

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 pre-existing easements or rights-of-way. Any subsequent re-division of any consolidated lot must be accomplished via the major subdivision or minor subdivision process, as appropriate.

Article 6.2 Major Subdivisions

8.6.201: DESCRIPTION: A major subdivision is one that proposes to create five (5) or more lots, or to re-divide land that has been subdivided in the previous five (5) years when the two subdivisions together will create five or more lots. The major subdivision process has three steps: preliminary subdivision approval, construction approval (including review and approval of plans prior to construction and as-built approval when construction is complete), and final subdivision approval followed by plat recordation.

8.6.202: GENERAL REQUIREMENTS:

A. Phasing of subdivisions and improvements is permitted, subject to the requirements of this article.

B. Subdivisions with lots of less than five (5) acres and natural slopes that equal or exceed 35%, must either be developed as a conservation subdivision in accordance with article 6.6 of this chapter, or must receive concurrent approval of a Planned Unit Development (PUD) permit, and must design the subdivision to fit the houses and roads into and around the hillside in a manner that minimizes disturbance of the terrain, vegetation and drainageways, will not result in soil erosion, and is compatible with the natural characteristics of the area.

C. Applications for preliminary approval of a subdivision associated with a PUD shall be submitted concurrently with the PUD application.

8.6.203: APPLICATION REQUIREMENTS FOR PRELIMINARY SUBDIVISION APPROVAL: Applications for preliminary subdivision approval shall comply with the requirements set forth in this section.

A. The applicant shall submit one complete application packet to the Department, plus additional packets for each agency which will be requested to review and comment on the proposal. The Director may allow the applicant to submit one (1) agency packet to the Department in electronic format in lieu of hard copy agency packets. The Director will determine which agencies are to receive applications for review and comment, and the Department 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 missing information is not necessary to establish conformance with the required findings listed in paragraph 8.6.204(C)(2) of this article, the request may be approved, in which case, the application will be

deemed to be complete, will be vested under the then-current provisions of this chapter, 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. A denial of this request may be appealed in accordance with the provisions of chapter 8, article 8.5 of this title.

B. The following items constitute a complete application for preliminary approval of a major subdivision, with the items listed in paragraphs 1 through 4 of this subsection being the required elements of agency packets:

1. A completed application form signed by the property owner, or a notarized letter from the property owner authorizing the applicant to file the subdivision application.
2. Three (3) copies of a large plan, including supplemental pages, which meets the requirements outlined in Table 6-201 of this article.
3. At least six photographs 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.
4. A narrative listing the following:
 - a. The acreage of the subdivision;
 - b. The number of lots proposed;
 - c. The location, approximate dimensions, and intended use of any nonresidential lots (e.g., utilities, schools, places of worship or assembly, parks, or open space);
 - d. The characteristics of the site, including existing vegetation, soils and wildlife;
 - e. Proposed water, sewer service, roads, trails and other improvements;
 - f. Plans for preserving land for timber, agriculture, recreation, wildlife or other open space uses;
 - g. Proposed phasing, if applicable;
 - h. Proposed conveyances, including conservation easements, if applicable;
 - i. Special design features of the subdivision, such as clustering of lots or conservation design;
 - j. Any requested variances from, or deviations to, any otherwise applicable requirements or standards;
 - k. The proposed completion schedule for the project as a whole, and for any proposed phases of the project;
 - l. Proposed methods of ownership and maintenance of any open space, shared infrastructure and improvements; and

m. a written statement regarding the presence or absence of wetlands on the property and identifying any sensitive areas, as defined in section 8.9.403 of this title.

5. A completed checklist of application requirements.

6. Fees, as adopted by resolution of the Board.

7. Two copies of a title report or similar document containing the legal description, ownership and easements for the property.

8. A small plan, which shall consist of an 11" x 17" copy of the large plan, plus all supplemental pages.

9. Three copies of a map of the surrounding area and adjoining subdivisions which shows adjoining subdivisions, including a 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 one-quarter ($\frac{1}{4}$) mile or two (2) parcels, whichever is greater, in every direction. The scale of this map shall be not less than one inch per four hundred feet (1" = 400').

10. A groundwater quantity report, which must contain information sufficient to prove that new or existing wells will provide sufficient water for the subdivision without negatively affecting nearby property owners. The following information is required:

a. For subdivisions to be served by a well on each lot, documentation by an Idaho licensed professional engineer (P.E.) or geologist (P.G.) that the proposed water supply source 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. For subdivisions to be served by a new water system serving between two (2) and nine (9) 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. For subdivisions to be served by a new public water system, an engineering report prepared by an Idaho licensed P.E. or P.G. that demonstrates that an adequate water supply is available to meet the estimated demand for water from the lots in the proposed subdivision, plus documentation of DEQ approval of the report.

d. For subdivisions to be served by connection to an existing public water system, a will-serve letter from the owner of the system which indicates that it has sufficient reserve production capacity to supply water to the lots in the proposed subdivision.

e. Unless a subdivision is to be served by connection to an existing public water system, available well logs which cover a minimum of one-half ($\frac{1}{2}$) mile of the boundary of the site shall be included in the report. For residential uses, one thousand five hundred gallons per day (1,500 gpd), with a minimum flow of five gallons per minute (5 gpm) for four (4)

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 DEQ, 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 of such information shall be submitted when required.

11. A conceptual site disturbance and stormwater plan, developed by a design professional, which proposes suitable methods and locations for stormwater treatment systems. Proposed systems must conform to the applicable provisions of chapter 7, article 7.1 of this title, associated resolutions, and approved best management practices (BMPs), such as the *State of Idaho Catalog of Storm Water Best Management Practices for Idaho Cities and Counties*. If the Director determines that it is likely that slopes, soils, groundwater or other conditions will not meet the design parameters of the proposed BMPs, 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 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 by an Idaho licensed civil or geological engineer having sufficient education and experience to prove competency in the field of geotechnical engineering, and four (4) copies of the evaluation report must be provided to the Department.

12. 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 earth work required for site preparation and construction.

13. When requested by the Director or by a public highway agency, three (3) copies of a traffic impact study shall be submitted, which shall include the following:

- 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.

14. 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 6 feet 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.

15. If National Wetlands Inventory maps show wetlands on the site, or if soil survey maps indicate the presence of hydric soils, or if the Director or a qualified professional determines that there may be wetlands on the site, a wetlands delineation and analysis shall be provided and shown as part of the supplemental pages of the plan. The wetlands delineation must be provided by a qualified professional such as a professional engineer, landscape architect, biologist 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*. In addition to classification of wetlands and delineation of wetland boundaries, the analysis must explain the likely impacts of the project on wetlands and must recommend actions to mitigate those impacts and preserve wetland-dependent plants and animals.

16. Applications for conservation subdivisions must also include an existing resource report and site analysis map which comply with the requirements of section 8.6.905 of this chapter. Both the report and map must be prepared by a landscape architect in consultation with the Idaho Department of Fish and Game or a professional wildlife or conservation biologist. The map shall be shown as a supplemental page to the plan at a scale between one inch per forty feet (1" = 40') and one inch per one hundred feet (1" = 100').

[Table 6-201 follows on next page]

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

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

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

(table continues on next page)

| PLAT/ PLAN COMPONENT | PREL. PLAN | FINAL PLAT |
|--|------------|------------|
| 9. *Hydrography: Drainages, water courses, water bodies, and wetlands, including stream and wetland protection buffers. | X | X |
| 10. *Physical Features: The location of significant physical features such as ridges, rock outcrops and wooded areas. | X | |
| 11. *Flood Plain: The location of any special flood hazard areas, and language required in chapter 7, article 7.2 of this title. | X | X |
| 12. *Existing built features, including structures, wells and sewage systems. | X | |
| 13. *Building envelopes, if required by the Director or hearing body. | | X |
| 14. Purpose for which lots, other than building lots, are delineated or reserved. | X | X |
| 15. A line for referencing the Book, Page, Instrument Number and Recordation Date of CC&Rs that will be recorded simultaneously with the final plat. | | X |
| 16. Any conditions of approval intended to run with the land in perpetuity. | | X |
| <p>17. The signature page for the plat, with the following unsigned certificates:</p> <p>a. A notarized owner’s certification containing the legal description of the land, a statement as to the intent of the owners to include the property in the subdivision, a statement regarding the domestic water source, and, if applicable, statements of conveyance (e.g., conveyance of easements or rights-of-way for public streets, common areas, water or stormwater systems, etc.). The plat must be signed by all owners of the property within the subdivision.</p> <p>b. Certification of acceptance of rights-of-way or property conveyances.</p> <p>c. Certification by an Idaho licensed surveyor that the plat is accurate and conforms to the provisions of Idaho Code and this chapter. The signature must be dated and must include the surveyor’s seal.</p> <p>d. Certification by Panhandle Health District that the plat meets the requirements for the lifting of sanitary restrictions under sections 50-1326 through 50-1329, Idaho Code.</p> <p>e. Certification of acceptance by the commissioners of the highway district with jurisdiction. If any roads or rights-of-way will be dedicated to the public, the Certification must include acceptance of the conveyance.</p> <p>f. In Areas of City Impact, certification of approval by the city council, with signatures of the city clerk and city engineer, or as specified in the applicable provisions of chapter 10 of this title.</p> <p>g. Certification, within 30 days prior to recording, by the County Treasurer that the taxes on the described property are current.</p> <p>h. Certification by the County Surveyor that the plat conforms to the requirements of <i>Idaho Code</i> Title 50, Chapter 13.</p> <p>i. Certifications by the Board of County Commissioners that the plat has been accepted and approved.</p> <p>j. Certification by the County Recorder that the plat has been accepted for recording, with the date of recordation.</p> | | X |

(table continues on next page)

| PLAT/ PLAN COMPONENT | PREL. PLAN | FINAL PLAT |
|---|------------|------------|
| 18. *Existing Resource Report and Site Analysis Map in compliance with the requirements of section 8.6.905 of this chapter (conservation subdivisions only). | X | |
| 19. All other items required by Title 50, Chapter 13, Idaho Code, or by the County Surveyor. | | X |
| 20. *If requested by PHD or DEQ for areas off the Rathdrum Aquifer, approved drainfield locations. | | X |
| 21. *Sensitive areas, as defined in section 8.9.403 of this title or as referenced in chapter 7, article 7.1 of this title, if their location is known and they can be shown on the plan. | X | |
| 22. For subdivisions recorded prior to as-built approval of required infrastructure, a statement must be included on the plat that non-infrastructure building permits will not be issued until the infrastructure is completed and approved by the agencies with jurisdiction. | | X |
| 23. If required by the Board for subdivisions with common driveways, a statement must be included on the plat that common driveways may not serve, have the potential to serve, or be used to access more than four lots or parcels of land, and that further subdivision of the lots, or additional access to the driveway, is prohibited until the driveway is constructed in accordance with this Ordinance and the <i>Highway Standards for the Associated Highway Districts, Kootenai County, Idaho</i> (with or without variances). | | X |

8.6.204: PROCESSING AND PRELIMINARY APPROVAL:

A. Procedure for Processing of Applications.

1. Site Inspection and Sketch Plan Review. The applicant must provide a sketch plan, consisting of simple, conceptual drawings which show the layout of proposed streets, lots or areas for lots, and conservation areas. A Department planner will review the approval process with the applicant and will confer with the applicant as to the design and feasibility of the proposal. In conservation subdivisions, the applicant must also provide an existing resource report and site analysis map.

2. Existing Site Disturbances and Code Violations. If any unpermitted site disturbance or subdivision development has previously occurred (e.g., construction of roads, driveways, building pads, etc.), a County site disturbance permit must be obtained, a financial guarantee must be provided, and stormwater and erosion control systems which comply with the applicable standards of chapter 7, article 7.1 of this title, and associated resolutions and BMPs, must be installed and approved before a subdivision application will be accepted as complete for purposes of vesting and processing. The Board may require placement or replacement of trees or other vegetation needed for screening and buffering of the subdivision as a condition of preliminary subdivision approval. Any other violations of this title or of title 7, chapter 1 of this code must also be corrected prior to application, except to the extent that approval of the application will remedy any such violation.

3. Subdivision Design. The applicant and design consultant will then lay out the proposed subdivision, and the project surveyor will draw a proposed preliminary plat. Surveying of lot lines shall not be necessary until after preliminary approval is granted. Conservation subdivisions must comply with the design procedure set forth in article 6.6 of this chapter. Applications for phased subdivisions must include a proposed completion schedule for each phase, and for the project as a whole. Each phase of a phased subdivision must include at least ten (10) lots.

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

5. Application. The applicant must then submit a complete application packet to the Department, including a sufficient number of complete agency review packets as determined by the Director. The application and proposed plat must meet the requirements of section 8.6.203 and Table 6-201 of this article. Incomplete applications will not be processed except as provided in this article.

6. Agency Review.

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

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

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

ii. Public Highway Agencies: Verification of whether the surrounding road system will be adequate for the expected increase in traffic from the subdivision at build-out.

- iii. Water Purveyor: A will-serve letter, any actions required to secure water connections, and confirmation that the water system is adequate for both domestic and fire flow, particularly if hydrants are proposed or required.
 - iv. Sewer District: A will-serve letter, and any actions required to secure sewer connections.
 - v. School District: Any measures which may be needed to mitigate the effect that new students from the subdivision will have on the district, so that there will be no substantial cost to existing residents.
 - vi. Fire Protection District: The minimum required fire flows in gallons per minute and duration.
- c. Requests by an agency for actions to be taken, or fees to be paid, to mitigate impacts of a subdivision should be roughly proportional, both in nature and extent, to the impact of the proposed development.

7. Scheduling. After all required agency letters are received, the Department will review the application and schedule it for public hearing. Prior to scheduling, the applicant may make minor changes, but once the application is scheduled for hearing, the proposal cannot be significantly modified. If additional information is provided after hearing on the application has been scheduled, the Director or hearing body may require additional agency review or additional public notice, or both, and may reschedule or continue the hearing to allow time for the additional information to be reviewed.

8. Staff Report and Recommendation. Prior to the hearing, a Department planner will prepare a report on the proposal. The report shall include an evaluation of the proposal's compliance with the applicable provisions of this title, a recommendation of approval or denial, and the reasons for the recommendation. If the recommendation is for approval, the report shall include any recommended conditions of approval. If the recommendation is for denial, the report shall identify any actions which the applicant may be able to take to gain approval.

B. Hearing and Decision Making Process.

- 1. Notice. Notice of all public hearings on applications for preliminary subdivision approval shall be given in accordance with section 8.8.402 of this title.
- 2. Hearing. Hearings on applications shall be conducted in accordance with the provisions of chapter 8, article 8.4 of this title which apply to quasi-judicial public hearings.
- 3. Recommendation. The hearing body shall make a recommendation within thirty-five (35) days of the close of the hearing unless otherwise agreed to by the applicant.
- 4. Succession. In the event that a hearing body fails to carry out its responsibilities in accordance with the provisions of this title, the Board shall assume or reassign the duties of that hearing body.

C. Hearing Body Recommendation and Required Findings.

1. In making a recommendation to the Board on an application, the hearing body shall only consider the application materials which have been submitted and the relevant testimony and evidence in the record. The applicant shall bear the burden of proof (including both the burden of going forward with evidence and the burden of persuasion) that the application complies with the applicable requirements of this article.

2. To recommend preliminary approval of an application, the hearing body must make all of the following findings:

a. The applicant has provided information sufficient to determine whether the application complies with the relevant requirements of this chapter.

b. The application complies with the requirements of table 6-201 of this article.

c. The application complies with, or is capable of complying with, the requirements of this article and all other relevant requirements of this chapter.

d. The plan, project and lots proposed in the application are capable of complying with all other applicable provisions of this title without variances, or with such variances to, or deviations from, requirements or standards as may be recommended for approval by the hearing body.

e. The plan, project and proposed lots are capable of complying with the requirements of other agencies with jurisdiction or providing services.

f. The proposal will contribute to orderly development of the area. Proposed uses, design and density are compatible with existing homes, businesses, neighborhoods, and with the natural characteristics of the area. The subdivision will create lots of reasonable utility and livability, which are capable of being built upon without imposing an unreasonable burden on future owners. Areas not suited for development are designated as open space.

g. The proposed subdivision will provide adequate open space for recreation, wildlife, agriculture or timber production where appropriate. Road construction and disturbance of the terrain, vegetation and drainageways will be minimized and will not result in soil erosion upon completion. The design adequately addresses site constraints or hazards and will adequately mitigate any negative environmental, social or economic impacts.

h. Services and facilities such as schools, electricity, water, sewer, stormwater management, garbage disposal, EMS, police and fire protection are feasible, available and adequate. The proposal includes on- and off-site improvements, or payments in lieu of such improvements, to mitigate the impacts of the subdivision so that it does not unduly compromise the quality, or increase the cost, of public services. Any request by an agency for actions to be taken, or fees to be paid, to mitigate impacts of a subdivision shall not be recommended as a condition of preliminary approval unless the proposed actions or fees are roughly proportional, both in nature and extent, to the impact of the proposed development.

i. Proposed roads, sidewalks and trails establish or adequately contribute to a transportation system for vehicles, bicycles and pedestrians that is safe, efficient and that minimizes traffic congestion.

j. The proposal is not anticipated to result in significant degradation of surface or ground water quantity or quality.

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

3. If the hearing body makes all of the findings set forth in paragraph (2) of this subsection, it shall recommend preliminary approval of the application. If the proposal cannot meet one or more of these requirements, or if insufficient information was provided to make that determination, the hearing body shall recommend denial.

4. Any requested variance or deviation from standards which would otherwise apply to the proposed subdivision shall not be recommended for approval except upon the following findings:

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

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

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

5. The recommendation of the hearing body shall comply with section 67-6535, Idaho Code, and shall cite the applicable legal standards, state the evidence and conclusions on which the decision was based, and explain any relevant contested facts and its evaluation of these facts. If the recommendation is for approval, it shall include any recommended conditions of approval. If the recommendation is for denial, it shall identify any actions which the applicant may be able to take to gain approval.

D. Board Decision.

1. The Board shall make the final decision on applications for preliminary subdivision approval. Upon receipt of the recommendation of the hearing body, the Department shall schedule the application for deliberations before the Board. Deliberations shall be conducted in accordance with the Idaho Open Meetings Law, Title 74, Chapter 2, Idaho Code, but the Board shall not allow additional public testimony, nor shall it admit additional evidence into the record.

2. The applicant or any affected person may submit a request for a public hearing in writing before the Board at any time prior to the scheduled time for deliberations on an application. If the request is granted, the person requesting the public hearing shall be required to bear all costs of notice for that hearing unless the Board determines that the County should bear those costs.

3. After reviewing the evidence in the record and the standards for approval, the Board shall take one of the following actions:

- a. Approve the request, with or without conditions;
- b. Deny the request;
- c. Remand the application to the hearing body or to the Department; or
- d. Schedule its own public hearing to allow additional application materials, testimony and evidence to be entered into the record, and then make a decision.

4. To grant preliminary approval of an application, the Board must make all of the findings set forth in subsection (C), paragraph (2) of this section. If the Board makes all of those findings, it shall grant preliminary approval of the application. If the proposal cannot meet one or more of those requirements, or if insufficient information was provided to make that determination, the Board may either deny the application, remand the application to the hearing body or the Department, or schedule a public hearing to receive additional application materials, testimony and evidence.

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

6. The order of decision of the Board shall comply with section 67-6535, Idaho Code, and shall cite the applicable legal standards, state the evidence and conclusions on which the decision was based, and explain any relevant contested facts and its evaluation of these facts. Decisions of approval shall include any conditions of approval. Decisions of denial shall identify any actions which the applicant may be able to take to gain approval. The order of decision shall be issued within thirty-five (35) days of the close of the hearing unless otherwise agreed to by the applicant.

7. Conditions of approval shall be roughly proportional, both in nature and extent, to the reasonably expected impacts of the proposed development. Any request by an agency for actions to be taken, or fees to be paid, to mitigate impacts of a subdivision shall not be required as a condition of preliminary approval unless the proposed actions or fees are roughly proportional, both in nature and extent, to the impact of the proposed development.

8. Preliminary subdivision approval shall be valid for two (2) years. For subdivisions done in conjunction with a PUD, or that include three (3) or more phases with a total of fifty (50) or more lots, an alternate completion schedule may be requested in the preliminary application, and may be approved by the Board. At any time prior to expiration of the approval, the Applicant may make a written request to the Director for a single extension of up to two (2) years, according to the extension process provided in section 8.6.204 of this article. For phased developments, one automatic two (2) year extension shall be granted upon recordation of the plat for the first phase. Subsequent extensions for phased developments may be requested in accordance with section 8.6.204 of this article.

E. Construction Approval.

1. Pre-Construction Plan Approval. After preliminary subdivision approval is granted, the applicant shall submit construction plans for review and approval by the Department and other agencies with jurisdiction. The Department will review those plans for conformance with the design standards contained in article 6.7 of this chapter (and, in the case of conservation subdivisions, article 6.6 of this chapter), and with any applicable conditions of approval. Construction plans may include, without limitation, plans for roads, water and sewer systems, trails, vegetation buffers, and stormwater, erosion and dust control. Issuance of development permits shall be governed by chapter 7 of this title and title 7, chapter 1 of this code, as appropriate. No construction, site disturbance or other development activity may commence until plans are approved and the appropriate development permits are issued by the Department.

2. Construction Approval. After construction plans have been approved and development permits have been issued, the applicant may either install the improvements, obtain written approval of the construction by the design professionals and applicable agencies, and apply for final subdivision approval, or, alternatively, may submit a financial guarantee and subdivision completion agreement which complies with the requirements of sections 8.6.711 and 8.6.903 of this chapter and are approved by the Director and agencies with jurisdiction, and then apply for final subdivision approval. If an agency is unable or unwilling to approve a financial guarantee, the Director may assume this authority.

8.6.205: TIME EXTENSION FOR PRELIMINARY SUBDIVISION APPROVAL:

A. Applicability. At any time prior to expiration of preliminary approval of a major subdivision, one extension of up to two (2) years may be requested according to the procedure set forth in this section. For phased developments, one automatic two (2) year extension will be granted when the first phase is recorded. Subsequent extensions for phased developments may be requested in accordance with this section.

B. Application Requirements. The following items shall constitute a complete application:

1. The application form.
2. Fees as adopted by resolution of the Board.
3. A narrative which explains the following:
 - a. The reasons why the subdivision was not developed within the original timeline;
 - b. The status of compliance with the original conditions of approval; and
 - c. The anticipated time schedule for completion of the platting process.
4. The Director may require additional information to determine compliance with conditions of approval, applicable provisions of this title or title 7, chapter 1 of this code, or the requirements of other agencies.

C. Approval Requirements.

1. The Director may grant the extension upon the following findings:
 - a. A complete application was submitted;
 - b. The project is in compliance with the requirements of the County and other agencies in place at the time the complete preliminary application was received by the Department; and
 - c. The project is in compliance with its conditions of approval.
2. The Director shall make a decision within thirty-five (35) days of receipt of a complete application unless otherwise agreed to by the applicant.
3. The decision of the Director may be appealed in accordance with the provisions of chapter 8, article 8.5 of this title.

8.6.206: APPLICATION REQUIREMENTS FOR FINAL SUBDIVISION APPROVAL:

- A. The following items constitute a complete application for final approval of a major subdivision:
1. A completed application form signed by the property owner, or a notarized letter from the property owner authorizing the applicant to file the application.
 2. A completed checklist of application requirements.
 3. Fees as adopted by resolution of the Board.
 4. Three (3) copies of a large plat, including the signature page and all supplemental pages, which has been prepared by an Idaho licensed surveyor and complies with the requirements set forth in table 6-201 of this article and in title 50, chapter 13, Idaho Code.
 5. A small plat, which shall consist of an 11" x 17" copy of the large plat, plus all supplemental pages.
 6. A narrative which contains the following information:
 - a. An explanation of how each condition of approval has been met;
 - b. The status of phasing and infrastructure improvements;
 - c. The total acres and number of lots in the final proposal;
 - d. Any modifications from the original proposal; and
 - e. Confirmation that necessary 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 section 8.6.901 of this chapter, and must be approved by the Director and the fire protection district with jurisdiction, or the Idaho Department of Lands, as appropriate.

8. A site disturbance permit or written confirmation of 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 when required.

10. If not previously submitted, construction plans which have been 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 prepared by appropriate design professionals are required.

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 has been filed with the EPA.

13. Copies of associated documents such as conservation easements, restrictive covenants, and homeowners' association bylaws and articles of incorporation that are associated with the subdivision. These must be approved by the Director and must comply with the requirements of section 8.6.902 of this chapter.

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 comply with the requirements of section 8.6.711 of this chapter, and must be accompanied by a subdivision completion and/or warranty agreement which complies with the requirements of section 8.6.903 of this chapter. If an agency is unable or unwilling to approve a financial guarantee, the Director may assume this authority.

15. For conservation subdivisions, a land management plan approved by the agency with jurisdiction if necessary to bring the site into compliance with applicable BMPs.

16. Letters from agencies with jurisdiction and service providers, as determined by the Director, dated within six (6) months prior to submittal. The applicant shall be responsible for obtaining agency approval letters associated with applications for final subdivision approval. The letters must indicate the following:

a. Construction plans have been reviewed and approved;

b. If construction is complete, that it has been approved;

- c. If construction is not complete, that the amount of proposed financial guarantees is acceptable;
- d. Proposed conveyances will be accepted;
- e. Any other requirements have been met; and
- f. The Mylar plat will be signed and sanitary restrictions will be lifted.
- g. For private roads in a gate community and any private roads connecting a gated community with the nearest public road, the Director must verify that the roads comply with the *Highway Standards for the Associated Highway Districts of Kootenai County, Idaho*, or such variances from those standards as the highway district may recommend.

B. The Applicant shall be required to submit one (1) application packet. Any application that is incomplete will not be processed.

8.6.207: FINAL SUBDIVISION APPROVAL PROCEDURE: The procedure for final approval of a subdivision shall be as follows:

A. Application. The applicant shall submit one (1) complete application packet. The application and plat must meet the requirements of section 8.6.205 and Table 6-201 of this article, Title 50, Chapter 13, Idaho Code, any other applicable provisions of this title and title 7, chapter 1 of this code, and the requirements of all agencies with jurisdiction and those providing services. If the application is not complete, it will not be processed.

B. Director Recommendation and Required Findings. The Director shall review the application and the relevant facts and evidence in the record and issue a recommendation. The applicant shall bear the burden of proof (including both the burden of going forward with evidence and the burden of persuasion) that the application complies with the applicable requirements of this article. To recommend final approval of a subdivision, the Director must make the following findings:

1. The applicant has provided information sufficient to determine whether the application complies with the relevant requirements of this chapter.
2. The plat complies with the requirements of Table 6-201 of this article and Title 50, Chapter 13, Idaho Code, and is substantially the same as was presented in the preliminary application.
3. The project and the lots comply with the requirements of this chapter.
4. The plat, the project and the lots comply with other applicable provisions of this code, without variances, or with such variances to, or deviations from, requirements or standards as may be approved by the Board.
5. The plat, the project and the lots meet the requirements of all agencies with jurisdiction and those providing services.

6. The subdivision creates lots of reasonable utility and livability, capable of being built upon without imposing an unreasonable burden on future owners.
7. Negative environmental, social and economic impacts have been or will be mitigated.
8. On- and off-site improvements, or payments in lieu of such improvements, that are roughly proportional, both in nature and extent, to the impact of the proposed development have been made in order to mitigate the impacts of the subdivision so that it does not compromise the quality or increase the cost of services.
9. The sanitary restrictions will be lifted prior to recordation.
10. The applicant has demonstrated that all conditions of approval have been met.
11. Improvements are either complete and approved by all agencies with jurisdiction and those providing services, or construction plans have been approved and a financial guarantee approved by the Director and by all agencies with jurisdiction and those providing services, has been provided. If an agency is unable or unwilling to approve a financial guarantee, the Director may assume this authority.
12. If any land, shared infrastructure, or improvements will be privately maintained, documents establishing the maintenance organization have been approved by the Director and are ready to be recorded with the plat.
13. Any required conservation easements or other documents have been approved by the Director and are ready to be recorded with the plat.
14. For phased projects, the phase for which final approval has been applied complies with all of the requirements of this title and with those of other agencies and service providers.
15. Public notice has been given in accordance with the applicable provisions of Idaho Code and this title.

C. If the application and the subdivision comply with all of the requirements of subsection (B) of this section, the Director shall recommend approval. If the application and the subdivision do not comply with one or more of these requirements, or if insufficient information was provided to make that determination, the Director shall recommend denial. The Director shall make a recommendation within thirty-five (35) days of the receipt of a complete application unless otherwise agreed to by the applicant.

D. Board Decision.

1. The Board shall make the final decision on applications for final subdivision approval. Upon receipt of the recommendation of the Director, the Department shall schedule the application for deliberations before the Board. Deliberations shall be conducted in accordance with the Idaho Open Meetings Law, Title 74, Chapter 2, Idaho Code, but the Board shall not allow public testimony, nor shall it admit additional evidence into the record.

2. After reviewing the evidence in the record and the standards for approval, the Board shall then take one of the following actions:

- a. Approve the request;
- b. Deny the request; or
- c. Remand the application to the Director.

3. To grant final approval of an application, the Board must make all of the findings set forth in subsection (B) of this section. If the Board makes all of those findings, it shall grant final approval of the application. If the proposal cannot meet one or more of those requirements, or if insufficient information was provided to make that determination, the Board may either deny the application, remand the application to the Director, or schedule a public hearing to receive additional application materials, testimony and evidence.

4. The order of decision of the Board shall comply with section 67-6535, Idaho Code, and shall cite the applicable legal standards, state the evidence and conclusions on which the decision was based, and explain any relevant contested facts and its evaluation of these facts. Decisions of denial shall identify any actions which the applicant may be able to take to gain approval. The order of decision shall be issued within thirty-five (35) days of the close of the hearing unless otherwise agreed to by the applicant.

8.6.208: RECORDATION OF PLAT: Within one (1) year of final subdivision approval, the applicant must submit the Mylar plat and any associated documents to the Department in a form ready to record. The applicant must obtain all signatures on the plat and associated documents, except County signatures, before submittal to the Department. All signatures and stamps must be in reproducible, quick drying, permanent, indelible, black ink. The Department will check for compliance with the final subdivision approval and will obtain signatures on the plat from the chairman of the Board, or chairman *pro tem*, before the plat and any associated documents are recorded. No plat shall be signed unless it is accompanied by written confirmation from the Department that the plat complies with all County requirements. An extension of the one (1) year period for recordation may be requested prior to the expiration of the then-current period, and such requests may be granted by the Director for good cause shown. If the plat is not submitted within one (1) year, and a request for extension is not timely made and granted by the Director, the approval shall be null and void.

Article 6.3 Minor Subdivisions

8.6.301: DESCRIPTION AND APPLICABILITY: The minor subdivision process may be used to create four (4) or fewer lots if the property has not been subdivided within the past five (5) years, or if the previously divided subdivisions together will create four or fewer lots. This process results in an administrative decision by the Director, and does not require a public hearing.

8.6.302: APPLICATION REQUIREMENTS: Applications for approval of a minor subdivision shall comply with the requirements set forth in this section.