



Community Development



2022

Zoning, Land Use, and Flood Regulation

Land Use and Development Code

**KOOTENAI COUNTY
LAND USE AND DEVELOPMENT CODE**



**TITLE 8
KOOTENAI COUNTY CODE**

Ordinance No. 493, as amended
September 21, 2021

Presentation Topics

- Zoning
- Subdivisions
- Site Disturbance
- Flood Damage Prevention

ZONING



Purpose of Zoning



Zoning FAQs

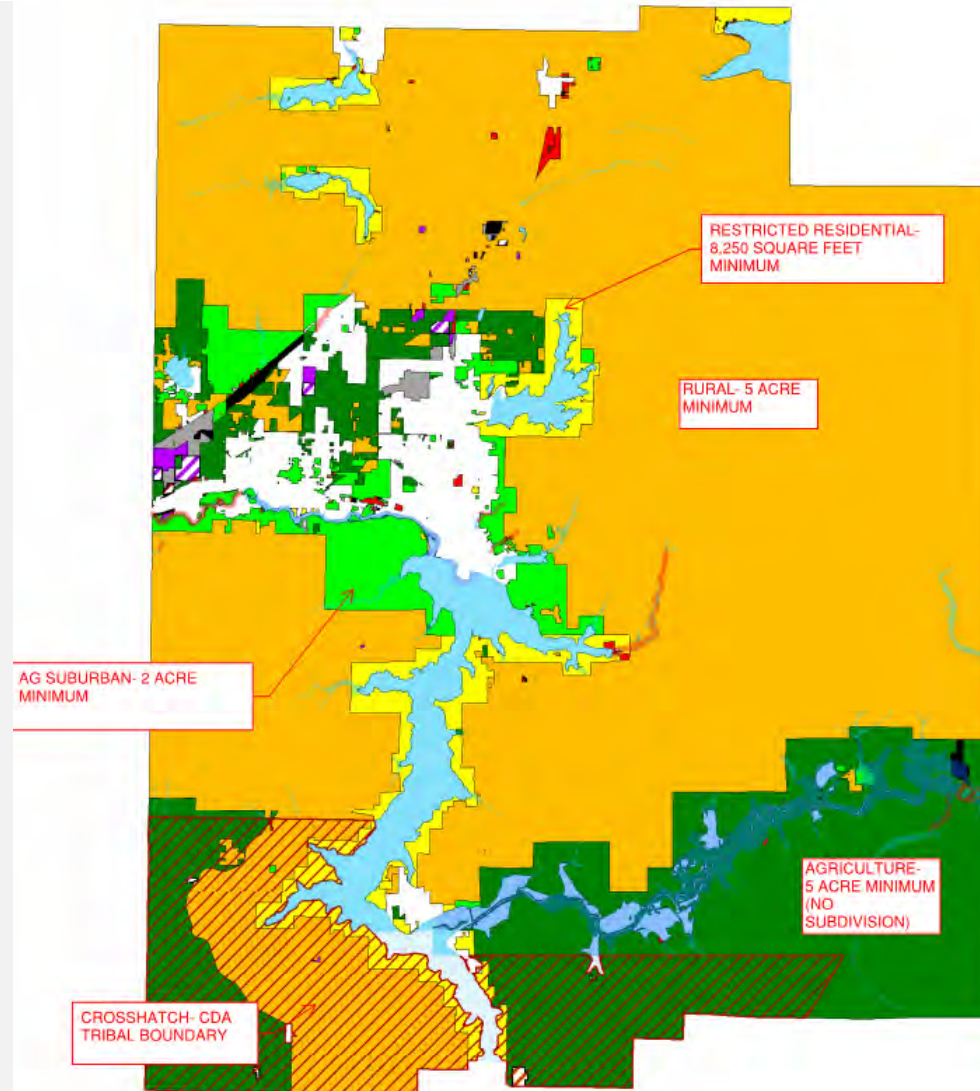


- What can I do with my property?
- Can I divide the property?
- What are the setbacks and how are they measured?
- Can I add an additional dwelling unit?
- Can I run a business on my property / from my home?

Zoning Districts

- The County is divided into zoning districts:
 - 5 Residential
 - 4 Non-residential
- Each zoning district has permitted, prohibited and conditional uses.

Zoning Map



DETOUR: KC WEB MAP

<https://gis.kcgov.us/app/kcearth/>



Searching for Properties

The screenshot displays the Kootenai County GeoViewer interface. On the left, a sidebar shows property details for a specific parcel. The 'Owner' tab is active, displaying the following information:

- AIN: 107162 LRSN: 65139 GEO: 6010
- Parcel Number: 49N01W-24-5675
- Appr Dist: 6 TCA: 242000
- Incorporation: NONE
- Owner Information:
SMITH, ROBERT L
10601 S THUNDER RD
CATALDO, ID 83810
- Site Address:
107162 UNKNOWN
- Legal Description: TAX #12104 EX TAX #S (IN N2-NW-SW)
- BKPG:
- Acres: 7.1540 TRS: 491W24.PDF

On the right, the 'Parcel Search' panel is visible. It has tabs for 'By Shape', 'By Value', and 'Results'. The 'By Value' tab is selected. Below the tabs, there is a search bar labeled 'AIN Number' with a dropdown arrow. An orange arrow points from the text 'Search by AIN, PIN or Owner' to this search bar. Below the search bar, there is a 'Search' button and a checkbox labeled 'Limit search to map extent'.

The central map area shows an aerial view of a forested area with several property boundaries outlined in blue. One boundary is highlighted in red. The map includes a scale bar at the bottom indicating 400 feet. The text 'E SCHOOL HOUSE LOOP' and 'S THUNDER RD' are visible on the map.

At the top of the interface, the 'Kootenai County' logo and 'GeoViewer' text are displayed. A toolbar at the top right contains various icons, including a green circle with a white 'i' icon, which is circled in orange.

Search by address

Search by AIN, PIN or Owner

Determining Jurisdiction

Kootenai County GeoViewer

Owner | Additional

AIN: 197826 LRSN: 64779 GEO: 6060

Parcel Number: Y-0000-026-9000

Appr Dist: 6 TCA: 013008

Incorporation: HARRISON

Owner Information:
COEUR D'ALENE LAND COMPANY
PO BOX 469
WALLACE, ID 83873

Site Address:

Legal Description: SW-SE EX S 990 FT-E 300 FT, SE-SE EX S 990 FT URD HARRISON 2011

BKPG:
Acres: 42.5000 TRS: 484W26.PDF

Parcel Search

By Shape | By Value | Results

[Clear Fields](#) [Clear](#)

AIN Number

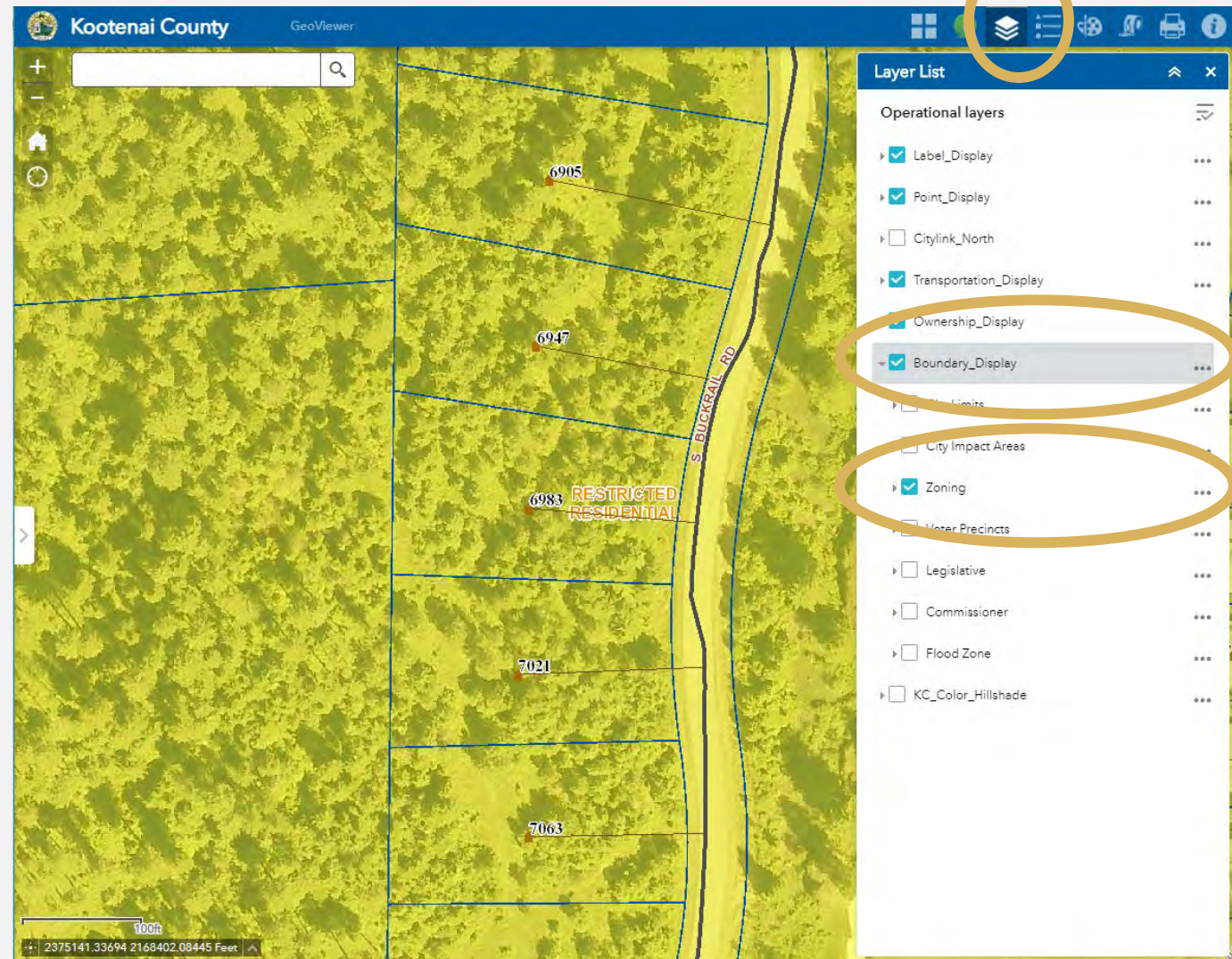
AIN code
AIN: 197826

Search ☐ Limit search to map extent

PIN starts with any letter other than B

Finding Zoning

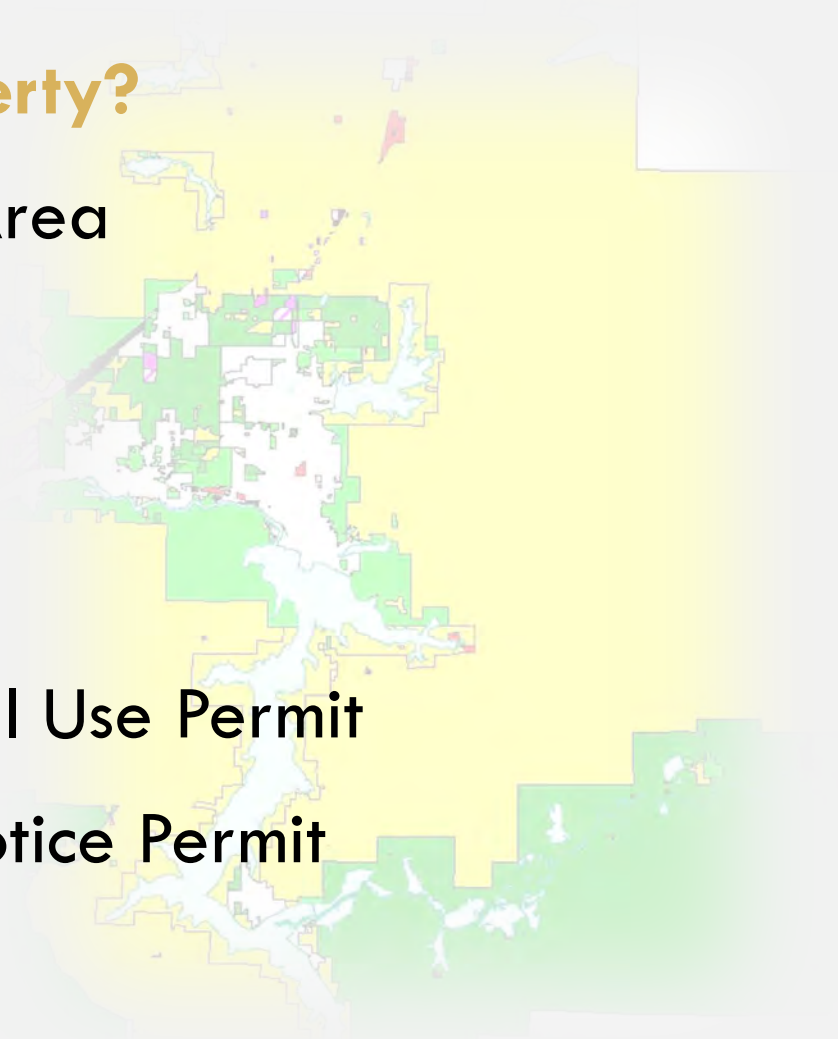
1. Layer List
2. Boundary_Display
3. Zoning



Zoning Districts Determine...

What can I do with my property?

- Lot Size, Density, and Site Area
- Uses of Right
- Prohibited Uses
- Setbacks
- Uses requiring a Conditional Use Permit
- Uses requiring a Special Notice Permit



Permit eligibility

What can I do with my property?

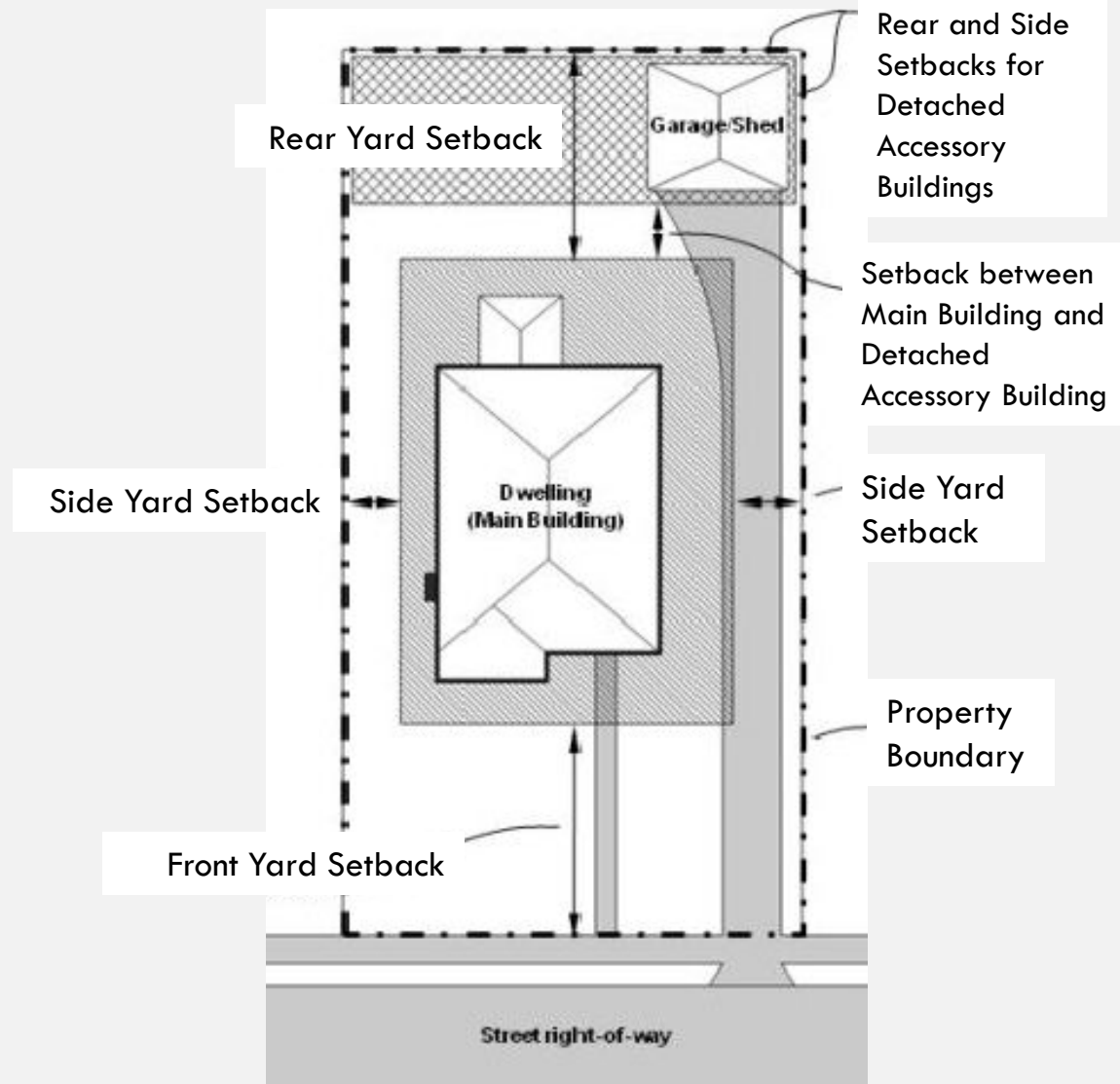
1. Legally created?
 - ▣ Approved subdivision
 - ▣ Pre-1995 split
 - ▣ 1995-2016 free splits
 - ▣ 2016 – exempt divisions
2. Minimum lot size?
 - ▣ Pre-1973: RR & Ag
 - ▣ Pre-1978: Rural
 - ▣ Pre-2005: Ag Sub
3. Code violations?
4. Unpermitted structures?

Allen L. Ballard et ux	Edmona M. Parker et ux	2-2-72	40.254 379		
Arthur J. Taylor	Ray B. Johnson et ux	2-14-72	W.D. 254 452	Lot 1	3 1/2
Allen L. Ballard et ux	Paul Nelson Norain et ux	4-19-72	" 256 320		11 3/4
Leslie Steele	Donna J. Steele	4-24-72	" 72 17		3
Ralph C. Bynum et ux	Jack Tapscott et ux	6-26-72	W.D. 257 283	Pt Lot 5	" " "
Robert L. Ballard	Raymond R. Ballard	6-30-72	" 72 530	Part	
Otto White	Blanche M. White	7-14-72	25.257 511	Pt Lot 5 (Tot 3754 + 3753)	
Ernest L. Bennett et ux	Charles W. Blackhawk et ux	8-22-72	W.D. 257 700	Pt Lot 5	
Charles W. Blackhawk et ux	Shirley May Tapscott	8-21-72	" 258 69	Pt Lot 5	Part
Sidney Roan	Elashor Mary Roan	8-23-72	" 72 757		" " "
Robert Ellen Ballard et ux	Royal E. Sibley et ux	10-5-72	W.D. 258 676	Part	
Ray B. Johnson et ux	George R. Taylor et ux	11-11-72	W.D. 258 765		Part
Frank J. Shields et ux	John D. Birtus et ux	11-24-72	W.D. 258 882	Part	" " "
George D. Dorn et ux	James L. Dorn	2-17-73	26.460 661	Pt Lot 5 (1st 3100) also bear.	
Richard L. Anderson et ux	Charles Black et ux	4-11-73	229 825	Lot 5 (1st 3754)	
Allen W. Bennett et ux	Douglas O. Nustad	10-1-73	74 683	2.220 1/2 Lot 5 (Exemption)	
Allen L. Ballard et ux	Paul Nelson Norain et ux	11-27-73	W.D. 254 616		3 1/2
Genevieve Steele	Leslie W. Steele	12-20-74	" 269 667 (1/2 Lot 5)		" " "
" " "	" " "	"	" 269 669 (1/2 Lot 5)		" " "
" " "	" " "	1-7-75	" 269 857 (1/2 Lot 5)		" " "
<hr/>					
Jacqueline L. Eide	Charles W. Eide et ux	2-3-76	225 160	Lot 5 (Pt 3755)	" " "
George O. Taylor	Joseph G. Cozzetta	5-13-76	225 322	Part	
Paul O. Cozzetta	Wilma T. Cozzetta	8-19-76	24 609	Pt Lot 5	
Philip H. Sloan	Paul O. Aspervig	8-27-76	24 715	Pt Lot 5	
Joseph G. Cozzetta	Joseph G. Cozzetta	12-13-76	24 751	Part	" " "
May Elizabeth Lockyer	Hugh L. Thornton Jr.	12-22-76	W.D. 280 419	Pt Lot 2	
Allen W. Bennett	Douglas O. Nustad	3-8-77	" 281 615	Pt Lot 5 (1.9 acres)	
Douglas O. Nustad	" " "	"	" 281 616	Pt Lot 5 (1.9 acres)	
District Court	Walter & Debra Dist	3-25-77	24 305	Part	
Richard W. Anderson	Harold W. Actipis	5-5-77	W.D. 282 618	Pt Lot 5	
Jacqueline Duvall	" " "	6-10-77	283 484	Pt Lot 5	

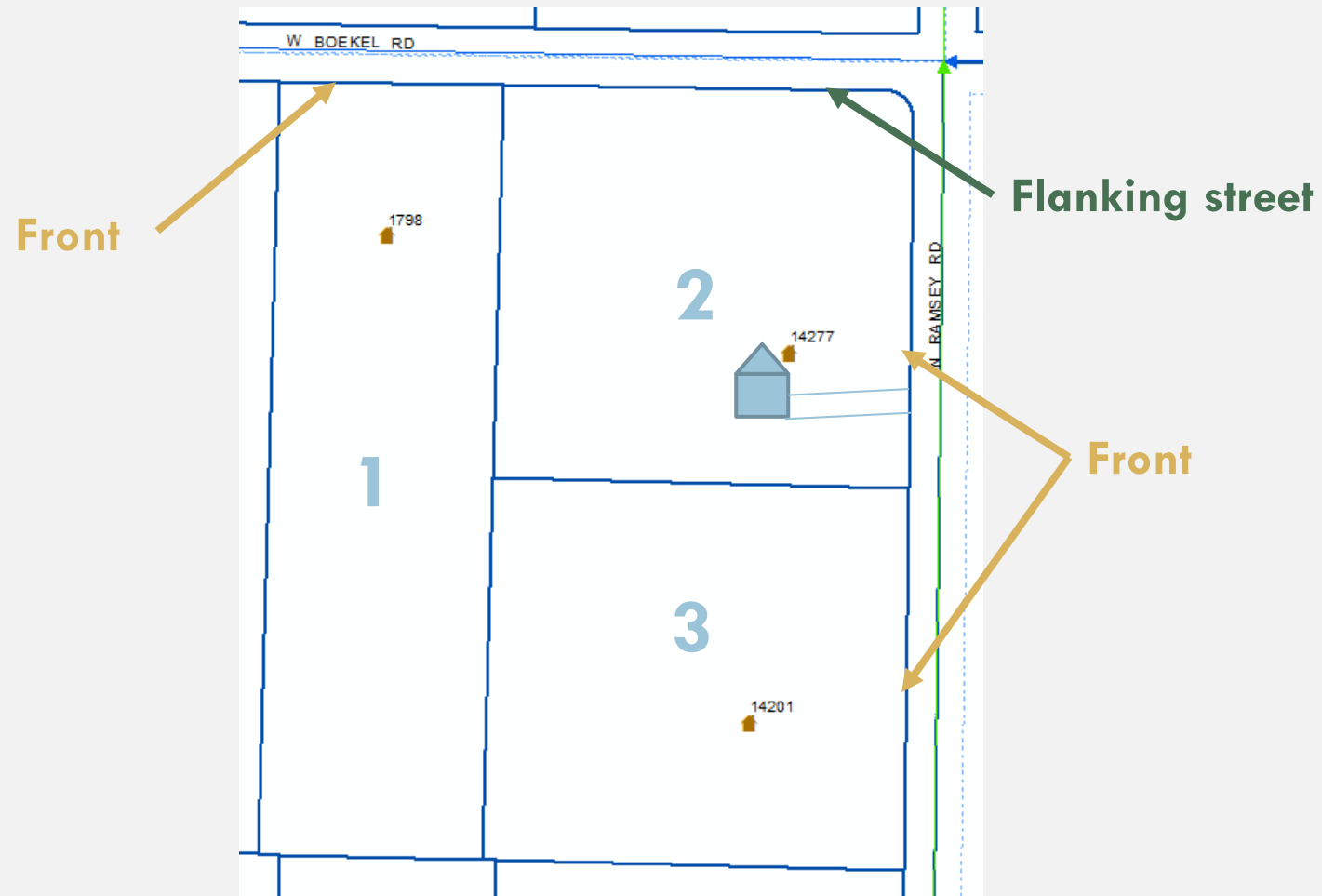
Setbacks

Is this parcel buildable?

- Buildable vs permit eligible
- Setbacks vs buffers
- Easements
- Roads and ROWs
- Mapping
- Bayview & Bonanza Ranch

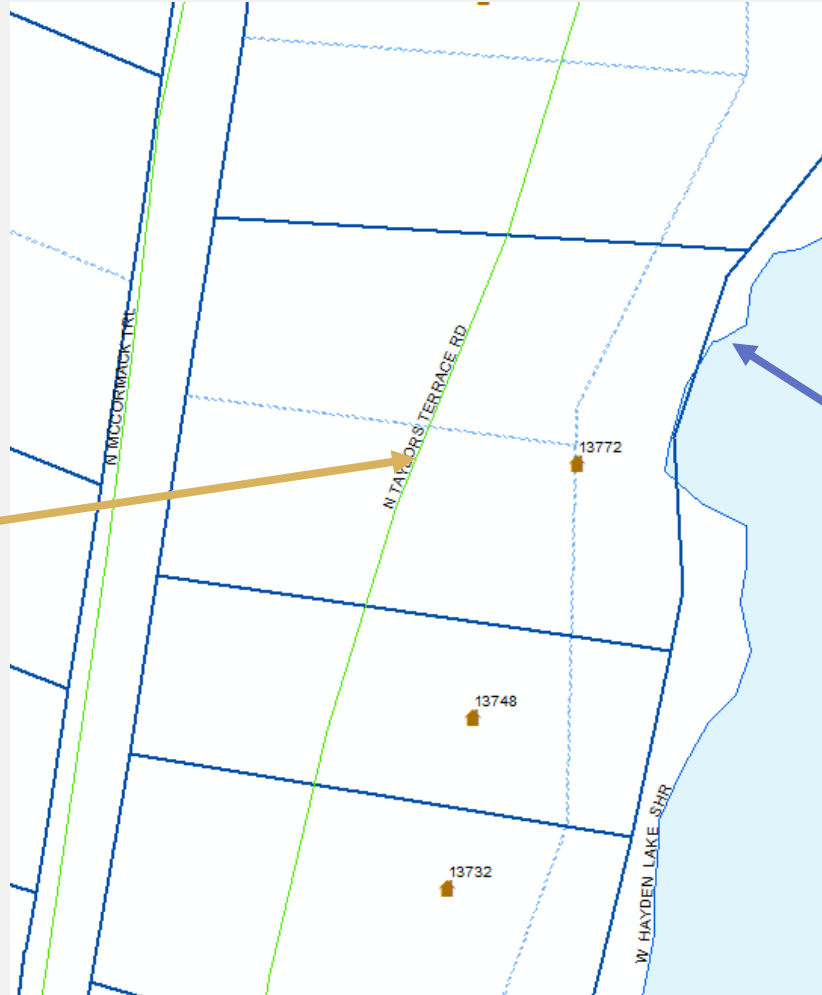


Setbacks – general and corner



Setbacks – waterfront and through

Both sides of
private road
have front
setbacks



Rear, SMA
measured
from OHWM

Non-conformity

Is it grandfathered?

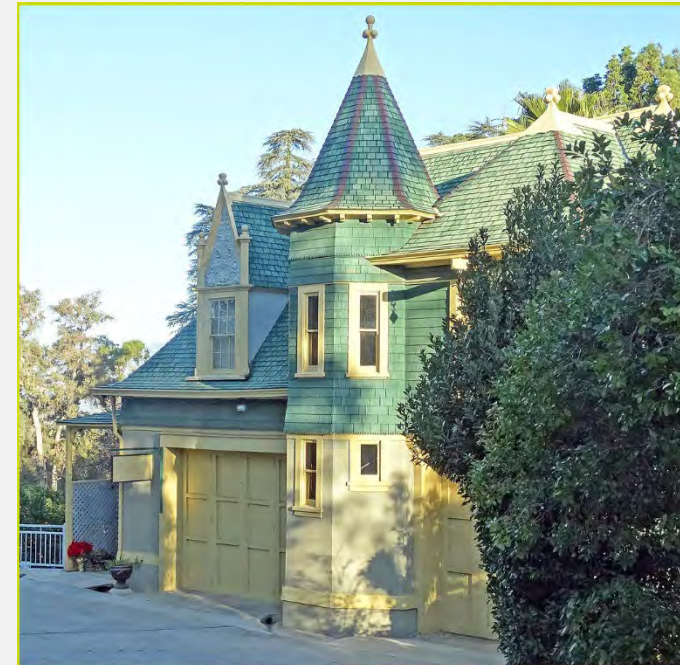
- Includes parcels, uses, and structures
- Must have been allowed at that time
- Have time limits
- Usually cannot be expanded



Accessory Living Units

Can I build a second home?

- Accessory living unit permit required
- Structure must meet county and agency standards
 - Size restrictions
 - Water
 - Septic on the aquifer
- Other options
 - Temporary Hardship Use
 - Two-family dwelling



Detour: building code, etc.

- Small structures
 - ▣ Park model = RV
 - ▣ Tiny homes
 - On wheels = RV
 - On foundation = ?
 - ▣ Dry cabins, yurts



Non-Residential Activities

Can I operate _____ commercial enterprise?

- Options for commercial endeavors on non-commercially zoned property
 - Uses of right
 - Home Occupation - use of right
 - Cottage Industry - permit required
 - Conditional Use Permit
 - Zone Change

Non-Residential Activities

Land use table

**Table 2-1103
Uses Related to Agriculture**

Use	A	R	AS	RR	HDR	C	M	LI	I
General farming and forestry	P	P	P			P	P	P	
Keeping of livestock ²	P	P	P	P ¹	X	P	P	P	
Keeping of domestic fowl ³	P	P	P	P	X				
Sales of agricultural products produced on the premises or on parcels under common ownership (less than 300 sq. ft.)	P	P							
Processing plants, feed mills, packing plants, and warehouses for the purpose of processing, packing, and storage of agricultural products ⁴	P								
Dairy product manufacturing	P								
Slaughterhouses or rendering plants	C							C	C
Commercial fur farms	C	C							
Commercial riding arenas or equine training centers	C	C	C						
Agricultural product sales stores	C	C							
Sawmills, shingle or planing mills, or woodworking plants	C	C							
Wholesale greenhouses	C	C	C						
Fish hatcheries or fish farms (aquaculture)	C								
Feedlots	C								

¹ Minimum parcel size is five (5) acres.

² Minimum area for this use is three-fourths (¾) acre.

³ See applicable standards in articles 2.1 through 2.4 of this title.

⁴ Excluding meat or poultry processing, slaughterhouses, and fertilizer manufacturing. (Ord. 514, 10-4-178; Ord. 519, 2-27-18)

QUESTIONS?



SUBDIVISIONS



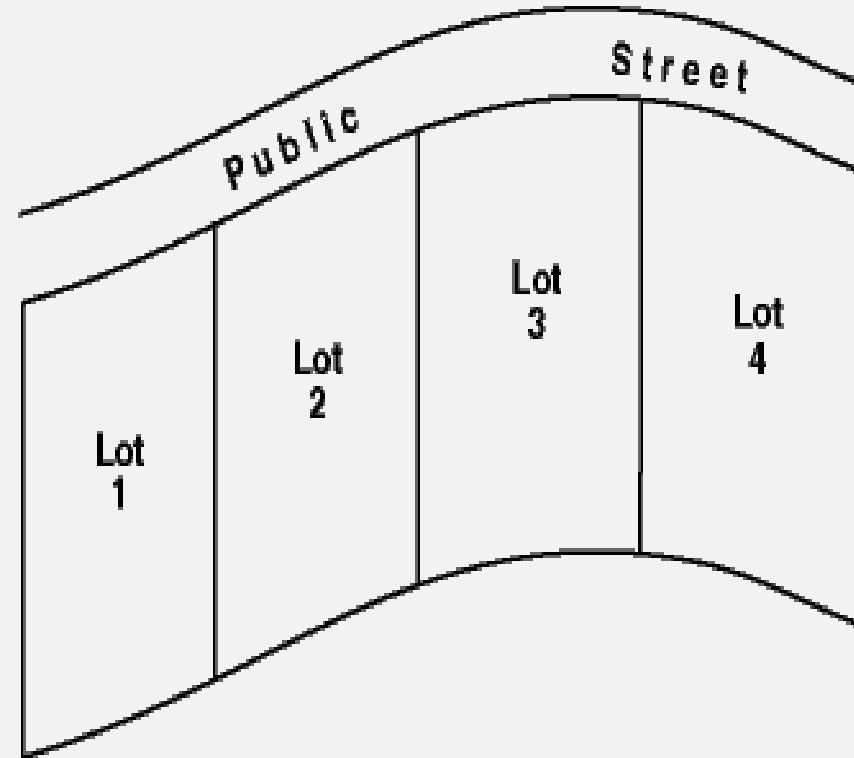
Preparing to Subdivide



- What is the minimum lot size?
- What is the difference between a major and minor subdivision?
- How long does the subdivision process take?
- Can the subdivision request be denied?
- What is unique about the Agricultural zone?

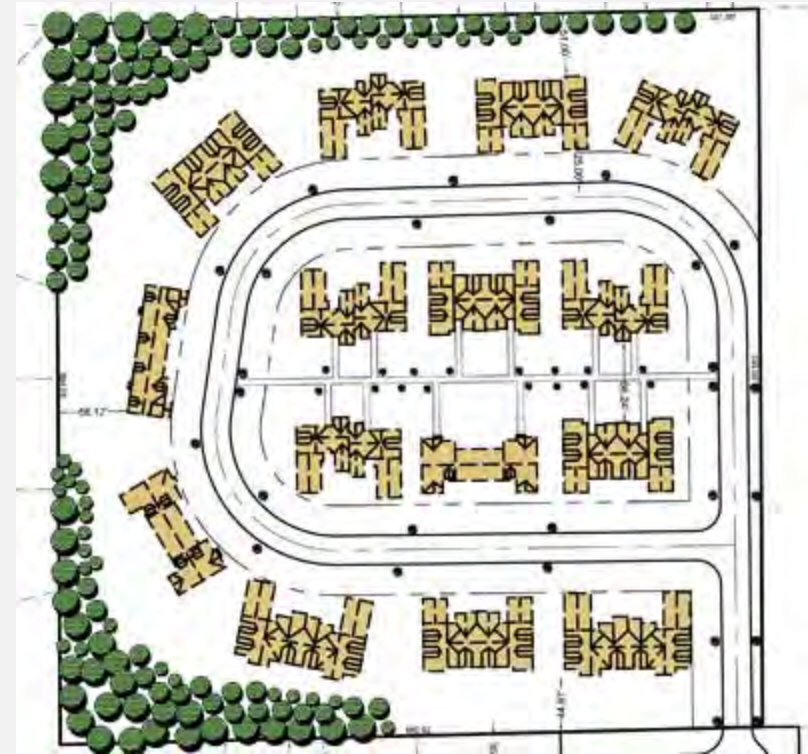
Minor Subdivision Process

- ❑ Pre-application Meeting
- ❑ Submittal
- ❑ Comment Period
 - ❑ Public
 - ❑ Agencies
- ❑ Order of Decision
- ❑ Appeal Period
- ❑ Plat recordation (if approved)



Condominium Plat

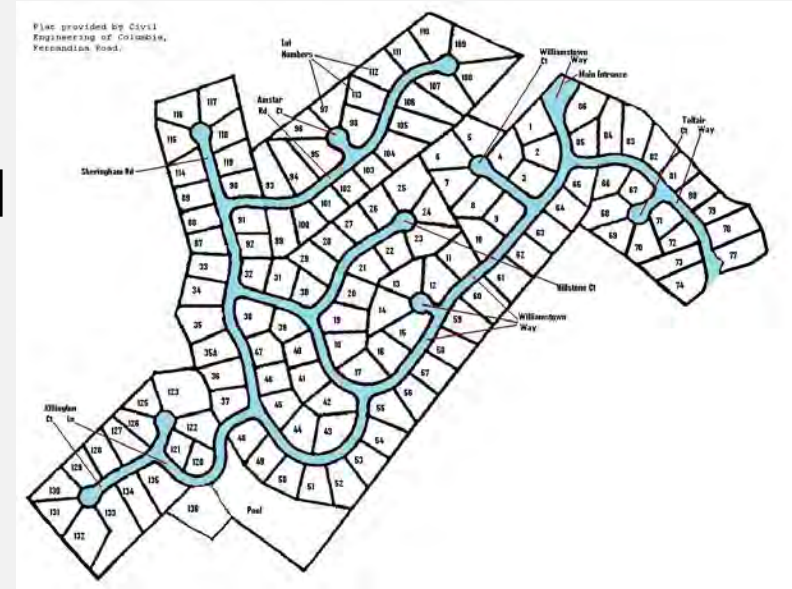
- A plat setting forth a division of units for condominium ownership purposes, where there is no subdivision of the land upon which the units sit.



Major Subdivision Process

- Pre-application Meeting
- Submittal
- Agency Comment Period
- Public Comment Period
- Hearing Examiner Hearing
- Board Deliberations or Board Hearing if requested
- Preliminary Plat Approval
- Final Plat approval

These steps are shared with the minor subdivision process



Subdivision Reviewing Agencies



Complicating factors

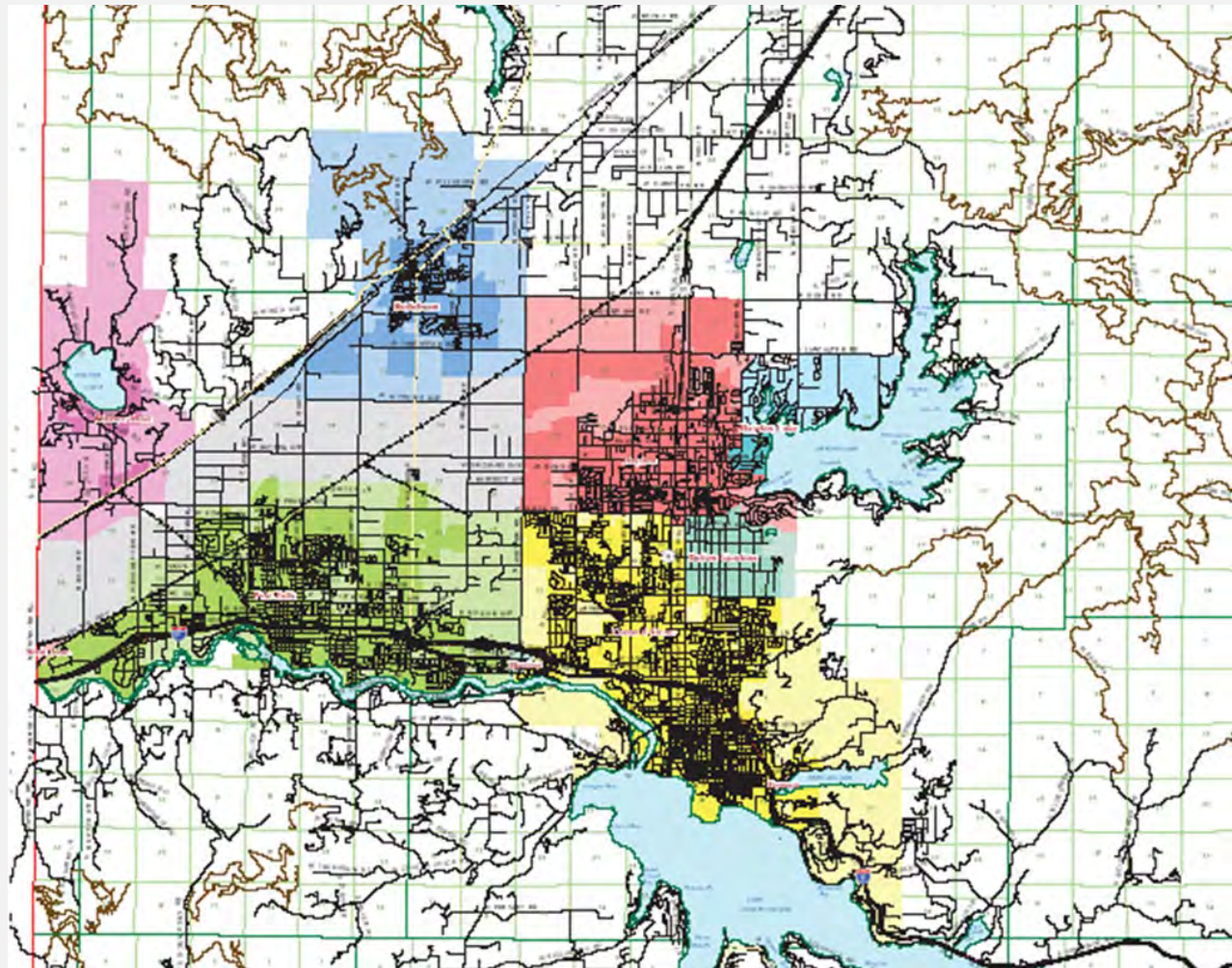
- ❑ Recorded restrictions
- ❑ Tribal boundaries
- ❑ Slopes
- ❑ Surface water or other sensitive areas
- ❑ Flood plains
- ❑ New or improved infrastructure needed
- ❑ Some Areas of City Impact
- ❑ Code violations

Typical Infrastructure Improvements

- Access: Private road or common driveway
- Water:
Individual well, shared well,
community water system
- Sanitary Facilities:
Septic/Drainfield, Community
Waste Water System

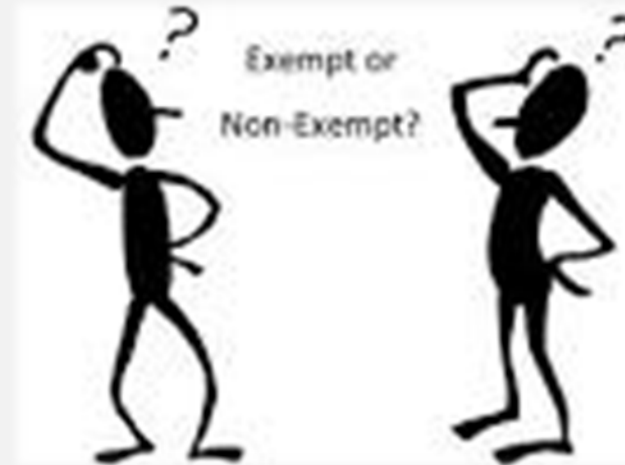


Area of City Impact (ACI)



Exempt Divisions of Land

- ❑ Public Entities
- ❑ Conservation Organizations
- ❑ Boundary Line Adjustments
- ❑ Large Lot Divisions (20 acre parcels)
- ❑ Will and Testament
- ❑ Eminent Domain



Minor Amendments and Consolidations

- Allows for administrative solutions relating to:
 - ▣ Easements/building envelopes
 - ▣ Relocation...as long as no new lots are created

- Lot consolidation
 - ▣ By agreement