SECTION 250 - DEVELOPMENT REVIEW AND HIGHWAY ACCEPTANCE

Section 250 describes the process for reviewing subdivisions and other developments that affect Highway District roads and public rights-of-way. It explains what developers must provide during design and construction, how rights-of-way and roadway improvements are dedicated to the public, and what is required before a road can be accepted into the Highway District system. This section also helps applicants understand the difference between obtaining approval to construct improvements and having those improvements accepted for public maintenance.

251. DEVELOPMENT REVIEW

251.01 Early Development Coordination. To facilitate lot layout, preliminary plat preparation, approaches and establish design criteria for developments, Developers must coordinate with the applicable Highway District and submit a Design Criteria Matrix (Appendix 1) for review by Highway District prior to preliminary plat review.

251.02 Plat Review. Developers must coordinate preliminary and final plats with Kootenai County, applicable municipalities and political subdivisions, and the Highway District. The Developer or Developer's representative is required to provide the District with two copies of the preliminary plat and the final plat for review. Final plats must bear the signature of the Highway District Chair or Director. The signature blocks shall have the following verbiage. If guidance is needed on which option to choose, contact the Highway District's Director to discuss.

Option 1:

I, the undersigned, Director of Highways for _____ Highway District, do hereby certify that at a regular or special meeting of the Board of Commissioners held on the _____ day of _____, 202_, the plat dedications were accepted by the Board of Commissioners of _____Highway District.

Option 2:
I, the undersigned, Director of Highways for _____ Highway District, do hereby certify that at a regular or special meeting of the Board of Commissioners held on the _____ day of _____, 202_, the plat was reviewed and approved for signature with no acceptance of dedication of streets, roads, or rights-of-way pursuant to Idaho Code section 50-1312 as there are no dedicated streets, roads, or rights-of-way included in the plat.

It shall be the Developer or Developer's representative's responsibility to provide the District with the Book and page number of the final plat recording.

251.03 Review Scheduling Plats will be scheduled for review at a regular or special meeting once all outstanding fees are paid and any required information and materials are submitted. If a special meeting is called, additional fees apply.

251.04 Traffic Impact Studies. A Traffic Impact Study completed by a qualified traffic engineer may be required by a Highway District in conjunction with a Development Application. (See Appendix 2.)

251.05 Development Improvements. As part of its review of a Development Application, the Highway District may identify improvements to a Highway District highway or public right-of-way adjacent to or serving the proposed development. Any construction or reconstruction required in connection with the Development Application shall comply with these Standards.

251.06 A Developer Utility Relocations. All utility relocation costs associated with a Development Application shall be paid for by the Developer.

252. RIGHT-OF-WAY DEDICATION AND PUBLIC RIGHTS-OF-WAY ACQUISITION

Why It Matters:

Dedicating the right-of-way needed for a development ensures there is sufficient space for future roadway improvements, drainage facilities, utilities, maintenance activities, and public access. Securing these property interests during development is generally more efficient and cost-effective than acquiring them after the area is developed.

252.01 Right-of-Way Dedication. Public rights-of-way required in conjunction with a Development Application shall be dedicated to the public in the name of the applicable Highway District. Easements, deeds, or other instruments of conveyance required for roadway, drainage, or utility purposes shall be clearly identified and granted in the form and for the purpose required by the Highway District. Easements shall be perpetual and exclusive unless otherwise authorized in writing by the Highway District.

252.02 Right-of-Way Conveyance. Any public right-of-way created other than by a dedication included on a subdivision plat shall be conveyed to the Highway District by deed, easement, or other written instrument of conveyance in a form acceptable to the Highway District. The instrument shall identify the nature and extent of the interest conveyed and shall include a legal description of the affected property. The property owner shall execute and deliver the instrument to the Highway District for review and consideration by the Board of Commissioners. If the Board

accepts the conveyance, the acceptance shall be reflected in the Board's official minutes and endorsed in writing on the instrument. Following acceptance, the Highway District shall cause the fully executed instrument to be recorded with the Kootenai County Recorder in accordance with Idaho Code § 40-202.

252.03 Adjacent Right-of-Way Dedication. When additional public right-of-way adjacent to a plat is proposed or offered, it shall be dedicated to the public in the name of the Highway District or conveyed to the Highway District, as applicable. The boundary limits of the right-of-way shall be established from record and field evidence and shall be clearly shown and dimensioned on the plat. The right-of-way centerline shall also be shown and dimensioned. If the centerline coincides with a section line or section subdivision line, the plat shall identify and depict it as such.

253. ROADWAY PLANS AND SURVEY INFORMATION

253.01 Engineering Plans. Roadway plans shall be prepared under the responsible charge of, and sealed by, an Idaho licensed Professional Engineer. The plans shall show the roadway plan and profile, drainage facilities, easements, and special design features. Plans shall be of a scale sufficient to show the necessary details and not smaller than one inch equals 50 feet horizontally and one inch equals five feet vertically. The Highway District may require roadway cross sections when necessary to evaluate site conditions or proposed design features.

Each plan submittal shall include the Design Criteria Matrix in Appendix 1 and shall specifically identify every proposed deviation from these Standards. Highway District review or conditional approval of a preliminary plat does not approve a deviation or variance unless it was expressly identified and approved under Section 500. An unidentified or unapproved deviation shall be corrected and may require revision of the roadway plans or plat.

253.02 Monument Preservation. Before beginning work that may disturb a property corner recorded under the Corner Perpetuation and Filing Act, property controlling corner, accessory to a corner, benchmark, monument, or survey control point, the Applicant shall have an Idaho licensed Professional Land Surveyor locate the feature and shall show its location on the engineering plans. The Applicant shall protect each identified feature from disturbance. Any feature disturbed or destroyed by the work shall be re established, restored, or re monumented, as applicable, at the Applicant's expense by or under the direction of an Idaho licensed Professional Land Surveyor. The Professional Land Surveyor shall file any record of survey or corner record required by Idaho law. The Applicant shall provide evidence of the required filing before Development Application approval.

253.03 Survey Information. All survey control, boundaries, right-of-way, easements, legal description, topographic, and other land surveying work submitted to the Highway District shall be performed under the responsible charge of an Idaho licensed Professional Land Surveyor. The Professional Land Surveyor shall select methods, control, verification procedures, and supplemental measurements appropriate for the intended use and accuracies required by these Standards and the applicable professional standard of care. At a minimum:

- The topographic survey shall locate and identify, by legend or other clear means, natural and constructed features material to roadway design, including survey monuments, pavement, drainage features, structures, utilities, and significant vegetation. Trees 6 inches or larger in diameter at breast height shall be individually located when they are within or may materially affect the proposed construction limits, drainage, sight distance, or other design features. In other areas, the limits of significant vegetation may be shown without locating individual trees.
- One-call utility markings, visible utility features, and utilities shown by maps or digital data provided by the utility company shall be shown and identified. The applicant shall be responsible for obtaining utility information necessary for design and construction.
- Underground structures such as manholes, catch basins, drywells, and other similar structures material to the design shall include rim and invert elevations.
- Topographic features may be located using conventional field surveying with a Total Station, GNSS, photogrammetry, LiDAR, or other appropriate technology selected by the Professional Land Surveyor in responsible charge.
- Topographic mapping shall meet the horizontal and vertical accuracy tolerances, accuracy metric, confidence level, and contour interval specified in the Design Criteria Matrix. The Professional Land Surveyor shall report the accuracy achieved, identify material limitations affecting the intended use, and certify compliance with the applicable requirements.
- Topographic survey drawings shall be on sheets consistent in size with the other plan sheets and shall be no smaller than 11 inches by 17 inches.
- The Horizontal Datum shall be NAD 83 (2011), or a successor datum approved by the Highway District, using the Idaho State Plane Coordinate System, West Zone. If ground coordinates are used, the drawings and supporting documents shall identify the scale point, combined scale factor, and method used to convert between grid and ground coordinates.

Why It Matters:

Roadway design decisions are only as reliable as the information they are based on. Accurate surveying and mapping help ensure improvements are designed within available rights-of-way, utility conflicts are identified early, and construction can proceed with fewer delays, disputes, and unexpected costs.

The topographic survey and supporting report shall be signed, dated, and sealed by the Professional Land Surveyor. The report shall identify the control basis, survey methods, verification procedures, achieved accuracy, and material limitations affecting the intended use.

253.04 Plan Submittal. Two (2) copies, One (1) hard copy and an electronic PDF copy of all roadway plans requiring the Highway District's approval must be submitted to the Highway District no less than thirty (30) days prior to a regular or special meeting of the appropriate Highway District.

253.05 Highway District Review. The Highway District shall review the plans and will make the necessary comments or approval in writing to the developer or his engineering representative.

254. DEVELOPMENT CONSTRUCTION TIME PERIOD AND DISTRICT OBSERVATION

254.01 Construction Time Period. Unless otherwise provided in a Road Development Agreement or District approval, roadway improvements shall be completed within two years after the District approves the roadway plans. If the improvements are not completed within that period, the Developer shall obtain an extension from the District before continuing construction. As a condition of extension, the District may require revised plans conforming to the Standards in effect when the extension is granted.

254.02 Construction Observation and Testing. Construction observation and testing shall comply with Section 400 and Minimum Testing Requirements in Appendix 2.

255. HIGHWAY NAMES AND SIGNS

255.01 Highway Names. Proposed highway names shall be submitted to Kootenai County for approval.

255.02 Highway Name Signs. The Developer shall install highway name signs at each new intersection in accordance with the applicable Kootenai County street naming and addressing ordinance requirements and the current edition of the Manual on Uniform Traffic Control Devices.

256. FINANCIAL SECURITY, FEES, AND ROAD DEVELOPMENT AGREEMENTS

256.01 Fees and Costs. The Applicant shall pay the fees and deposits established by the District's then-current fee schedule and shall reimburse the District for any additional costs identified as reimbursable under that schedule or an applicable Road Development Agreement. Recoverable costs may include engineering and legal review, construction observation, inspection, materials testing, and other services obtained or performed by the District in connection with the development. Amounts shall be paid as billed. The District may withhold further review, final approval, release of financial security, or acceptance of improvements until all amounts due have been paid.

256.02 Performance Security. When an Applicant is permitted to record a plat before completing required roadway improvements, the Applicant shall provide financial security in a form acceptable to the District. Unless otherwise provided in a Road Development Agreement for a major subdivision, the security shall equal 150 percent of the engineer's estimated cost of completing the remaining improvements. The District shall be named as obligee or beneficiary and shall have an independent right to enforce or draw upon the security. Security furnished solely in favor of Kootenai County does not satisfy this requirement.

256.03 Warranty Security. Before the District accepts roadway improvements constructed by a Developer, the Developer shall provide a two-year maintenance or warranty bond in a form acceptable to the Highway District. Unless otherwise provided in a Major Road Development Agreement, the bond shall equal 10 percent of the engineer's final cost of

the improvements. The warranty period shall begin on the date the District accepts the improvements.

256.04 Deferred Chip Sealing. When chip sealing is deferred under a Major Road Development Agreement, the Applicant shall provide the payment and financial security required by the agreement. The amount shall be determined by the Highway District or based on an engineer's estimate approved by the Highway District. The Major Road Development Agreement shall include the payment deadline, the conditions for release of security, and the period within which the Highway District will complete the chip seal. Failure to include these terms in a Major Road Development Agreement does not waive them.

256.05 Satisfaction of Roadway Improvement Obligations. Unless the Board approves a different method under this Section, a Developer shall construct the roadway improvements required in connection with the development. A Major Road Development Agreement may establish the timing, security, deferred chip sealing, and other requirements for construction of improvements. For a subdivision consisting of four or fewer lots, the Board may approve a per lot payment in lieu of construction.

256.06 Road Development Agreements.

a. Major Subdivisions. A subdivision creating more than four lots within a five-year period shall enter into a Major Road Development Agreement when required by the Highway District. The agreement shall identify the required roadway improvements, construction deadlines, performance security, deferred chip-seal obligations, warranty security, and other conditions applicable to the development.

b. Minor Subdivisions. For a subdivision consisting of four or fewer lots, the Board may allow a contribution for each newly created lot in lieu of requiring the adjacent highway be brought to current standards. The contribution shall be calculated under the District's current fee schedule and documented in a Minor Road Development Agreement. The agreement shall identify the road for which the contribution is collected, the amount and time for payment, the property securing payment, and any required lien

257. HIGHWAY COMPLETION, OPENING AND MAINTENANCE

257.01 Effect of Plat Acceptance. The District's acceptance of a subdivision plat constitutes acceptance of the public right-of-way dedicated by the plat. Acceptance of the dedication does not constitute acceptance of the constructed improvements, declaration that the highway is open for public travel, or assumption of responsibility for maintenance.

257.02 Request for Final Improvement Approval. After completing the required highway improvements, the Developer shall submit a written request for final highway approval. The request shall include:

a. the Engineer's Statement of Completion and all required supporting documents;

b. payment of all amounts due to the District;

c. evidence that all required construction, testing, corrective work, and record documents have been completed or provided; and

d. any warranty guarantee or other security required by these Standards or the applicable Road Development Agreement.

257.03 Highway District Review. Highway District staff shall conduct a final review of the improvements and advise the Developer of any remaining deficiencies. Staff review, inspection, or recommendation does not constitute acceptance of the improvements, opening of the highway for public travel, or assumption of maintenance responsibility.

257.04 Board Action. Following completion of the applicable requirements, the Board may, by formal action at a regular or special meeting, accept the completed roadway improvements, open the highway for public travel; and place the highway on the District's maintained road schedule

258. PRIVATE IMPROVEMENTS WITHIN UNOPENED PUBLIC RIGHTS-OF-WAY

258.01 Public Use Distinguished from Improvement. A public right-of-way is open to lawful public use as provided by Idaho Code § 40-117(10). The right to use a public right-of-way does not authorize any person to clear, grub, excavate, grade, fill, drain, widen, surface, pave, construct within, or otherwise alter or improve the right-of-way.

258.02 Permit Required. No person shall perform or cause work within an unopened or non-maintained public right-of-way without first obtaining a Right-of-Way Use Permit from the District. The permit shall identify the affected right-of-way, the extent and nature of the authorized improvements, the parcels and uses to be served, the applicable construction standards, and any additional conditions imposed by the District.

258.03 Limited Private Access. The District may authorize improvement of an unopened or non-maintained public right-of-way as a private road or driveway encroachment when the improved portion will provide access to no more than four parcels. Approval is discretionary and shall depend upon the physical condition of the right-of-way, anticipated traffic, drainage, terrain, sight distance, emergency access, effects on adjoining property, and other considerations affecting public safety and the District highway system.

258.04 Cumulative Parcel Count. In determining the number of parcels served, the District shall count all parcels obtaining vehicular access over any portion of the route between the nearest maintained highway and the proposed access. Separate applications, permits, ownership interests, or phases shall not be used to avoid the four-parcel limitation.

258.05 Change in Use. A Right-of-Way Use Permit authorizes improvements only for the parcels and uses identified in the permit. Further division of an identified parcel, extension of the improved route, provision of access to an additional parcel, or a material increase in the type or intensity of traffic constitutes a change in use under the applicable Access Management Ordinance. The existing permit does not authorize access serving a newly created or additional parcel unless the District approves an amended or new permit.

258.06 Five or More Parcels. An improvement intended or proposed to provide access to five or more parcels shall be reviewed as a roadway serving development rather than as a private road or driveway encroachment. The District may identify the roadway improvements necessary to serve the proposed development. Any improvements required in connection with the permit for of use of the right-of-way shall be designed and constructed in accordance with these Standards and any applicable Road Development Agreement.

258.07 Construction Standard for Limited Private Access. An improvement authorized under Section 253.03 shall be constructed to the Non-Maintained Gravel Roadway Standard or another standard specified in the permit. The District may require improvements along the route between the nearest maintained highway and the farthest parcel served when necessary for safe and adequate access.

258.08 Private Maintenance. The permittee and owners of the parcels served shall be solely responsible for the construction, repair, drainage, snow removal, and maintenance of the permitted improvements. When more than one parcel will be served, the District may require a recorded maintenance agreement in a form acceptable to the District.

258.09 No Opening or Acceptance. Issuance or recordation of a permit, construction or inspection of improvements, and private or public use of the right-of-way do not constitute an opening of the right-of-way under Idaho Code § 40-202 or acceptance of the road or improvements into the District's maintained highway system. Unless the Board of Commissioners expressly takes such action, the Highway District assumes no obligation to construct, reconstruct, repair, maintain, sign, plow, or otherwise service the right-of-way or improvements within it.

258.10 Notice and Recordation. The Right-of-Way Use Permit shall be recorded against each parcel authorized to obtain access over the permitted improvement. The permit shall provide notice that it authorizes access only for the identified parcels and uses, that additional or intensified use requires further District approval, and that the District has not opened or accepted the road for maintenance.

258.11 Unauthorized Work. A person who performs or causes work within a public right-of-way without the required permit shall, at that person's expense and as directed by the Highway District, stop the work and remove, reconstruct, repair, or otherwise correct the unauthorized work and any resulting damage. The District's knowledge of, inspection of, or failure to prevent unauthorized work does not constitute authorization or acceptance and does not obligate the District to repair, correct, maintain, or preserve the work.