

Family Division

Information Sheet



What is a Family Division?

A Family Division is a division of unplatted land which is made for the purpose of a single *inter vivos* gift or sale to the landowner's spouse, parent, child, sibling, grandparent or grandchild. Here are a few key items to know:

- Not every parcel is eligible. The parcel must be unplatted (meaning it has not been through the County's formal subdivision process), and all resulting parcels must meet the minimum lot size of 5 acres (10 acres in the Agricultural and Rural zones within the Coeur d'Alene Tribe Reservation boundaries).
- A Grantor may only create a maximum of four (4) parcels pursuant to this process in their lifetime.
- The Family Division process is exempt from provisions applicable to subdivisions, however, it is not exempt from all other applicable regulations.

Why do I need a Family Division?

In order to divide a parcel of land, the Land Use and Development Code would require the property owner to either proceed through the subdivision process or qualify for an exempt division of land. The Family Division is an exempt division of land that enables a property owner to convey a newly created parcel to family members without all of the requirements associated with the subdivision process. Approvals from the applicable Highway District and Health District are still required, in addition to other agencies with jurisdiction, as applicable.

Where do I start?

Contact Kootenai County Community Development to request a pre-application meeting with a planner. Planning Staff will confirm that the parcel was legally created and eligible for permits. Then, a planner will meet with you to discuss the application requirements, process, fees, and timeline (see *Pre-Application Meeting Information Sheet for additional information*).

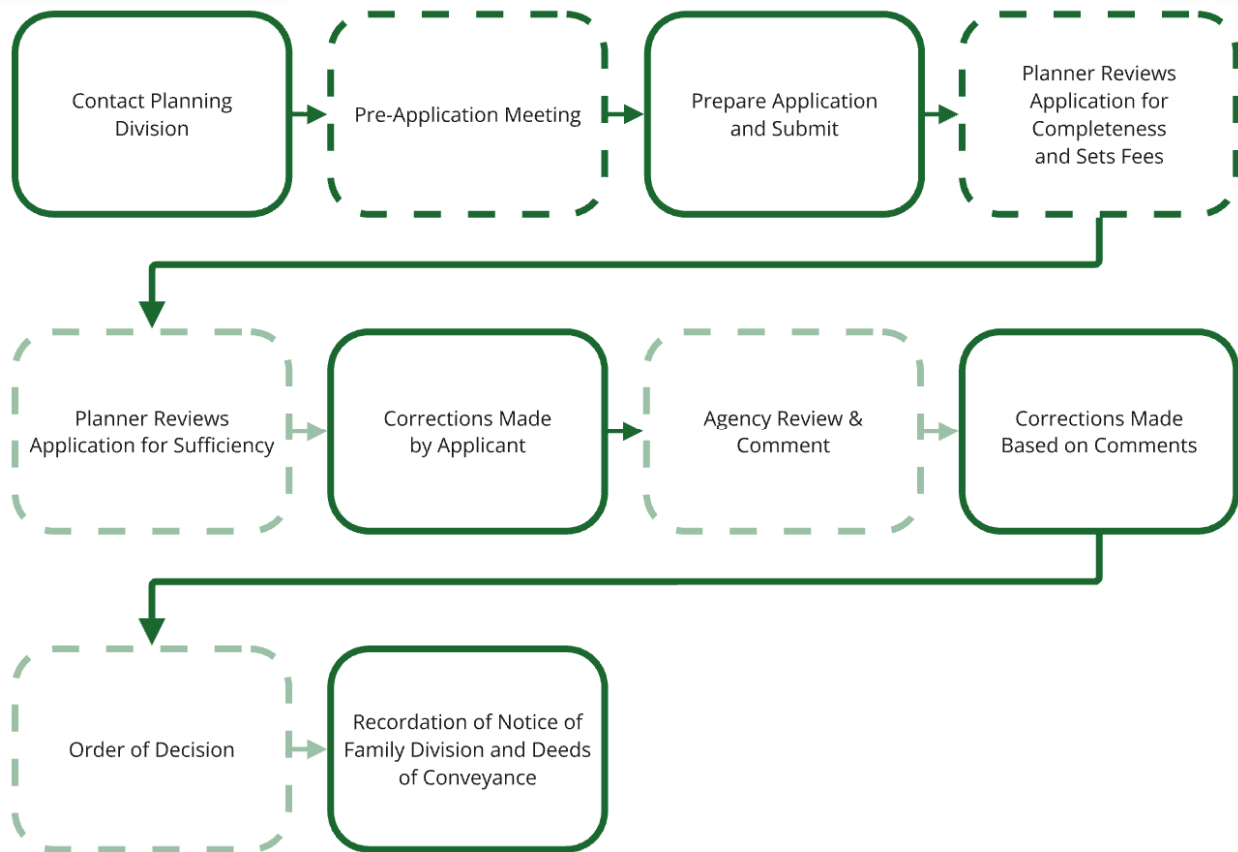
Application Requirements Pursuant to Section 8.6.103

Applications can be submitted through iMS at <https://ims.kcgov.us/ims>

Required Materials	May Be Required
<input type="checkbox"/> Legal Documentation of Familial Status	<input type="checkbox"/> Notarized Authorization
<input type="checkbox"/> Site Map	<input type="checkbox"/> Existing Built Features Map
<input type="checkbox"/> Title Report	<input type="checkbox"/> Road Naming Application
<input type="checkbox"/> Legal Access Easements	<input type="checkbox"/> LOMR
<input type="checkbox"/> Unrecorded Conveyance Deed	
<input type="checkbox"/> Approach Permit	
<input type="checkbox"/> PHD Acknowledgement	

Family Division Approval Process

— Applicant - - - Planner & Applicant - - - Planner and/or Agencies



Fees:

<i>Pre-Application Meeting</i>	\$224
Application	\$489
<i>Additional Review Fee (as applicable)</i>	\$146
<hr/>	
Total	\$489

*Floodplain designated A zones refers to areas that are prone to flooding, but where a base flood risk has not been established.

**Floodplain designated AE zones refers to areas that are at high risk for flooding and are typically associated with a 1% annual chance of flooding, also known as the base flood or 100-year flood.



KOOTENAI COUNTY

COMMUNITY DEVELOPMENT

BUILDING • CODE ENFORCEMENT • PLANNING

Frequently Asked Questions

1. What is the Family Division?

- A division of unplatted land which is made for the purpose of a single inter vivos gift or sale to the landowner's spouse, parent, child, sibling, grandparent or grandchild in accordance with the provisions of this section.

2. What is the Family Division exempt from?

- Requirements for a Minor Subdivision that are not required for a Family Division are as follows:
 - Photos of the site
 - Narrative
 - Subdivision Plat
 - Groundwater Quantity Report or Will-Serve Letter from a Water District or Water Association
 - A conceptual site disturbance and stormwater plan, conceptual engineering plan, or geotechnical analysis when otherwise required
 - Wetlands delineation when otherwise required

3. What is still required for a Family Division?

- Requirements for a Family Division are as follows:
 - Legal documentation to verify familial status (i.e. birth certificate, adoption certificate, court order, etc.)
 - Site Map of parcel configuration and Existing Built Features Map
 - Legal confirmation of acreage
 - Each grantor is responsible for demonstrating that each resulting parcel will meet the minimum acreage (4.50 acres net, 5.00 acres gross).
 - The minimum acreage in the Agricultural and Rural zones within the Coeur d'Alene Tribe Reservation boundaries is 10 acres.
 - Title Report prepared within 6 months of submittal of application
 - Proof of physical and legal access (i.e. recorded easement) from parent and resulting parcels to nearest public road
 - Approval of an approach permit from the highway district with jurisdiction for each resulting parcel
 - Acknowledgement from Panhandle Health District indicating that a location has been identified and approved that can meet the wastewater disposal requirements, or approval from the applicable sewer district with jurisdiction if a connection is proposed.
 - Unrecorded conveyance deed or similar instrument that will be used to execute the proposed subdivision

4. Will I need a Pre-Application Meeting?

*Floodplain designated A zones refers to areas that are prone to flooding, but where a base flood risk has not been established.

**Floodplain designated AE zones refers to areas that are at high risk for flooding and are typically associated with a 1% annual chance of flooding, also known as the base flood or 100-year flood.

- Yes. Pre-Application meetings include preliminary research conducted by Community Development Staff to determine eligibility for a Family Division, and the opportunity for the Applicant to discuss their proposal with a County Planner.

5. How do I know if my parcel is eligible?

- The land must be unplatted.
This means that the land has not previously been established through the formal subdivision process via county review and the recordation of a plat creating lots and blocks.
- The parcel must have been legally created.
The parcel was created via deed on or prior to November 17, 1995; or created via subdivision exemption. Such parcels cannot be in conflict with any provision of the Land Use and Development Code.
- The parcel must not have previously been divided for the purpose of a gift or sale by a prior owner pursuant to the Family Division process.
- The parcel has been retained by the same owner for the previous three (3) years, except as may be allowed in the provisions of the Family Division.
- Each resulting parcel must be created with the minimum parcel size of five (5.00) gross acres (4.50 acres net), or ten (10.00) acres in the Coeur d'Alene Tribe Reservation.
- There is legal and physical access to a public road.
- There are no deed restrictions or Covenants, Conditions and Restrictions (CCRs) that prohibit further division of the parcel.
- There are no active code violations unless the Family Division corrects the violation.

6. How many parcels may I create?

- The Code states that no grantor may create more than four parcels pursuant to the Family Division in their lifetime.

7. Will my parcel be subject to the standards of other agencies?

- Yes. The grantor and any assignees are still obligated to comply with the requirements of all agencies with jurisdiction prior to development permits. This may include but not limited to the requirements of fire districts, water districts, FEMA, etc.

8. What if my parcel is located in an Area of City Impact (ACI)?

- The parcel is subject to any standards set forth by the applicable Area of City Impact agreement, unless explicitly waived by the city with jurisdiction and Kootenai County.

9. What if my parcel is situated in a floodplain?

- For parcels in an A Zone*, a Letter of Map revision (LOMR) shall be submitted with the application. A LOMR is a Federal requirement and provided by the Federal Emergency Management Agency (FEMA) once a flood study has been approved. Parcels created pursuant to the Family Division are not exempt from this requirement.
- For parcels in the AE Zone**, no additional documentation is required.

10. Can land created via the Family Division be re-divided through the Family Division?

- Parcels created pursuant to this process and conveyed to family, cannot be re-divided pursuant to the Family Division. Parcels created pursuant to this process that are retained by the original owner may be re-divided through the Family Division if there is sufficient acreage and does not exceed the number of Family Divisions allotted during the grantor' lifetime.

11. What if the unnamed road serving the parcel provides access to more than four (4) parcels?

- A Road Naming Application will need to be applied for and approved prior to the creation of parcels pursuant to the Family Division.

*Floodplain designated A zones refers to areas that are prone to flooding, but where a base flood risk has not been established.

**Floodplain designated AE zones refers to areas that are at high risk for flooding and are typically associated with a 1% annual chance of flooding, also known as the base flood or 100-year flood.