LAKES HIGHWAY DISTRICT
ACCESS MANAGEMENT ORDINANCE
Ordinance No. 2019-02

BY THE BOARD OF HIGHWAY DISTRICT COMMISSIONERS
OF
KOOTENAI COUNTY, IDAHO

AN ORDINANCE ADDRESSING ACCESS MANAGEMENT TO MAINTAIN A SAFE FLOW OF TRAFFIC, REDUCE CONGESTION, REDUCE POINTS OF CONFLICT, IMPROVE TRAVEL TIMES, PRESERVE HIGHWAY CAPACITY, AND IMPROVE HIGHWAY SAFETY

Section I. Purpose

WHEREAS, the purpose of this ordinance is to formalize regulations for road approaches to highways and public rights-of-way within Lakes Highway District's jurisdiction. The Board of Commissioners finds enactment of this ordinance is necessary to ensure uniform procedures for its access management regulations for highway and public right-of-way approaches, and to reduce road congestion or safety problems for users of highways and public rights-of-way.

WHEREAS, in accordance with the jurisdiction and authority of Lakes Highway District, the Board of Commissioners of Lakes Highway District finds that it is in the best interest of the owners of real property within Lakes Highway District to provide clear and consistent access management regulations to owners of properties abutting highways and public rights-of-way, and to address and control access for properties which do not abut a highway or right-of-way.

NOW THEREFORE, BE IT ORDAINED by the Board of Highway District Commissioners of Lakes Highway District as follows:

Section II. Applicability

This Ordinance shall apply to all properties abutting highways or rights-of-way or properties seeking direct access or common connections to highways or public rights-of-way within the boundaries of the Lakes Highway District, and to properties that do not abut a highway or public right-of-way which seek access.

Section III. Conformance

The location and design of driveways and access management conditions shall conform to all federal, state, Kootenai County Associated Highway

District Standards and Lakes Highway District requirements, including and not limited to those established in this Ordinance. Further, the requirements of this Ordinance are not a substitute or displacement of the zoning, subdivision and site plan approval requirements of Kootenai County, but are imposed to control access approaches to adjacent highways and public rights-of-ways which are within the exclusive jurisdiction of Lakes Highway District.

Section IV. Definitions

Access: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property onto the adjacent highway or public right-of-way, including any driveway, street, turnout or other means of providing for the movement of traffic to or from the highway or right-of-way.

Access Management: The process of providing and managing reasonable access to property while preserving the flow of traffic in terms of safety, capacity, and speed.

Driveway: Any entrance or exit used by vehicular traffic to or from land abutting a highway or public right-of-way which serves four or fewer lots or parcels.

Driveway, Shared: A driveway connecting two or more contiguous properties to the highway or public right-of-way.

Nonconforming Access: Features of the access of a property that existed prior to the effective date of this Ordinance and that do not conform with the requirements of this Ordinance.

Private Road: A private way which provides vehicular access to more than four parcels of land.

Reasonable Access: The minimum number of access connections, direct or indirect, necessary to provide access to and from a highway or public right-of-way, as consistent with the purpose and intent of this Ordinance.

Highway: As defined in Idaho Code § 40-109(5) or successor code section.

Public Right-of-Way: As defined in Idaho Code § 40-117(9) or successor code section.

Section V. Standards and Requirements

A. Access Requirements

1. Approach Permit

An approach permit from Lakes Highway District is required for all accesses to a highway or public right-of-way within Lakes Highway District. When property approaching a highway or public right-of-way changes from one use to another or expands the use, application shall be made to Lakes Highway District for approval of the change in use and issuance of a new approach permit. Permitted approaches shall be recorded and shall run with the land. The Director of Highways may impose reasonable conditions on the issuance of an approach permit, including but not limited to a right turn lane taper.

2. Access Requirements

a. Driveways should be limited to one per property except as set forth herein for shared driveways. More than one driveway on a single parcel may be permitted if:

i. the additional driveway(s) does not degrade traffic operations and safety on highways and public rights-of-way; and

ii. the additional driveway(s) will improve the safe and efficient movement of traffic between the property and the highway or public right-of-way.

b. Driveways to property with frontage on two or more roads shall be provided to the road with the lowest functional classification serving the proposed use of the property.

c. Property with frontage on two or more roads does not have the right to driveways to all roads.

d. Driveways may be required to be located so as to provide shared driveways with an abutting property or properties.

e. Shared driveways shall be of sufficient width to accommodate two way travel for automobiles and service and loading vehicles.

f. Shared driveways and private roads constructed to provide access to properties internal to a subdivision of four or fewer lots shall be recorded as an easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these driveways shall be recorded with the deed.

g. Approach permits granted for access shall designate the type of use (residential, commercial or industrial) and identify the lots or parcels for which the approach is permitted. Additional lots or parcels may not utilize the permitted approach unless a new approach permit is issued by Lakes Highway District.

3. Driveway Spacing Standards

The Kootenai County Associated Highway District Standards addressing required driveway spacing establishes the minimum standard for driveway spacing. Lakes Highway District may require approaches that meet or exceed this spacing standard.

4. Driveway Design

The Kootenai County Associated Highway District Standards addressing required driveway construction establishes the minimum standard for driveway construction. Shared approaches shall have a paved approach to the highway or public right-of-way which meets the Kootenai County Associated Highway District Standard for a "Typical Rural Road Section" unless the Director of Highways grants an exception to this requirement.

5. Driveway Movements

Driveway movements (cross, left turn in, left turn out, right turn in, and right turn out) may be restricted so as to provide for the safe and efficient movement of traffic between the highway or public right-of-way and the property.

Each driveway is to be designed and constructed to provide only the allowable movements and to physically discourage prohibited movements.

6. Minor Subdivisions

Minor subdivisions of four or fewer lots approved by Kootenai County after the effective date of this Ordinance shall be permitted one reasonable access for the newly created lots to the adjacent highway or public right-of-way. The subdivision shall not be entitled to the maximum accesses based upon the number of lots abutting the highway or public right-of-way. The location of the access shall be as determined by the Lakes Highway District, with weight given to locating the approach in a location to facilitate a shared approach with current or future approaches.

Access shall be provided to the road with the lowest functional classification serving the proposed subdivision unless otherwise approved by the Director of Highways.

7. Non-Conforming Access

Any existing driveway or private road access which exists as of the date of this ordinance may continue to serve the existing parcel(s) which existed at the time of this Ordinance. When a property owner of a property whose access is provided by an existing, non-conforming driveway or driveways or private road as of the effective date of this Ordinance changes the use of the property, or increases the volume or character of traffic using an existing driveway or road approach, a new approach permit is required, and the approach shall be required to conform to this Ordinance. The new permit may require improvements or a change in location of the existing approach. Additional residences on a property or increased commercial use of an access is considered a change in use.

B. Submittal of Plans

Any person seeking a proposed subdivision of land whereby two, but not more than four, lots are created shall at the time of subdividing the property submit an approach permit application to Lakes Highway District, together with all necessary plans required by Lakes Highway District, indicating the proposed location and construction specifications for the proposed common access driveway. A road approach application review fee shall be paid in an amount as set forth by resolution of the Board of Commissioners.

C. Issuance or Denial of Permit; Appeal

1. If the applicant objects to the denial of a permit or the conditions of the permit, the applicant may appeal to the Board of Commissioners within twenty-one (21) days of the date of the denial or issuance the permit.

2. If the applicant does not appeal, the denial of the permit or the condition(s) of the permit are final.

3. No appeal will be considered after the applicant begins construction of the permitted approach.

4. The appeal shall be submitted to the Board of Commissioners and include the following:

   a. an explanation of why the applicant seeks a change in the decision; and

   b. any conditions for the approach permit proposed by the applicant.

5. The appeal shall be accompanied by an appeal fee as set forth by Board by separate resolution.

D. Savings Clause

If any section, subsection, sentence, clause, phrase or portion of this ordinance 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 provisions and such holding shall not affect the validity of the remaining portions thereof.

E. Adoption

This Ordinance shall take effect and be in full force upon its passage,

approval, and publication in summary in one (1) issue of the *Coeur d'Alene Press*.

ADOPTED this 17th day of June, 2019.

LAKES HIGHWAY DISTRICT
BOARD OF COMMISSIONERS

Rodney Twete

Weston Montgomery

Diane Fountain

ATTEST:

Bonny A. Flagg, District Clerk/Board Secretary

STATEMENT OF LEGAL ADVISOR

I, Susan P. Weeks, am the District Attorney for the Lakes Highway District. I have examined the attached summary of Lake Highway District Ordinance No. 2019-002 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 18th day of June, 2019.

Susan P Weeks

Susan P. Weeks, District Attorney

SUMMARY OF LAKES HIGHWAY DISTRICT NO. 2019-02

AN ORDINANCE ADDRESSING HIGHWAY AND PUBLIC RIGHT-OF-WAY ACCESS MANAGEMENT TO MAINTAIN A SAFE FLOW OF TRAFFIC, REDUCE CONGESTION, REDUCE POINTS OF CONFLICT, IMPROVE TRAVEL TIMES, PRESERVE HIGHWAY CAPACITY, AND IMPROVE HIGHWAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE THEREOF. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. 2019-02 IS AVAILABLE AT LAKES HIGIIWAY DISTRICT, 11341 N. RAMSEY ROAD, HAYDEN, ID IN THE OFFICE OF THE DISTRICT CLERK.

Bonny A. Flagg

Bonny A. Flagg, District Clerk