

**ORDINANCE NO. 598**  
**EMERGENCY ORDINANCE AMENDMENT RE: MINIMUM SIZE**  
**FOR PARCELS WITHIN THE AGRICULTURAL ZONE AND WITHIN**  
**THE COEUR D'ALENE TRIBAL RESERVATION**

AN **EMERGENCY** ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO LAND USE REGULATION; AMENDING SECTION 8.2.103, KOOTENAI COUNTY CODE, TO INCREASE THE MINIMUM LOT SIZE FOR PARCELS IN THE AGRICULTURAL ZONE WHICH ARE ALSO WITHIN THE EXTERIOR BOUNDARIES OF THE COEUR D'ALENE TRIBAL RESERVATION TO TEN (10) ACRES FOR A PERIOD OF ONE HUNDRED EIGHTY-TWO (182) DAYS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-WAIVER OF ACTIONS OCCURRING WHILE PRIOR ORDINANCES WERE IN EFFECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 27, 2024, the Board approved the adoption of Ordinance No. 596, which provides that the minimum parcel size for parcels created on or after July 1, 2024 which are located in the Rural zone and within the Coeur d'Alene Tribal Reservation shall be ten (10.00) acres; and

WHEREAS, on June 27, 2024, the Board also approved the adoption of Ordinance No. 597, which provides that family divisions of land are exempt from the requirements of Title 8, Chapter 6, Kootenai County Code pursuant to section 8.6.103, Kootenai County Code, effective August 1, 2024; and

WHEREAS, the minimum parcel size in the Agricultural zone is currently five (5.00) acres;

WHEREAS, although subdivisions are prohibited in the Agricultural zone, any division of land which is exempt from the requirements of Title 8, Chapter 6, Kootenai County Code, pursuant to section 8.6.103, Kootenai County Code, is allowed to be exercised in the Agricultural zone; and

WHEREAS, the adoption of the above-referenced ordinances creates an anomaly in which the minimum parcel size for parcels located in the Rural zone and within the Coeur d'Alene Tribal Reservation would be ten (10.00) acres, while the minimum parcel size for parcels located in the Agricultural zone and within the Coeur d'Alene Tribal Reservation would be five (5.00) acres;

WHEREAS; the Board finds that it is necessary to immediately remedy this anomaly effective as of the effective date of the family division ordinance amendment adopted as Ordinance No. 597; and

WHEREAS, based on the above, the Board finds that an imminent peril to the public health, safety, or welfare exists which requires the immediate adoption of an ordinance to remedy this anomaly;

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

**SECTION 1.** That Section 8.2.103, Kootenai County Code, shall be, and the same is hereby amended as follows:

**8.2.103: LOT SIZE REQUIREMENTS:** The minimum size for lots or parcels in the Agricultural zone created on or after January 3, 1973 shall be five (5.00) acres, except that the minimum size for parcels created within the exterior boundaries of the Coeur d'Alene Tribal Reservation on or after August 1, 2024 shall be ten (10) acres.

**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 as of August 1, 2024 and shall remain in effect for a period of one hundred eighty-two (182) days thereafter.

**SECTION 5.** Notice of adoption of this Ordinance shall be published in one (1) issue of the *Coeur d'Alene Press* as soon as practicable after its adoption.

ADOPTED this 30th day of July, 2024.

**KOOTENAI COUNTY  
BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Leslie Duncan, Chair

  
\_\_\_\_\_  
Bruce Mattare, Commissioner

Absent  
\_\_\_\_\_  
Bill Brooks, Commissioner

**ATTEST:**  
JENNIFER LOCKE, CLERK

By:   
\_\_\_\_\_  
Jocelyn Henning, Deputy Clerk



Publication Date: 8-13, 2024