

# Proposed LUDC Amendment re Huetter Corridor Overlay Zone

*Reflecting Final Legal Description Approved by KMPO on July 8, 2021*

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## Article 3.4 Huetter Corridor Overlay Zone

**8.3.401: PURPOSE:** The purpose of this article is to facilitate the future development of a new divided highway connecting Interstate 90 and U.S. Highway 95 which is proposed to be built to interstate highway standards within an area known as the “Huetter Corridor” by the Idaho Transportation Department (ITD). Thus, the provisions of this article are intended to:

- A. Preserve property likely to be acquired as right of way for the new highway;
- B. Protect the existing rights of property owners within the Huetter Corridor, including the right of access to their properties;
- C. Preserve the integrity and functionality of the highway; and
- D. Minimize the impact of the Huetter Corridor highway project on property owners within that corridor.

**8.3.402: APPLICABILITY:**

A. The Huetter Corridor (*See* Illustration 3-401) shall consist of that portion of the unincorporated area of Kootenai County legally described as follows:

A variable width strip of land being part of Section 35, Township 52 North, Range 4 West, Sections 2, 3, 4, 8, 9, 16, 17, 20, 21, 28, 29, 32 and 33 of Township 51 North, Range 4 West, all of the Boise Meridian and in Kootenai County, Idaho, being more particularly described as follows:

**BEGINNING** at a point at the intersection of the west right-of-way line for US95, as shown on the plans for Federal Aid Project No. IF-5116(24) and the south line of the north 70.00 feet of said Section 2, said point being S83°03'43"W, 522.40 feet, more or less, from the Northeast Corner of said Section 2, and said point having an Idaho State Plane Coordinate value of Northing=2238606.41, Easting=2369431.58;

Thence N89°14'15"W along said south line, 428.38 feet to a non-tangent curve, concave northwesterly, having a radius of 7192.00 feet and a chord bearing S29°11'31"W for a distance of 606.80 feet;

Thence Southwesterly along said curve an arc length of 606.98 feet;

Thence S37°40'17"W, 814.36 feet;

Thence S41°30'11"W, 811.03 feet to a non-tangent curve, concave northwesterly, having a radius of 7150.00 feet and a chord bearing S53°12'26"W for a length of 2136.97 feet;

Thence Southwesterly along said curve for an arc length of 2145.00 feet;

Thence S61°21'10"W, 712.85 feet;

Thence S69°50'52"W, 761.61 feet to a point being N00°40'03"E, 1551.46 feet, more or less, from the Southeast Corner of said Section 3;

Thence S78°42'59"W, 696.24 feet;

Thence S80°53'59"W, 671.03 feet;

Thence S79°06'23"W, 3640.00 feet;

Thence S73°45'27"W, 450.54 feet to a point being N01°17'36"E, 347.35 feet, more or less, from the Southeast Corner of said Section 4;

Thence S79°06'23"W, 235.57 feet to a point on a tangent curve, concave southeasterly and having a radius of 5907.99 feet;

Thence Southwesterly along said curve for an arc length of 1095.88 feet to a point being S89°52'44"W, 1274.31 feet, more or less, from said Southeast Corner of Section 4;

Thence S00°10'08"E, 201.06 feet;

Thence S72°21'24"W, 1084.00 feet to a non-tangent curve concave southeasterly, having a radius of 5907.99 feet and a chord bearing S28°47'52"W for a distance of 5621.73 feet;

Thence Southwesterly along said curve an arc length of 5858.87 feet to a point being S57°25'12"E, 388.77 feet, more or less, from the Northwest Corner of said Section 16;

Thence S00°23'17"W, 2419.34 feet;

Thence S00°23'02"W, 2584.39 feet to a point being S89°20'35"E, 329.00 feet, more or less, from the Southwest Corner of said Section 16;

Thence S00°55'48"W, 2285.58 feet to a tangent curve, concave westerly and having a radius of 6642.03 feet;

Thence Southerly along said curve an arc distance of 1234.42 feet;

Thence S11°34'43"W, 572.47 feet to a tangent curve, concave easterly and having a radius of 6357.99 feet;

Thence Southerly along said curve an arc length of 610.33 feet;

Thence S00°55'48"W, 620.20 feet to a point being S89°04'12"E, 25.00 feet, more or less, from the Northwest Corner of said Section 28;

Thence S88°45'32"E, 25.00 feet;

Thence S01°05'08"W, 3167.74 feet;

Thence N51°13'16"W, 31.60 feet;

Thence S01°06'05"W, 130.39 feet;

Thence S51°32'07"E, 62.28 feet;

Thence S01°05'11"W, 1982.12 feet to a point being S88°54'07"E, 40.00 feet, more or less, from the Southwest Corner of said Section 28;

Thence N88°54'07"W, 35.00 feet;

Thence S01°09'21"W, 471.48 feet;

Thence N87°41'06"W, 15.01 feet;

Thence S01°09'20"W, 1510.83 feet;

Thence S08°55'41"W, 369.71 feet to a non-tangent curve, concave northwesterly, having a radius of 7186.50 feet and a chord bearing S14°45'27"W for a distance of 2412.68 feet;

Thence Southwesterly along said curve an arc length of 2424.16 feet to a point being N43°30'04"W, 843.36 feet, more or less, from the Southeast Corner of said Section 32;

Thence S24°25'15"W, 1700.06 feet;

Thence S00°06'42"E, 670.34 feet to a point having an Idaho State Plane Coordinate value of Northing=2205592.36, Easting=2352308.36;

Thence S32°43'22"E, 1143.59 feet, more or less to a point on the northerly right-of-way line of I-90, as shown on the plans for Federal Aid Project No. I-IG-90-I(48)5, said point being on a non-tangent curve, concave southerly, having a radius of 9649.30 feet and a chord bearing N76°58'46"W, more or less, for a distance of 1025.89 feet, more or less;

Thence Northwesterly along said northerly right-of-way line an arc distance of 1026.37 feet, more or less;

Thence N77°18'02"W, more or less, along said northerly right-of-way line, 1171.88 feet, more or less;

Thence N64°11'44"E, 530.11 feet, more or less, to a point having an Idaho State Plane Coordinate value of Northing=2205349.79, Easting=2351261.16;

Thence N44°34'33"E, 873.46 feet;

Thence N24°25'15"E, 1345.21 feet;

Thence N70°40'42"W, 80.32 feet to a point being N88°51'57"W, 1236.22 feet, more or less, from said Southeast Corner of Section 32;

Thence N24°25'15"E, 805.71 feet to a tangent curve, concave northwesterly and having a radius of 6832.50 feet;

Thence Northerly along said curve an arc length of 2773.21 feet;

Thence N01°09'56"E, 7230.44 feet to a point on a tangent curve, concave easterly and having a radius of 6711.99 feet, said point being N76°46'56"W, 362.91 feet, more or less from the Southeast Corner of said Section 20;

Thence Northerly along said curve an arc length of 1219.86 feet;

Thence N11°34'43"E, 572.47 feet to a tangent curve, concave westerly and having a radius of 6288.03 feet;

Thence Northerly along said curve an arc length of 1168.63 feet;

Thence N00°55'48"E, 2283.90 feet to a point being N89°20'35"W, 25.00 feet, more or less, from the Northeast Corner of said Section 20;

Thence N00°23'02"E, 2582.72 feet;

Thence N00°23'17"E, 2419.35 feet;

Thence N00°23'20"E, 247.51 feet to a point being N31°22'02"W, 47.50 feet, more or less, from the Southeast Corner of said Section 8;

Thence S88°49'05"E, 74.91 feet to a non-tangent curve, concave southeasterly, having a radius of 6191.99 feet and a chord bearing N32°32'55"E for a distance of 6169.37 feet;

Thence Northeasterly along said curve an arc length of 6458.13 feet to a point being S89°42'31"W, 1973.07 feet, more or less, from said Southeast Corner of Section 4;

Thence N00°10'08"W, 204.21 feet;

Thence N81°05'09"E, 718.97 feet to a non-tangent curve, concave southeasterly, having a radius of 6191.99 feet and a chord bearing N74°21'47"E for a distance of 1024.10 feet;

Thence Northeasterly along said curve an arc length of 1025.27 feet;

Thence N79°06'23"E, 296.91 feet;

Thence N85°17'48"E, 389.51 feet;

Thence N79°06'23"E, 3640.00 feet;

Thence N75°25'45"E, 1432.92 feet to a point being N00°40'03"E, 1866.00 feet, more or less, from said Southeast Corner of Section 3;

Thence N69°26'41"E, 1326.88 feet to a non-tangent curve, concave northwesterly, having a radius of 6950.00 feet and a chord bearing N53°12'26"E for a distance of 2077.19 feet;

Thence Northeasterly along said curve an arc length of 2085.00 feet;

Thence N36°07'27"E, 787.43 feet;

Thence N31°55'16"E, 778.79 feet to a non-tangent curve, concave northwesterly, having a radius of 6838.00 feet and a chord bearing N29°43'45"E for a distance of 448.76 feet;

Thence Northeasterly along said curve an arc length of 448.84 feet to a point being S89°29'04"W, 1321.87 feet, more or less, from said Northeast Corner of Section 2;

Thence N19°12'44"E, 1112.62 feet;

Thence N00°13'19"W, 1595.91 feet;

Thence S89°03'01"E, 362.90 feet;

Thence N17°18'54"E, 31.31 feet;

Thence N15°37'03"E, 57.09 feet;

Thence N13°47'24"E, 57.09 feet;

Thence N11°57'45"E, 57.09 feet;

Thence N10°08'07"E, 57.09 feet;

Thence N19°58'34"E, 50.00 feet;

Thence N06°39'21"E, 56.07 feet;

Thence S88°27'07"E, 84.95 feet to a point on said west right-of-way line for US95, said point being N54°45'54"W, 578.65 feet, more or less, from the East Quarter Corner of said Section 35;

Thence S01°39'37"W along said westerly right-of-way line, 3045.79 feet to the **POINT OF BEGINNING**.

**TOGETHER WITH** a part of the South Half of Section 5, Township 50 North, Range 4 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:

**BEGINNING** at a point having an Idaho State Plane Coordinate value of Northing=2203957.77, Easting=2351320.25, said point being N46°55'59"W, 3096.03 feet, more or less, from the Southeast Corner of said Section;

Thence S89°54'39"W, 851.44 feet to a corner of the southerly right-of-way of I-90, as shown on the plans for Federal Aid Project No. I-IG-90-I(48)5;

Thence the following four (4) courses along the lines of said southerly right-of-way,

- 1) N52°02'54"E, 540.95 feet, more or less, to a corner thereof;
- 2) N89°31'53"E, 34.94 feet, more or less, to a corner thereof;
- 3) N89°29'47"E, 381.23 feet, more or less, to a corner thereof;
- 4) N53°33'32"E, 235.54 feet, more or less, to a corner thereof;

Thence, leaving said southerly right-of-way, S35°52'49"W, 308.42 feet, more or less;

Thence S00°00'02"E, 225.01 feet to the **POINT OF BEGINNING**.

B. The Huetter Corridor Overlay zone shall consist of all parcels located completely or partially within the area described in subsection (A) of this section and all parcels located within one hundred feet (100') in any direction from the area described in subsection (A) of this section. The provisions of this article shall apply to all parcels located completely or partially within the Huetter Corridor Overlay zone. If a parcel is partially located within the Huetter Corridor Overlay zone, the provisions of this article shall apply to the entire parcel.

C. All applicable provisions of this title shall apply within the Huetter Corridor Overlay zone. In cases where a provision of this article conflicts with another provision of this title, the provision contained in this article shall take precedence.

D. In the event of any conflict between the map depicted in Illustration 3-401 of this article and the legal description contained in subsection (A) of this section, the legal description shall take precedence.

### **8.3.403: NEW APPROACHES:**

A. A new approach directly accessing onto a public road from any parcel located within the Huetter Corridor Overlay zone shall be permitted only in the following circumstances:

1. Access to and from an individual residence on an existing parcel. No new common driveways or private roads shall be allowed. No new subdivision shall obtain access from either side of the portion of Huetter Road located between Lancaster Road and Interstate 90, with the exception of a secondary access for emergency services required by the fire protection district with jurisdiction.
2. Agricultural field access.
3. When a fire protection district requires a secondary access for emergency services, such access shall not be open for non-emergency uses, and shall be maintained by the owner of the parcel as a closed access except during emergencies.

B. The new approach shall not be used until ITD or the highway district with jurisdiction has issued an approach permit. Traffic counts, studies and improvements may be required by ITD or the highway district with jurisdiction.

**8.3.404: EXISTING APPROACHES:** The use of an existing approach onto a public road from any parcel located within the Huetter Corridor Overlay zone shall be allowed to continue in accordance with the following standards:

A. The existing use is lawful and has been properly permitted.

B. There is no significant change in the use of the parcel or approach (for example, a residential use to a commercial use).

C. The intensity of an existing commercial or industrial use does not increase. For purposes of this article, an increase of intensity is defined as the establishment of additional businesses or an increase in lot coverage greater than twenty-five percent (25%) per year.

D. The number of parcels served by the approach does not change.

**8.3.405: SETBACKS:**

A. No portion of any structure shall be built or expanded so as to encroach within one hundred feet (100') in any direction from the Huetter Corridor as described in subsection 8.3.402(A) of this article.

B. All other setback standards which apply in the underlying zone shall also be met.

C. Nothing in this subsection shall require the relocation of any existing structure which complies with the setback standards ordinarily applicable in the underlying zone.

**8.3.406: SUBDIVISIONS AND CONDOMINIUMS:**

A. No subdivision or condominium plat which includes land within the Huetter Corridor Overlay zone shall be approved unless the proposed plat clearly delineates the portion of the Huetter Corridor located within the proposed subdivision or condominium.

B. The subdivision or condominium shall comply with all other applicable provisions of this article. If any provision of this article conflicts with any other provision of this title pertaining to subdivisions or condominiums, the provisions of this article shall govern.

**8.3.407: CHANGES OF USE:**

A. If there is a significant change in the use of a parcel within the Huetter Corridor Overlay zone, a change of use permit must be issued before any new building permits may be issued.

B. Before a change of use permit may be issued, the property owner must acquire lawful access to an existing public road other than Huetter Road. The access must meet the applicable standards of the highway district with jurisdiction, which may require dedication of a new access

road based on the specific project or specific use. ITD or the applicable highway district with jurisdiction may require submittal of traffic counts, studies or proposed improvements to aid in making this determination.

C. After the change of use permit and the new access are approved, the use of the previously existing approach shall cease and the approach shall be abandoned and removed.

**8.3.408: CIRCULATION PLANS:** Before a building permit for a commercial use may be issued for a parcel located within the Huetter Corridor Overlay zone, the applicant shall provide a circulation plan which complies with the following standards:

A. The plan must be designed to create a safe flow of vehicular and pedestrian circulation through the parcel.

B. The plan must be drawn to scale, and must include:

1. Identification of easements, new or existing roads; and
2. Identification and overall design of parking lots, stormwater treatment, and sidewalks.

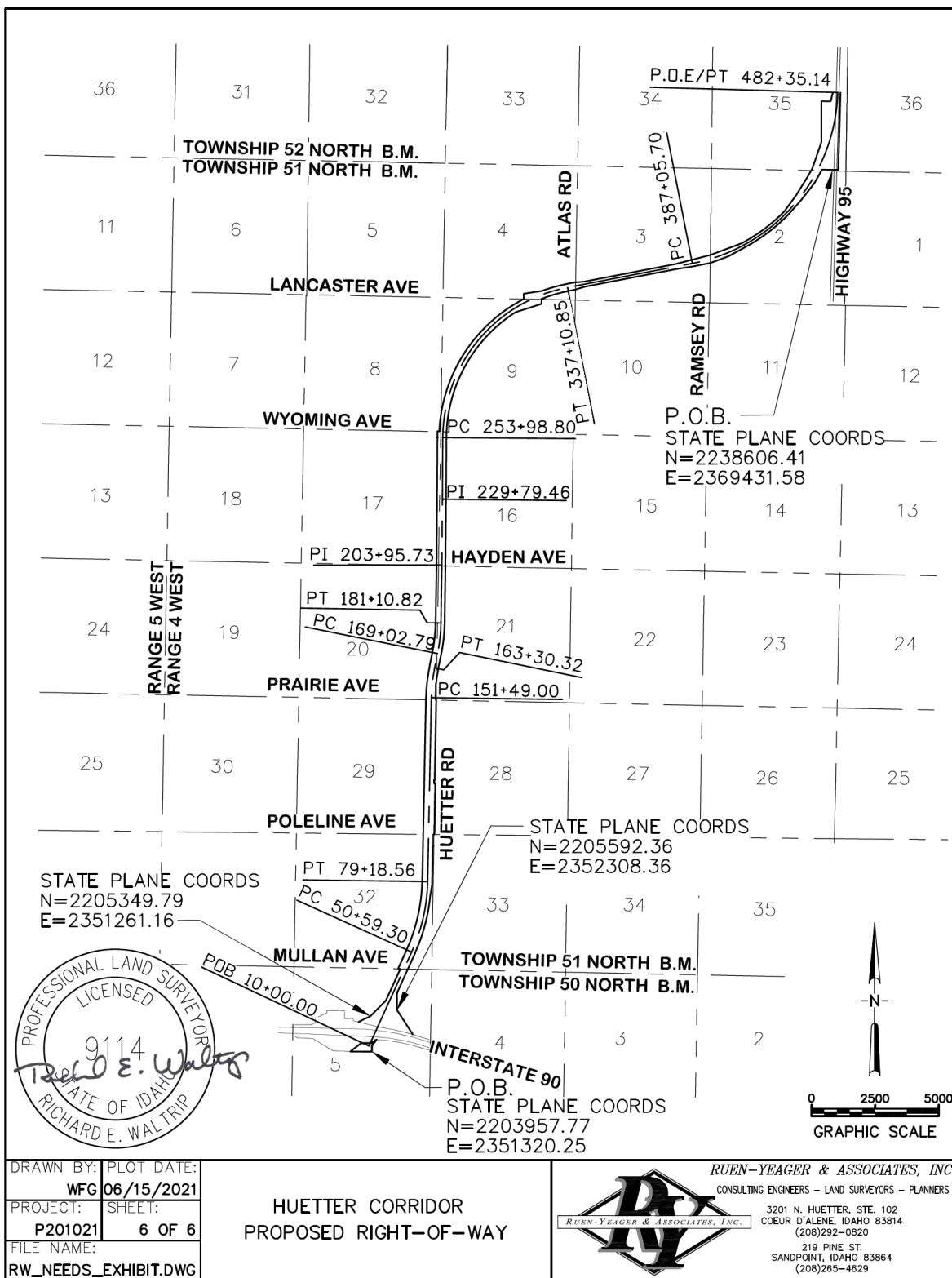
C. The circulation plan shall be approved by ITD or the highway district with jurisdiction before the building permit may be issued.

**8.3.409: VARIANCES:** Requests for variances from the requirements or standards set forth in this article shall be in accordance with the provisions of section 8.8.203 of this title. No variance to any of the requirements of this article may be approved by the Board or the Director, as applicable, except upon the express written recommendation of the Idaho Transportation Department (ITD) or the highway district with jurisdiction.

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# Illustration 3-401 Huetter Corridor



DRAWN BY: WFG  
 PLOT DATE: 06/15/2021  
 PROJECT: P201021  
 SHEET: 6 OF 6  
 FILE NAME: RW\_NEEDS\_EXHIBIT.DWG

**HUETTER CORRIDOR  
 PROPOSED RIGHT-OF-WAY**



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