SECTION 200 - GENERAL CONDITIONS

Section 200 explains when Highway District permits are required and what applicants can expect during the review process. It describes the responsibilities of property owners, developers, contractors, utilities, and event organizers when working within a public right-of-way, and outlines the steps needed to ensure improvements are designed, constructed, and inspected in a safe and consistent manner. This section also provides an overview of permitting, right-of-way dedication, plan preparation, utility coordination, and construction oversight requirements

201. GENERAL

201.01 All permit applications and permitted activities subject to these Standards shall comply with this Section. The Applicant shall be responsible for demonstrating compliance with all applicable requirements.

201.02 Permit Required. No person or entity shall undertake any of the following activities without first obtaining the applicable permit from the District:

a. Approach Permit. Construction, installation, alteration, relocation, reconstruction, expansion, change in use, or removal of an approach or other means of access connecting private property to a District highway or public right-of-way requires an Approach Permit. Approach Permits are governed by the Highway District's Access Management Ordinance and these Standards. An Approach Permit also authorizes the associated encroachment within the public right-of-way. The permit may be recorded against the property served by the approach.

b. Public Utility Permit. A public utility with statutory authority to occupy the right-of-way must obtain a Public Utility Permit to install, construct, relocate, replace, repair, or maintain facilities within a Highway District highway or public right-of-way. The permit governs the manner and location of the work and constitutes the District's authorization for the associated encroachment.

Public utility work is also subject to the District's Utility Accommodation Policy, Appendix 2.

c. Encroachment Permit. Installation, construction, placement, alteration, relocation, replacement, repair, maintenance, or removal of any privately owned facility or improvement within a Highway District highway or public right-of-way that is not a public utility requires an Encroachment Permit. Such facilities and improvements include, without limitation, landscaping, retaining walls, fences, gates, signs, irrigation facilities, drainage facilities, roadside memorials, and private water, sewer, power, or communication facilities. An Encroachment Permit may be recorded against the property benefited or served by the encroachment. The Utility Accommodation Policy, Appendix 2, may apply based on the nature of the facility or work.

d. Special Use Permit. Any event, activity, or temporary use that will occupy, obstruct, close, restrict, or otherwise materially affect the normal use, function, or operation of a Highway District highway or public right-of-way requires a Special Use Permit. Such activities include, without limitation, parades, races, triathlons, processions, festivals, organized gatherings, and temporary traffic-control operations.

e. Right-of-Way Use Permit. Any activity not expressly identified above that will excavate, disturb, occupy, or obstruct a Highway District highway or public right-of-way requires a Right-of-Way Use Permit, including but not limited to highway or public right-of-way development work[.

f. The Highway District shall determine the type of permit required based upon the nature, location, duration, and anticipated effects of the proposed activity. A single project may require more than one permit.

g. Any permitted activity that allows pavement excavation and restoration activities shall comply with the Pavement Cut Policy contained in Appendix 2.

Why It Matters:

Highway District permits help ensure work within public rights-of-way is performed safely, consistently, and in a manner that protects existing infrastructure. Early coordination through the permitting process reduces conflicts, protects public investments, and helps applicants avoid costly corrections later.

h. Other agency review and approval may be required by Kootenai County or other regulatory agencies. Applicant is responsible for complying with all applicable statutes and regulations.

201.03 Bonding & Insurance Requirements for Contractors who Work in Highway or Public Right-of-Way. Any contractor working within a Highway District Highway or Public Right-of-Way shall provide Highway District with a Certificate of Insurance in the amount of Five Hundred Thousand Dollars ($500,000.00) or more combined single limit for general liability and property damage, with Highway District shown as the Certificate holder and requiring ten days' prior notice of cancellation to Highway District. Highway District may reduce the amount of the insurance requirement in its sole discretion.

Any Contractor working within the Highway District's highway or public right-of-way shall obtain and provide to Highway District a Permit Bond in a minimum amount of Twenty-Five Thousand Dollars ($25,000.00) to ensure the permit holder will follow regulations and

complete the work properly. Such Bond shall name Highway District as the Obligee. The bond shall be released upon Highway District's determination, in its sole discretion, that the permit holder has complied with the terms of the permit

201.04 Timing. A permit application shall be submitted at least thirty (30) days prior to the requested review date unless otherwise approved by Highway District for an earlier review. Review within thirty (30) days is not guaranteed.

201.05 Review Standard. The Highway District shall determine whether the proposal complies with these Standards, avoids unsafe conditions, and whether approval conditions are warranted.

201.06 Conditions of Approval. Conditions of approval may be imposed by Highway District and shall be reasonably related to the proposed application.

201.07 Review. The Highway District may approve, conditionally approve, or deny applications based on these Standards and the application parameters.

201.08 Effect of Permit Approval. Permit approval does not constitute acceptance of any improvement and does not relieve compliance obligations.

202. RIGHT-OF-WAY

202.01 Right-of-Way Dedication. Right-of-way shall be dedicated, as necessary, to accommodate roadway improvements resulting from the proposed permit application.

203. PLANS

203.01 Plans. When required by Highway District, plans shall be prepared by a licensed professional engineer and demonstrate compliance with these Standards.

203.02 Surveys. Any required surveys shall be performed by an Idaho-licensed professional land surveyor.

203.03 Design Standards. Section 300 shall govern design requirements.

204. UTILITY RELOCATION

204.01 Utility Relocation. The Applicant shall bear relocation costs to the extent required by the proposed application.

205. INSPECTION

205.01 Inspection. The Highway District may inspect all work for compliance. Noncompliant work shall be corrected at the Applicant's expense. Failure to detect noncompliant work does not waive any term or condition of the permit.