footnote 6 on page 2 and footnote 13 on page 4.

<sup>24</sup> Manage storm water generation and disposal over groundwater sources and their recharge area consistent with Best Management practices to prevent degradation of water quality and natural resources.

<sup>25</sup> Provide, where it is appropriate, setbacks and other means to protect wetlands, shorelines and riparian areas to preserve fish and wildlife habitats and water quality.

Section(s)	Description	Staff Rec.	Justification	In Accord with the Comp Plan	In Accord with Update
8.7.111 (renumbered from 8.7.109)	Clarifying that pervious pavers, wood or composite decking, and similar types of construction are allowed within a shoreline management area only if they do not cause more than a <i>de minimis</i> disturbance of the shoreline management area	Keep	To provide clarifying language that remedies an inconsistency in the current code	NA <sup>26</sup>	NA
8.7.112 (renumbered from 8.7.110)	Providing that notice requiring correction of a hazard shall include the time period to correct the hazard, and that failure to correct the hazard within the specified time period is a code violation	Keep	To provide clarifying language that remedies an inconsistency in the current code	NA <sup>27</sup>	NA
8.7.116 (renumbered from 8.7.114)	Clarifying provisions related to financial guarantees, release of financial guarantees and use of financial guarantees to bring a site into compliance with the standards set forth in article 7.1	Keep	To provide clarifying language that remedies an inconsistency in the current code	NA <sup>28</sup>	NA
8.7.117 (renumbered from 8.7.115)	Amending the formulas for erosion and stormwater risk assessments in which a site is determined to be a low, moderate or high risk site	Keep	To more accurately determine the sensitivity and risk of environmental harm that development could pose, which in turn would determine the level of regulation necessary to apply to each particular site	NA <sup>29</sup>	NA
8.8.201, 8.8.202	Requiring recordation of orders of decision approving a conditional use permit or special notice permit at the owner's expense	Keep	To ensure that final CUP and SNP approvals are included in the chain of title of the parcel subject to the permit	NA <sup>30</sup>	NA
8.8.203	Providing for a 30-day agency comment period on applications for variances	Keep	To remedy an oversight and confirm existing practice	NA <sup>31</sup>	

<sup>26</sup> Plain English clarification.

<sup>27</sup> See footnote 26 above.

<sup>28</sup> See footnote 26 above.

<sup>29</sup> See footnote 26 above.

<sup>30</sup> This is a housekeeping measure to improve transparency.

<sup>31</sup> This is a housekeeping measure to improve effectiveness.

<b>Section(s)</b>	<b>Description</b>	<b>Staff Rec.</b>	<b>Justification</b>	<b>In Accord with the Comp Plan</b>	<b>In Accord with Update</b>
8.8.203	Providing for administrative approvals of variances to setbacks from a private road, private right-of-way, or shoreline	Keep	To provide a delegation of approval authority to the Director to expedite this approval process	NA	NA
8.8.402	Providing that the cost of required notices of public hearings shall be paid by the applicant or the person requesting the hearing, if other than the applicant	Keep	To provide clarifying language that remedies an inconsistency in the current code	NA <sup>32</sup>	NA
8.8.606 (new)	Providing the Director with authority to find a person to be a vexatious complainant based on repeatedly making complaints or engaging in related conduct that is unfounded, unmeritorious or frivolous	Keep	To provide a process for more effectively dealing with persons who repeatedly make unmerited complaints or engage in other frivolous conduct	Not expressly, but does not conflict	Not expressly, but does not conflict
8.9.103, 8.9.104, 8.9.202, 8.9.204	Adopting new definitions of <i>complete demolition</i> or <i>completely demolished</i> , <i>dock lot</i> , <i>domestic fowl</i> , <i>footprint</i> and <i>helipad</i>	Keep	To provide definitions of terms associated with the substantive changes contained in this ordinance, and to provide definitions for terms already in the LUDC as needed for ease of application	NA	NA
8.9.301, 8.9.304, 8.9.403	Amending the definitions of <i>livestock</i> , <i>outdoor recreation facilities</i> and <i>sensitive areas</i>	Keep	To amend definitions of terms as needed to conform to the substantive changes contained in this ordinance and for ease of application	NA	NA
Throughout	Making miscellaneous technical corrections	Keep	To provide clarifying language that remedies inconsistencies in the LUDC	NA	NA
Ordinance Sections 88-90	“Boilerplate” language: Providing for severability; providing for survival and non-waiver of enforcement actions under previously adopted ordinances and codes; and providing for an effective date	Keep	To clarify the legal effect of the amendments to be made to the LUDC via this ordinance	NA	NA

<sup>32</sup> See footnote 26 above.