

ORDINANCE NO. 513
CASE NO. ORA17-0001
LAND USE AND DEVELOPMENT CODE AMENDMENTS RE:
ZONING MAP AMENDMENT STANDARDS

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO LAND USE REGULATION; AMENDING THE STANDARDS FOR APPROVAL OR DENIAL OF PROPOSED AMENDMENTS TO THE OFFICIAL ZONING MAP OF KOOTENAI COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-WAIVER OF ACTIONS OCCURRING WHILE PRIOR ORDINANCES WERE IN EFFECT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 8.1.405, Kootenai County Code, be, and the same is hereby amended as follows:

8.1.405: REQUIRED FINDINGS FOR AMENDMENTS TO THE OFFICIAL ZONING MAP:

A. Before a proposed change to the Official Zoning Map can be approved, the Board must make the following findings:

1. The applicant has demonstrated sufficient justification for the proposed change based on the requirements of subsection 8.1.402(A) of this article.
2. The proposed change is generally consistent with the land use designation in the Comprehensive Plan which applies to the subject property ~~which is the subject of the application.~~
3. The proposed change is generally compatible with the present and reasonably expected future land uses within the vicinity of the subject property ~~which is the subject of the application.~~
4. The proposed change is supported by adequate ~~public~~ infrastructure for the range of uses allowed in the proposed zone, or will be supported by ~~public~~ infrastructure reasonably expected to be adequate to support such uses in the near future.
5. After giving particular consideration to the effects of the proposed zone change upon the delivery of public services provided by political subdivisions, including school districts, within the County, the proposed zone change will not result in demonstrably have a materially adverse impacts effect ~~effect upon the delivery of those services by any political subdivision providing public services, including school districts, within the County.~~
6. The proposed change will not have a materially adverse effect on the value, character, or use and enjoyment of neighboring properties.

7. Denial of the proposed change would have a materially adverse effect on the use and enjoyment of the property which is the subject of the application.

8. The proposed change is not in conflict with the policies set forth in the Comprehensive Plan.

9. The subject property is suitable for the proposed zoning.

10. The proposed zone change will not be materially detrimental to or endanger the public health, safety or general welfare.

11. The proposed change will not result in undue traffic congestion or traffic hazards.

B. For purposes of this section, “vicinity” shall mean the neighborhood, district, or area surrounding or in close proximity to the subject property. “Vicinity” does not imply a definite distance, but would generally be expected to increase in proportion to the size of the subject property or the intensity of the uses permitted in the proposed zone as compared to the existing zone.

C. If the proposed change to the Official Zoning Map is not approved, the Board may remand the matter to the Planning Commission to consider a proposal to amend the Comprehensive Plan pertaining to that property under the notice and hearing procedures provided in section 67-6509, Idaho Code and in Chapter 8, Article 8.4 of this title. If the Comprehensive Plan amendment is approved, the Board shall then hold a public hearing and make a decision on the proposed change to the Official Zoning Map.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this chapter is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. Neither the adoption of this Ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the Kootenai County Board of Commissioners or the validity of any such action to be taken upon matters pending before the Kootenai County Board of Commissioners on the effective date of this Ordinance.

SECTION 4. This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the *Coeur d’Alene Press*.

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ADOPTED this 28th day of September 2017

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

Marc Eberlein, Chairman

Chris Fillios, Commissioner

Bob Bingham, Commissioner

ATTEST:
JIM BRANNON, CLERK

By: _____
Deputy Clerk

Publication Date: October 4, 2017