

LAKES HIGHWAY DISTRICT

RESOLUTION NO. 2026-06

A RESOLUTION ESTABLISHING POLICY AND ADDITIONAL GUIDANCE FOR LANDSCAPING, HARDSCAPE, MONUMENT SIGNS, AND RELATED PRIVATE IMPROVEMENTS WITHIN PUBLIC HIGHWAY RIGHTS-OF-WAY

WHEREAS, Lakes Highway District (“District”) has jurisdiction over the public highways and public rights-of-way within the District as provided by Idaho law; and

WHEREAS, the District has adopted the Associated Highway Districts of Kootenai County Highway Standards (“Highway Standards”), which regulate activities and encroachments within public highway rights-of-way and require an Encroachment Permit for privately owned facilities and improvements within the right-of-way, including landscaping, retaining walls, signs, irrigation facilities, and other private improvements; and

WHEREAS, landscaping, hardscape, monument signs, and related private improvements placed within public highway rights-of-way may affect highway safety, sight distance, drainage, utilities, snow removal and storage, roadside maintenance, and the District’s ability to maintain, reconstruct, widen, or otherwise improve its highway system; and

WHEREAS, public highway rights-of-way are held and maintained primarily for public highway purposes, and private improvements within the right-of-way are subordinate to present and future highway uses; and

WHEREAS, the Board finds that additional guidance for the review and approval of landscaping, hardscape, monument signs, and related private improvements will promote consistent administration of the Highway Standards while preserving the District’s authority and discretion to protect the public right-of-way and its use for highway purposes;

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

SECTION 1. PURPOSE AND RELATIONSHIP TO HIGHWAY STANDARDS.

- A. This Resolution supplements and provides additional guidance for administration of the Highway Standards as they relate to landscaping, hardscape, monument signs, and related private improvements proposed within public highway rights-of-way.
- B. Nothing in this Resolution supersedes, replaces, limits, or otherwise modifies the Highway Standards. All activities and improvements addressed by this Resolution remain subject to the applicable permit requirements, design standards, general permit conditions, and other requirements of the Highway Standards.

- C. The criteria contained in this Resolution are additional considerations applicable to landscaping, hardscape, monument signs, and related encroachments. Compliance with the criteria of this Resolution does not create an entitlement to approval of an Encroachment Permit.
- D. The District may deny a proposed encroachment, approve only portions or individual elements of a proposed encroachment, or impose additional conditions reasonably necessary to protect highway safety, sight distance, drainage, maintenance, snow removal and storage, utilities, highway operations, or existing or reasonably anticipated highway improvements.
- E. In the event of an actual conflict between this Resolution and the Highway Standards, the Highway Standards shall control unless the Board expressly provides otherwise.

SECTION 2. DEFINITIONS.

For purposes of this Resolution:

- A. “Clear Zone” means the unobstructed roadside area established or required by the Highway Standards or otherwise determined by the District based upon roadway classification, design speed, traffic conditions, roadside geometry, and other applicable engineering considerations.
- B. “Clear Vision Triangle” means the area at an intersection or access point that must remain free of obstructions in order to provide the sight distance required by the Highway Standards.
- C. “Hardscape” means privately installed nonliving landscape improvements or features, including, without limitation, decorative rock or boulders, retaining or landscape walls, edging, pavers, decorative surfacing, raised planting areas, landscape structures, irrigation equipment located above grade, and similar improvements.
- D. “Landscaping” means trees, shrubs, bushes, ornamental grasses, ground cover, turf, flowers, and other intentionally planted vegetation, together with irrigation systems and other improvements installed for their establishment or maintenance.
- E. “Landscape Plan” means the plan and supporting information required by this Resolution and includes all proposed landscaping, hardscape, Monument Signs, and related above-ground and below-ground improvements proposed within the public right-of-way.
- F. “Monument Sign” means a permanent freestanding sign or identification structure identifying a subdivision, neighborhood, development, community, or similar place or area. A Monument Sign does not include an advertising sign, political sign, traffic-control device, or other sign prohibited by District standards or policies.

SECTION 3. ENCROACHMENT PERMIT AND LANDSCAPE PLAN REQUIRED.

- A. No person shall install, construct, place, materially alter, relocate, or replace landscaping, hardscape, a Monument Sign, or a related private improvement within a public highway right-of-way without first obtaining an Encroachment Permit as required by the Highway Standards.
- B. An application for an Encroachment Permit involving landscaping, hardscape, a Monument Sign, or related improvements shall include a Landscape Plan satisfying the requirements of this Resolution.
- C. District approval is limited to the specific landscaping, hardscape, Monument Sign, and other improvements expressly approved as part of the Landscape Plan and Encroachment Permit. The presence of an item on a submitted plan does not constitute approval unless the District has approved that item.
- D. Material changes to an approved Landscape Plan, including changes in location, dimensions, plant species, hardscape materials, Monument Sign dimensions or materials, or above-ground or below-ground installations, require prior District approval.

SECTION 4. PROHIBITED LOCATIONS.

- A. Clear Zone. No landscaping, hardscape, Monument Sign, irrigation equipment, or other private landscape improvement shall be installed or maintained within the Clear Zone.
- B. Clear Vision Triangle. No landscaping, hardscape, Monument Sign, irrigation equipment, or other private landscape improvement shall be installed or maintained within a Clear Vision Triangle.
- C. Utility Easements. No landscaping, hardscape, Monument Sign, irrigation system, foundation, footing, electrical installation, or other private improvement subject to this Resolution shall be installed within an existing utility easement located within or overlapping the public right-of-way.
- D. Drainage Facilities. No landscaping, hardscape, Monument Sign, or related improvement shall be installed in a location or manner that obstructs, alters, impairs, or adversely affects a ditch, swale, culvert, stormwater facility, or other drainage facility or interferes with the District's ability to inspect, clean, repair, reconstruct, or otherwise maintain a drainage facility.
- E. Highway Facilities and Maintenance Areas. No landscaping, hardscape, Monument Sign, or related improvement shall be installed in a location that the District determines would interfere with a shoulder, pedestrian or bicycle facility, traffic control device, guardrail, delineator, District facility, snow removal or storage area, roadside maintenance activity, or other highway improvement or operation.

- F. Future Highway Improvements. The District may prohibit an encroachment within any portion of the right-of-way that the District reasonably anticipates may be needed for highway widening, reconstruction, drainage improvements, pedestrian or bicycle facilities, utility relocation, or other highway purposes.

SECTION 5. LANDSCAPE PLAN REQUIREMENTS.

- A. The Landscape Plan shall contain sufficient information to allow the District to determine the location, nature, dimensions, construction, and potential effects of all proposed improvements.
- B. The Landscape Plan shall be drawn to scale or shall contain sufficient dimensions to accurately establish the location of each proposed improvement.
- C. The Landscape Plan shall identify, at a minimum:
1. The public right-of-way boundary and adjoining private property boundary;
 2. The edge of pavement and, where applicable, pathway, ditch, swale, culvert, and other existing highway and drainage facilities;
 3. Existing and proposed approaches;
 4. The applicable Clear Zone and Clear Vision Triangles;
 5. All known utility easements;
 6. The location of known above-ground and below-ground utilities within or adjacent to the proposed landscaped area;
 7. The location and dimensions of all proposed landscaped areas;
 8. The location of each proposed tree, shrub, bush, or other substantial planting;
 9. The common name and, when reasonably available, botanical name or species of each proposed tree, shrub, bush, or other substantial planting;
 10. The anticipated mature height and spread of proposed trees, shrubs, bushes, and other substantial plantings;
 11. The type, location, dimensions, height, and materials of all proposed hardscape;
 12. The location, type, dimensions, and depth of all proposed below-ground improvements, including irrigation lines, electrical lines, sleeves, conduits, drainage facilities, foundations, footings, anchors, and similar installations;
 13. The location, type, and height of all proposed above-ground improvements, including irrigation equipment, lighting, decorative structures, walls, edging, boulders, and similar features;
 14. The location and dimensions of any proposed Monument Sign and all improvements associated with the Monument Sign; and
 15. Such other information as the District reasonably determines is necessary to evaluate the proposed encroachment.
- D. The applicant is responsible for identifying existing easements and utilities and for obtaining any consent or approval required from a utility owner or other easement holder. District approval of a Landscape Plan does not constitute approval on behalf of any utility owner, easement holder, or other person having an interest in the property.

SECTION 6. REVIEW AND APPROVAL.

- A. The District shall review a proposed Landscape Plan for consistency with the Highway Standards, this Resolution, and the present and reasonably anticipated use of the right-of-way for highway purposes.
- B. The District may:
 - 1. Approve the Landscape Plan as submitted;
 - 2. Approve the Landscape Plan subject to conditions or modifications;
 - 3. Approve only specified portions or individual elements of the Landscape Plan; or
 - 4. Deny the Landscape Plan.
- C. Each element of a Landscape Plan may be considered independently. Approval of one planting, improvement, location, or type of landscaping or hardscape does not require approval of any other element of the Landscape Plan.
- D. The District may reject any individual plant species, planting location, hardscape feature, Monument Sign, irrigation component, material, underground installation, or other element when the District determines that the element may adversely affect highway safety, sight distance, drainage, maintenance, snow removal or storage, utilities, highway operations, or existing or reasonably anticipated highway improvements.
- E. The District may consider the mature size and characteristics of proposed vegetation rather than its size or characteristics at the time of planting.
- F. Approval of a Landscape Plan authorizes only the improvements specifically approved by the District. Approval shall not be construed as approval of every feature depicted on a submitted plan when the District has expressly excluded, modified, or conditioned particular elements.

SECTION 7. MONUMENT SIGNS.

- A. Monument Signs are private encroachments within the public right-of-way and require an Encroachment Permit and approval as part of a Landscape Plan.
- B. Placement of Monument Signs on private property rather than within the public right-of-way is preferred. The District may deny a proposed Monument Sign within the public right-of-way when the District determines that placement on private property is reasonably practicable or that the proposed right-of-way location is inconsistent with present or anticipated highway purposes.
- C. In addition to the requirements of Section 5, an application proposing a Monument Sign shall identify:
 - 1. The exact location of the Monument Sign;

2. Its overall dimensions and maximum height;
 3. The materials from which it will be constructed;
 4. The dimensions, location, and depth of all foundations, footings, anchors, or other structural components;
 5. Any electrical service, conduit, wiring, lighting, irrigation, or other above-ground or below-ground installation associated with the Monument Sign; and
 6. All landscaping and hardscape proposed in conjunction with the Monument Sign.
- D. A Monument Sign shall identify only the subdivision, neighborhood, development, community, or similar place or area associated with the sign. An Encroachment Permit issued pursuant to this Resolution does not authorize advertising, political signs or messages, or other signs prohibited or regulated by District standards or policies.
- E. Monument Signs shall not imitate, resemble, obscure, interfere with, or reduce the effectiveness or visibility of an official traffic-control device.
- F. The permittee shall identify the person or entity having continuing responsibility for maintenance of the Monument Sign and associated improvements. When the sign serves a subdivision or development having a homeowners' or property owners' association, the District may require the association or other continuing entity to assume responsibility for the encroachment.
- G. The District may require removal of a Monument Sign, or remove the Monument Sign, if no person or entity remains responsible for its maintenance or compliance with the Encroachment Permit.

SECTION 8. MAINTENANCE.

- A. All approved landscaping, hardscape, Monument Signs, irrigation facilities, and related improvements shall be maintained by the permittee, adjoining property owner, homeowners' association, or other responsible person or entity identified in the Encroachment Permit.
- B. The District assumes no responsibility for watering, pruning, mowing, maintenance, repair, electrical service, replacement, or other costs associated with a private improvement within the public right-of-way.
- C. Vegetation shall be maintained so that it does not:
1. Encroach into a Clear Zone or Clear Vision Triangle;
 2. Obstruct or impair required sight distance;
 3. Obscure a traffic-control device;
 4. Obstruct or impair drainage;
 5. Interfere with utility facilities or access;
 6. Interfere with snow removal or storage;
 7. Interfere with highway or roadside maintenance; or

8. Otherwise create a condition inconsistent with the Highway Standards, this Resolution, or the Encroachment Permit.

- D. Maintenance of an approved encroachment does not authorize the placement of vehicles, equipment, materials, or persons within the traveled way or other portions of the highway in a manner that creates an unsafe condition.

SECTION 9. ENCROACHMENTS REMAIN SUBORDINATE TO HIGHWAY USE.

- A. Approval of a Landscape Plan and issuance of an Encroachment Permit constitute permission to occupy the public right-of-way subject to the continuing terms and conditions of the Encroachment Permit, Highway Standards, and this Resolution.
- B. Neither approval of a Landscape Plan nor issuance of an Encroachment Permit creates a property right, permanent right of occupancy, vested right, or entitlement to continued maintenance of any landscaping, hardscape, Monument Sign, irrigation facility, or other private improvement within the public right-of-way.
- C. Approval of a Landscape Plan does not modify, waive, supersede, or otherwise affect any general condition of the District's Encroachment Permit, including any condition authorizing the District to require removal, relocation, or modification of an encroachment.
- D. Notwithstanding prior approval of a Landscape Plan or issuance of an Encroachment Permit, the District may require the permittee or other responsible person or entity to remove, relocate, or modify any landscaping, hardscape, Monument Sign, irrigation facility, or other private improvement at any time when the District determines that removal, relocation, or modification is necessary or appropriate for:
1. Highway safety;
 2. Parking;
 3. Maintenance;
 4. Drainage;
 5. Snow removal or storage;
 6. Utility installation, maintenance, or relocation;
 7. Highway construction, reconstruction, or widening;
 8. Pedestrian or bicycle improvements;
 9. Emergency operations; or
 10. Any other lawful highway purpose.
- E. Unless otherwise expressly agreed to in writing by the District, all costs associated with removal, relocation, modification, replacement, or restoration of an encroachment shall be borne by the permittee or other person or entity responsible for the encroachment.
- F. The District shall not be responsible for damage to landscaping, hardscape, Monument Signs, irrigation facilities, or other private improvements within the right-of-way resulting from snow plowing or storage, sanding, deicing, mowing, brushing, ditch or culvert

maintenance, grading, drainage work, construction, reconstruction, utility work, emergency operations, or other lawful highway activities.

SECTION 10. UNAPPROVED OR NONCOMPLIANT IMPROVEMENTS.

- A. Landscaping, hardscape, a Monument Sign, or other improvement installed without a required Encroachment Permit or contrary to an approved Landscape Plan constitutes an unauthorized encroachment and may be required to be removed or brought into compliance in accordance with the Highway Standards and applicable law.
- B. Subsequent acceptance, maintenance, repair, or improvement of the adjoining highway by the District shall not constitute approval or acceptance of an unauthorized encroachment.
- C. Failure of the District to require immediate removal of an unauthorized or noncompliant encroachment does not constitute approval of the encroachment or a waiver of the District's right to require its subsequent removal, relocation, or modification.

SECTION 11. ADMINISTRATION.

The District Director, Engineer, or other person designated by the Board is authorized to administer this Resolution in conjunction with the Highway Standards and to approve, conditionally approve, partially approve, or deny Landscape Plans and associated Encroachment Permit applications consistent with the authority delegated by the Board.

SECTION 12. SEVERABILITY.

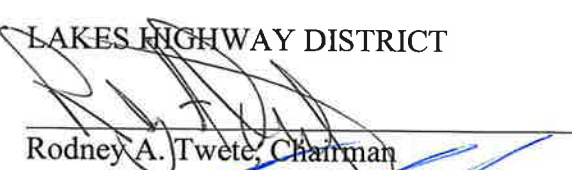
If any section, subsection, sentence, clause, or provision of this Resolution is held invalid, the remaining portions shall not be affected and shall remain in full force and effect.

SECTION 13. EFFECTIVE DATE.

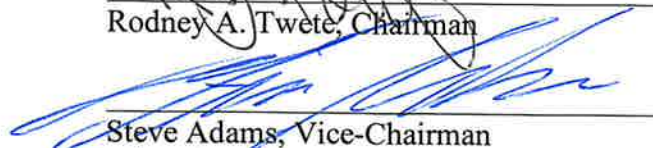
This Resolution shall become effective upon its adoption.

DATED this 5th day of October, 2026.

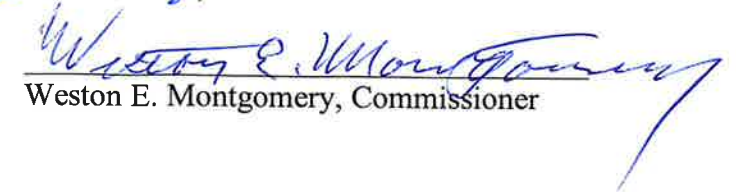
LAKES HIGHWAY DISTRICT



Rodney A. Twete, Chairman

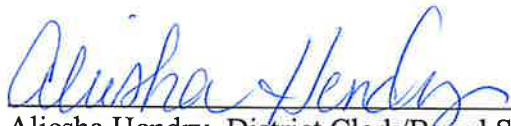


Steve Adams, Vice-Chairman



Weston E. Montgomery, Commissioner

ATTEST:



Aliesha Hendry, District Clerk/Board Secretary