

**TITLE 10**  
**SUBDIVISION REGULATIONS**

Subject	Chapter
Title, Authority, Purpose . . . . .	1
Definitions . . . . .	2
Procedure For Subdivision Approval . . . . .	3
Design Standards . . . . .	4
Improvement Standards . . . . .	5
Special Development Subdivisions . . . . .	6
Vacations And Dedications . . . . .	7
Variances . . . . .	8
Amendments . . . . .	9
Enforcement; Penalties . . . . .	10



## CHAPTER 1

**TITLE, AUTHORITY, PURPOSE**

## SECTION:

10-1-1:	Title
10-1-2:	Authority
10-1-3:	Purpose
10-1-4:	Jurisdiction
10-1-5:	Interpretation
10-1-6:	Administration
10-1-7:	Combining Permits
10-1-8:	Severability

10-1-1:       **TITLE:** These regulations shall be known and cited as the *OWYHEE COUNTY SUBDIVISION REGULATIONS*, hereinafter referred to as the "subdivision ordinance". (Ord. 09-09, 10-6-2009)

10-1-2:       **AUTHORITY:** These regulations are authorized by Idaho Code title 67, chapter 65, as amended or subsequently codified. (Ord. 09-09, 10-6-2009; amd. 2010 Code)

10-1-3:       **PURPOSE:** The purposes of these regulations are to promote the public health, safety, and general welfare, and to provide for:

- A.     The harmonious development of the area.
- B.     The coordination of streets and roads within the subdivision with other existing or planned streets and roads.
- C.     Adequate open space for travel, light, air and recreation.
- D.     Adequate transportation, water drainage and sanitary facilities.

- E. The avoidance of scattered subdivision of land that would result in either of the following:
1. The lack of water supply, sewer service, drainage, transportation, fire protection, or other public services.
  2. The unnecessary imposition of an excessive expenditure of public funds for the supply of such services.
- F. The requirements as to the extent and the manner in which:
1. Roads shall be created and improved.
  2. Water and sewer and other utility mains, piping connections, or other facilities shall be installed.
- G. The manner and form of making and filing of any plat.
- H. The administration of these regulations by defining the powers and duties of approval authorities. (Ord. 09-09, 10-6-2009)

10-1-4: **JURISDICTION:** These regulations shall apply to the subdividing of all land within the unincorporated territory of the county, except for the property within one mile outside the limits of an incorporated city, city approval of subdivision plats within one mile of the city limits shall be in addition to county approval, or as mutually defined by both city and county under the requirements of Idaho Code section 50-1306, as amended or subsequently codified, and except as provided by Idaho Code section 31-3803. (Ord. 09-09, 10-6-2009)

10-1-5: **INTERPRETATION:** All "subdivisions" as herein defined shall be submitted to the county commissioners for approval and shall comply with the provisions of these regulations. These regulations shall supplement all other regulations. (Ord. 09-09, 10-6-2009)

10-1-6: **ADMINISTRATION:** The county commissioners may appoint an administrator to carry out the provisions as herein specified and to serve at the pleasure of the commission. The administrator shall receive and process all subdivision applications. If an administrator is not appointed, then the functions of the administrator referred to herein may be carried out by the county commissioners, or the planning commission

may act as administrator if directed by the county commissioners. (Ord. 09-09, 10-6-2009)

10-1-7:       **COMBINING PERMITS:** The commission is hereby required to coordinate with other local departments and local agencies concerning all permits which may be required in this title, and previously or subsequently adopted county ordinances. A one stop permit application and processing procedure may be developed with the respective departments and agencies for the purpose of reducing errors, misunderstanding, confusion and unnecessary delay for everyone involved. (Ord. 09-09, 10-6-2009)

10-1-8:       **SEVERABILITY:** Where any word, phrase, clause, sentence, paragraph, section, or other part of these regulations is held invalid by a court of competent jurisdiction, such judgment shall affect only that part so held invalid. (Ord. 09-09, 10-6-2009)



CHAPTER 2  
**DEFINITIONS**

SECTION:

10-2-1: Interpretation Of Terms Or Words

10-2-2: General Definitions

10-2-1: **INTERPRETATION OF TERMS OR WORDS:** Terms or words used herein shall be interpreted as follows:

- A. The present tense includes the past or future tense, the singular includes the plural, and the plural includes the singular.
- B. The word "shall" is mandatory; "may" is permissive; and the word "should" is preferred.
- C. The masculine shall include the feminine. (Ord. 09-09, 10-6-2009)

10-2-2: **GENERAL DEFINITIONS:** As used in this title, the following words and terms shall have the meanings ascribed to them in this section:

**ADMINISTRATOR:** An official, having knowledge in the principles and practices of subdividing, who is appointed by the county commissioners to administer this title.

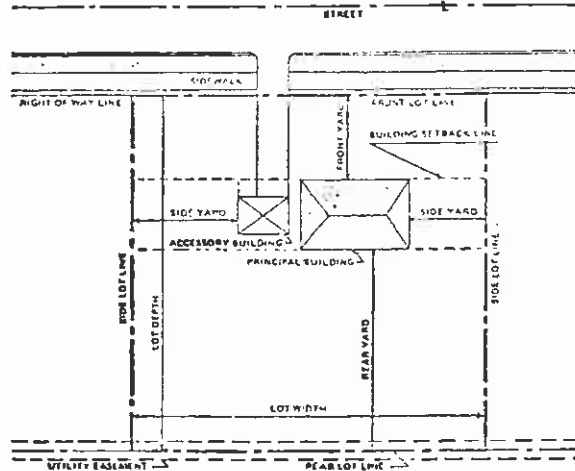
**BLOCK:** A group of lots, tracts, or parcels within well defined boundaries, usually streets.

**BOARD:** The board of county commissioners.

**BUILDING:** A structure designed or used as the living quarters for one or more families, or a structure designed or used for occupancy by people for commercial or industrial uses.

**BUILDING SETBACK LINE:**

An imaginary line established by a zoning ordinance that requires all buildings to be set back a certain distance from lot lines.



**BUILDING SETBACK LINES**

**BUILDING SITE:**

An area proposed or provided for and improved by grading, filling, excavation or other means for erecting pads for buildings.

**CEMETERY:**

A lot that has been platted for the selling of sites for the burial of animal or human remains.

**CITY:**

The city having jurisdiction of the parcel of land under consideration.

**COMMISSION:**

The planning commission appointed by the county commissioners.

**COMMITTEE:**

That technical committee appointed by the county commissioners, upon recommendation from the commission, to assist with the technical evaluation of subdivision, and to make recommendations to the commission. The membership of the committee shall include, but not be limited to, persons that are engaged or



have been engaged in either private or public work with specific knowledge in the following areas:

- A. Road design and construction.
- B. Sewer and water facility design and construction.
- C. Health requirements for water and sewer facilities.
- D. Environmental planning criteria such as geology, water systems, vegetation and noise.
- E. Solid waste.
- F. Recreational and open space.

**COMPREHENSIVE  
PLAN:**

An adopted document that herein may be referred to as a comprehensive plan or comprehensive development plan. The document shall show the general location and extent of present and proposed development, including, but not limited to, housing, industrial and commercial uses, streets, parks, schools, and other community facilities.

**CONDOMINIUM:**

An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof; together with a separate interest in real property, in an interest or interests in real property, or in any combination thereof.

**COUNCIL:**

The city council of a municipal governing body.

**COUNTY ENGINEER:**

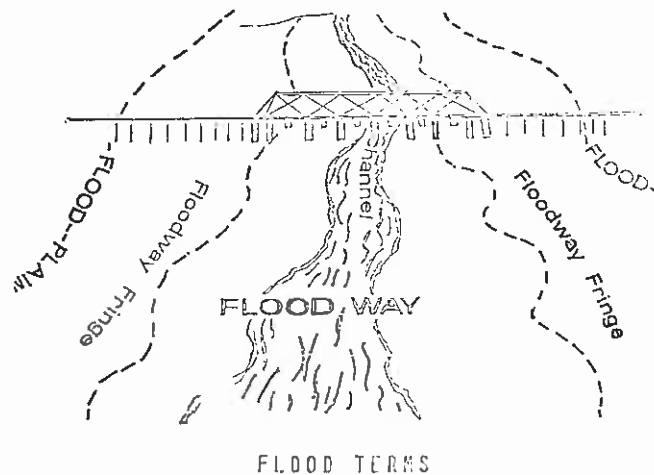
Any registered professional engineer retained by the county commissioners to perform professional engineering for the county.

**COUNTY RECORDER:**

The office of the county recorder.

COUNTY SURVEYOR:	Any registered professional land surveyor retained by the county commissioners to perform professional land surveying for the county or to verify plots as provided in Idaho Code section 50-1305.
COVENANT:	A written promise or pledge.
CULVERT:	A drain that channels water under a bridge, street, road or driveway.
DEDICATION:	The setting apart of land or interests in land for use by the public by ordinance, resolution, or entry in the official minutes as by the recording of a plat. Dedicated land becomes public land upon the acceptance by the county.
DEVELOPER:	Authorized agents of a subdivider or the subdivider himself.
DWELLING UNIT:	Any building or other structure proposed or built for occupancy by people.
EASEMENT:	A grant by a property owner to specific persons or to the public to use land for specific purposes. Also, a right acquired by prescription.
ENGINEER:	Any person who is licensed in the state to practice professional engineering.
FLOODPLAIN:	The relatively flat area or lowland adjoining the channel of a river, stream, lake or other body of water which has been or may be covered by water of a flood of one hundred (100) year frequency. The floodplain includes the channel, floodway and floodway fringe, as established per the engineering practices as specified by the army corps of engineers, as follows:  Channel: A natural or artificial watercourse of a perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

- Flood:** The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water.
- Flood Of One Hundred Year Frequency:** A flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year.
- Floodway:** The channel or a watercourse and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater of any watercourse.
- Floodway Fringe:** That part of the floodplain which is beyond the floodway. Such areas will include those portions of the floodplain which will be inundated by a flood of one hundred (100) year frequency but which may be developed when such development will not have a significant effect upon the floodwater carrying capacity of the floodway and the flood water levels. Such areas are characterized by shallow flood depths and low velocities of water flow.



- GOVERNING BODY:** The county commissioners of the county of Owyhee, state of Idaho.

HIGHWAY:	A street designated as a highway by an appropriate state or federal agency.
HILLSIDE SUBDIVISION OR HILLSIDE DEVELOPMENT:	Any subdivision or portion thereof having an average slope of ten percent (10%) or more.
IMPROVEMENT:	Any alteration to the land or other physical construction associated with subdivision and building site developments.
LARGE SCALE DEVELOPMENT:	A subdivision the size of which consists of fifty (50) or more lots or dwelling units.
LOT:	A parcel, plot, tract, or other land area of suitable size as required in these regulations and the existing zoning ordinance <sup>1</sup> ; and created by subdivision for sale, transfer, or lease.
LOT AREA:	The area of any lot shall be determined exclusive of street, highway, alley, road, or other rights of way.
LOT TYPES:	As used in these regulations, lot types are as follows:
Corner Lot:	A lot located at the intersection of two (2) or more streets.
Interior Lot:	A lot other than a corner lot with frontage on only one street.
Through Lot:	A lot with frontage on more than one street other than a corner lot.
MAJOR SUBDIVISION:	A subdivision which contains a number of lots greater than ten (10).
MINOR SUBDIVISION:	A subdivision which contains a number of lots that is ten (10) or less.

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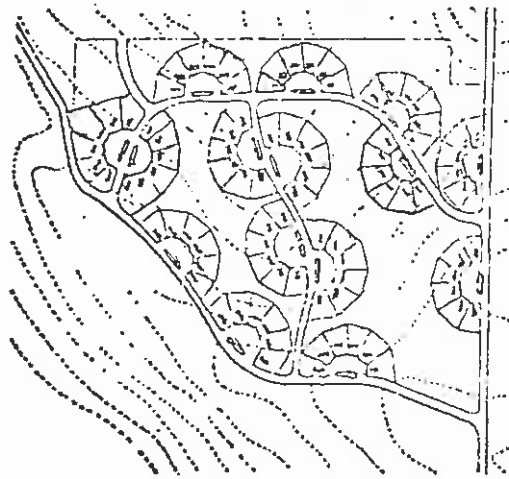
1. See title 9 of this code.

MOBILE HOME:	A factory assembled structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its (their) own wheels and designed to be used as a dwelling unit(s) without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner.
MOBILE HOME SUBDIVISION:	A subdivision designed and intended for exclusive mobile home residential use.
MONUMENT:	Any permanent marker either of concrete, galvanized iron pipe, or iron or steel rods, used to identify any tract, parcel, lot or street lines as specified in Idaho Code section 50-1303.
OPEN SPACE:	An area open to the sky for outdoor recreation activity, exclusive of streets, buildings, or other covered structures.
ORIGINAL LOT, ORIGINAL TRACT, OR ORIGINAL PARCEL OF LAND:	A lot, tract or parcel of land as recorded on any plat recorded on file in the office of the county recorder, and/or any unplatted contiguous parcel of land held in one ownership on record in the office of the county recorder on the effective date hereof, August 13, 1979.
OWNERSHIP:	The individual, firm, association, syndicate, partnership, or corporation having any interest in the land to be subdivided.
PERFORMANCE BOND:	An amount of money or other negotiable security paid by the subdivider or his surety to the county clerk and recorder which guarantees that the subdivider will perform all actions required by the governing body regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of an approved plat, the subdivider or his surety will pay damages up to the limit of the

bond, or the surety will itself complete the requirements of the approved plat.

**PLANNED UNIT  
DEVELOPMENT  
SUBDIVISION:**

A subdivision designed as a combination of residential, commercial and industrial uses planned for a tract of land to be developed as a unit under single ownership or control, which is developed for the purpose of selling individual lots or estates, whether fronting on private or dedicated streets, which may include two (2) or more principal buildings. See map below:



**PLANNED UNIT DEVELOPMENT**

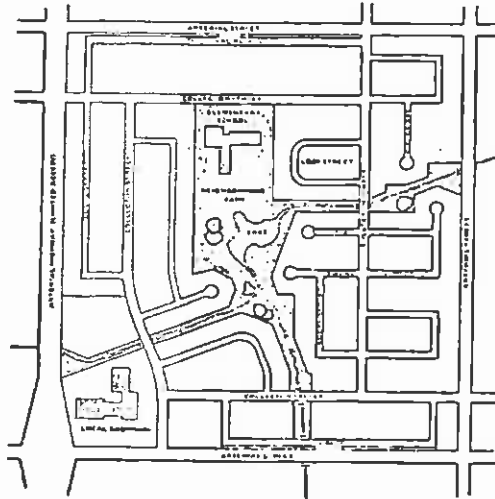
**PLAT:** The drawing, mapping, or planning of a subdivision, cemetery, townsite or other tract of land or a replatting of such including certifications, descriptions and approvals:

**Final Plat:** The final and formal presentation by drawings of an approved subdivision development, the original and one copy of which is filed with the county clerk and recorder.

**Preliminary Plat:** The first formal presentation by drawings of a proposed subdivision.

RESERVE STRIP:	A strip of land between a partial street and adjacent property which is reserved or held in public ownership for future street extension or widening.
RIGHT OF WAY:	A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks and other public utilities or service areas.
STANDARD SPECIFICATIONS:	The specifications as specified in this title or as officially adopted by the county.
STATE:	The state of Idaho.
STREET:	A right of way which provides access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, and other such terms.
Alley:	A minor street providing secondary access at the back or side of a property otherwise abutting a street.
Arterial:	A street designated for the purpose of carrying fast and/or heavy traffic.
Collector:	A street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.
Cul-De-Sac:	A street connected to another street at one end only and provided with a turnaround space at its terminus.
Frontage:	A minor street, parallel to and adjacent to an arterial street to provide access to abutting properties.
Loop:	A minor street with both terminal points on the same street of origin.

- Minor:** A street which has the primary purpose of providing access to abutting properties.
- Partial:** A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.
- Private:** A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.



STREET TYPES

- SUBDIVIDER:** Deemed to be the individual, firm, corporation, partnership, association, syndicate, trust, or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this title. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.
- SUBDIVISION:** A. The division of an original lot, tract, or parcel of land as recorded as of August 13, 1979, into more than four (4) parts any of which is less than five (5) acres for the purpose of development, or any land development where four (4)



or more homesites of any size will be sold for the purpose of development. "Development" shall include, but not be limited to, improvements for residential, commercial, industrial, or recreational use, including mobile home parks as defined in Idaho Code section 55-2003; the dedication of a public street; and the addition to or creation of a cemetery.

B. An "original lot, tract or parcel of land" is defined as a lot or tract or parcel of land as recorded on any plat recorded on file in the office of the county recorder, and/or any unplatted contiguous parcel of land held in one ownership on record in the office of the county recorder on the effective date hereof.

C. Subdivision shall also mean and include the following:

1. The dividing of land into more than four (4) tracts, lots, or parcels for transfer of ownership or building development, any part of which, when subdivided, contains less than five (5) acres.

2. The dedicating of any street or alley through or along any tract of land.

3. The placement of more than one manufactured building under the provisions of Idaho Code subsection 39-4105, and/or a commercial coach under the provisions of Idaho Code subsection 39-4105, or a "mobile home" which means a structure similar to a manufactured home, but built to a state mobile home code which existed prior to the federal manufactured housing and safety standards act (HUD code) per acre upon an existing tract of land, although there is no division of the lot, tract or parcel of land.

4. Any dwelling or residence located on a tract of land which does not provide a recorded right of way for ingress and egress to an exist-

ing public road; and the use of an easement or right of way by three (3) or more adjacent property owners for ingress and egress to an existing public road.

a. Access shall include the following:

(1) A minimum property frontage of fifty feet (50') on the right of way of a maintained public street or highway is required for the purpose of ingress/egress, excluding alleys; or

(2) A recorded private permanent perpetual easement is required of a minimum width of twenty eight feet (28') from the right of way of a maintained public road to the property for the purpose of ingress/egress. Use of this private permanent perpetual easement provision is only allowed for land which otherwise would have no frontage on the right of way of a public maintained road.

b. Access roadway construction standard:

(1) Must be constructed with six inch (6") gravel base and leveling coarse, graded and compacted, with a twenty foot (20') wide all weather driving surface.

(2) All access roads must be kept clear at all times.

D. However, this title shall not apply to any of the following:

1. Widening of existing streets to conform to the comprehensive plan;

2. The unwilling sale of land as a result of legal condemnation as defined and allowed in Idaho Code;

3. The acquisition of collector and arterial street rights of way by a public agency in conformance with the comprehensive plan;

4. The exchange of land for the purpose of straightening property boundaries or convenience, which does not result in the substantial change of the present land usage of the properties involved.

Any other transfer, development or placement of more than one mobile home, manufactured home or commercial coach per acre on an existing tract of land constitutes a subdivision and must have a variance from the planning commission and the county commissioners.

SURVEYOR:	Any person who is licensed in the state as a public land surveyor to do professional surveying.
UTILITIES:	Installations for conducting water, sewage, gas, electricity, television, stormwater, and similar facilities providing service to and used by the public.
VARIANCE:	A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship.
VICINITY MAP:	A small scale map showing the location of a tract of land in relation to a larger area. (Ord. 09-09, 10-6-2009)



## CHAPTER 3

**PROCEDURE FOR SUBDIVISION APPROVAL**

## SECTION:

- 10-3-1: Approval Required
- 10-3-2: Preapplication
- 10-3-3: Preliminary Plat
- 10-3-4: Final Plat

10-3-1: **APPROVAL REQUIRED:** Any person desiring to create a "subdivision" as herein defined shall submit all necessary applications to the administrator. No final plat shall be filed with the county recorder or improvements made on the property until the plat has been acted upon by the commission and approved by the county commissioners. No lots shall be sold until the plat has been recorded in the office of the county recorder. (Ord. 09-09, 10-6-2009)

10-3-2: **PREAPPLICATION:**

- A. Application: The subdivider may submit a preapplication to enable the administrator to review and comment on the proposed subdivision. The preapplication shall include at least one copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision in schematic form and include the following:
  - 1. The general layout and approximate dimension of streets, blocks, and lots in sketch form;
  - 2. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site;
  - 3. The areas set aside for schools, parks and other public facilities.
- B. Fee: None required.

- C. Administrator Action: The administrator shall notify the subdivider fifteen (15) working days from the date of receiving an acceptable preapplication as to the general conformance or nonconformance of the proposal with this title, and shall provide the necessary forms and checklists, as well as the additional following concerns:
1. Compliance of the proposed development with existing local or state policies, goals and objectives or comprehensive plans.
  2. Determination if additional special permits or ordinance conflicts, such as rezone, special development permit or variance are needed, and the manner of coordinating such permits.
  3. Consideration of any unique environmental features or hazard concerns that may be directly or indirectly associated with the subject property, such as areas that have been designated by the state as areas of critical environmental concern, unique plant or animal life, floodplain, airport flight pattern and the like.
  4. Consideration of other local and state agencies that the subdivider should contact before preparing a preliminary plat. (Ord. 09-09, 10-6-2009)

**10-3-3: PRELIMINARY PLAT:**

- A. Application: The subdivider shall file with the administrator a completed subdivision application form and preliminary plat data as required in this title.
- B. Combining Preliminary And Final Plats: The applicant may request that the subdivision application be processed as both a preliminary and final plat if all the following exist:
1. The proposed subdivision does not exceed ten (10) lots.
  2. No new street dedication or street widening is involved.
  3. No major special development considerations are involved, such as development in a floodplain, hillside development or the like.
  4. All required information for both preliminary and final plat is complete and in an acceptable form.

A request to combine both preliminary plat and final plat into one application shall be acted upon by the commission upon recommendation by the technical review committee.

- C. Content Of Preliminary Plat<sup>1</sup>: The contents of the preliminary plat and related information shall be in such a form as stipulated by the commission; however, any additional maps or data deemed necessary by the administrator may also be required. The subdivider shall submit to the administrator at least the following in ten (10) identical sets:

1. Ten (10) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated: a) each copy of the preliminary plat shall be on good quality paper, b) shall have dimensions of not less than twenty four inches by thirty six inches (24" x 36"), c) shall be drawn to a scale of not less than one inch to two hundred feet (1" = 200'), d) shall show the drafting date, and shall indicate thereon, by arrow, the generally northerly direction.

2. Ten (10) sets of preliminary engineering plans (not meant to be cross sections or detailed designs) for streets, water, sewers, sidewalks and other required public improvements; however, such engineering plans shall contain sufficient information and detail to enable the technical review committee to make a determination as to conformance of the proposed improvements to applicable regulations, ordinances, and standards.

3. Ten (10) copies of the written application requesting approval of the preliminary plat.

4. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, planned unit development, floodplain, cemetery, mobile home, large scale development, hazardous and unique areas of development.

- D. Requirements Of Preliminary Plats: The following shall be shown on the preliminary plat or shall be submitted separately:

1. The name of the proposed subdivision.

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1. See chapter 6 of this title for special development subdivision requirements.

2. The names, addresses and telephone numbers of the subdivider or subdividers and the engineer or surveyor who prepared the plat.
3. The name and address of all adjoining owners of property whether or not bisected by a public right of way as shown on record in the county assessor's office.
4. The legal description of the subdivision.
5. A statement of the intended use of the proposed subdivision, i.e., residential single-family; two-family and multiple housing; commercial; industrial; recreational; or agricultural; and a showing of any sites proposed for parks, playgrounds, schools, churches or other public uses.
6. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development.
7. A vicinity map showing the relationship of the proposed plat to the surrounding area ( $\frac{1}{2}$  mile minimum radius, scale optional).
8. The land use and existing zoning of the proposed subdivision and the adjacent land.
9. Streets, street names, rights of way and roadway widths, including adjoining streets or roadways.
10. Lot lines and blocks showing the approximate dimensions and numbers of each.
11. A site report as required by the appropriate health district where individual wells or septic tanks are proposed.
12. Any dedications to the public and/or easements, together with a statement of location, dimensions, and purpose of such.
13. Any additional required information for special developments as specified in chapter 6 of this title.
14. A statement as to whether or not a variance, as specified in chapter 8 of this title will be requested with respect to any provision of this title describing the particular provision, the variance requested, and the reasons therefor.



15. A statement of how, if any, irrigation waters would be delivered to said subdivision.

E. Administrator Review:

1. Certification: Upon receipt of the preliminary plat and all other required data as provided for herein, the administrator shall certify the application as complete and shall affix the date of application acceptance thereon. He may thereafter place the preliminary plat on the agenda for consideration at the meeting of the technical review committee which is held no more than forty five (45) days after certification.

2. Review By Other Agencies: The administrator shall refer the preliminary plat and application to as many agencies as deemed necessary. Such agencies may include the following:

a. The technical review committee members, as appointed for this particular subdivision.

b. Other governing bodies having joint jurisdiction.

c. The appropriate utility companies, irrigation companies or districts and drainage districts.

d. The superintendent of the school district.

e. Other agencies having an interest in the proposed subdivision.

3. Administrator Recommendation: Upon expiration of the time allowance for department and agency review, the administrator shall prepare a recommendation to the technical review committee.

F. Technical Review Committee Recommendation:

1. The technical review committee shall review the preliminary plat from the viewpoint of the technical disciplines represented on the committee.

2. The committee shall make a recommendation to the commission on each preliminary plat and on each special request that is made by the subdivider. The committee's recommendation shall include how deficiencies or shortcomings of the preliminary plat might be overcome.

3. The preliminary plat shall be placed on the agenda of the next regular commission meeting which is held not less than forty five (45) days after the committee meeting.

G. Public Notification: The administrator shall notify all adjoining property owners. Such written notification shall be mailed at least ten (10) days prior to the commission meeting.

H. Commission Action:

1. Hearing By Commission: Within a reasonable time, but no later than the next regular meeting following the committee's recommendation, the commission shall review the preliminary plat, the report from the committee, comments from concerned persons and agencies and the report from the administrator to arrive at a decision on the preliminary plat.

2. Commission's Findings: In determining the acceptance of a proposed subdivision, the commission shall consider the objectives of this title and at least the following:

a. The conformance of the subdivision with the comprehensive development plan.

b. The availability of public services to accommodate the proposed development.

c. The continuity of the proposed development with the capital improvement program.

d. The public financial capability of supporting services for the proposed development.

e. The other health, safety or environmental problems that may be brought to the commission's attention.

3. Action On Preliminary Plat: The commission may approve, approve conditionally, disapprove, or table the preliminary plat for additional information. Such action shall occur within forty five (45) days of the date of the regular meeting at which the plat is first considered by the commission. The action, and the reasons for such action shall be stated, in writing, by the administrator, and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action, together with a

copy of the preliminary plat to the county commissioners for their information and record.

4. Action On Combined Preliminary And Final Plat: If the commission's conclusion is favorable to the subdivider's request for the subdivision to be considered as both a preliminary plat and final subdivision, then a recommendation shall be forwarded to the county commissioners in the same manner as herein specified for a final plat. The commission may recommend that the combined application be approved, approved conditionally or disapproved.

I. Appeals: Any person or aggrieved party who appeared in person or writing before the commission may appeal, in writing, the decision of the commission relative to the final action taken by the commission. Such appeal must be submitted to the county commissioners within thirty (30) days from such commission action. Commissioners shall reply, in writing, within thirty (30) days after their next regular meeting.

J. Approval Period:

1. Failure to file and obtain the certification of the acceptance of the final plat application by the administrator within one year after action by the commission shall cause all approvals of said preliminary plat to be null and void unless an extension of time is applied for by the subdivider and granted by the commission.

2. In the event that the development of the preliminary plat is made in successive contiguous segments in an orderly and reasonable manner and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of one year, may be considered for final approval without resubmission for preliminary plat approval. (Ord. 09-09, 10-6-2009)

10-3-4: **FINAL PLAT:**

A. Application: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the administrator the following:

1. Ten (10) copies of the final plat.

2. Ten (10) copies of the final engineering construction drawings for streets, water, sewers, sidewalks and other public improvements.
  3. Ten (10) eight and one-half by eleven ( $8\frac{1}{2} \times 11$ ) reduced copies of the development plat.
  4. Ten (10) copies of the written application for final plat.
  5. The appropriate fee as established by resolution.
- B. Contents Of Final Plat: The final plat shall include and be in compliance with all items required under Idaho Code title 50, chapter 13 and shall be drawn at such a scale and contain lettering of such size as to enable the same to be placed on one or more sheets of legal size Mylar with no part of the drawing nearer to the edge than one-half inch ( $\frac{1}{2}$ "). The final plat shall include at least the following:
1. A written application for approval of such final plat as stipulated by the commission.
  2. Proof of current ownership of the real property included in the proposed final plat.
  3. Such other information as the administrator or commission may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat.
  4. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof.
  5. Conformance with all requirements and provisions of this title.
  6. Acceptable engineering practices and local standards.
  7. The subdividers, the county and subsequent lot owners agree, by accepting deeds to lots in the plat, that they will not interfere or complain concerning farm operations that are in practice on adjacent farms at the time of recording of the plat.
  8. Any proposed or existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches, drainages, bridges, culverts, water mains, fire hydrants, and their respective profiles.

9. A copy of any proposed restrictive covenants and/or deed restrictions.

10. Contour lines shown at five foot (5') intervals where land slope is greater than ten percent (10%) and at two foot (2') intervals where land slope is ten percent (10%) or less, referenced to an established bench mark, including location and elevation.

11. Any developer must notify any prospective purchaser of any bonded indebtedness such as irrigation district by so stating in the proposed plat.

C. Administrator Review:

1. Acceptance: Upon receipt of the final plat and compliance with all other requirements as provided for herein, the administrator shall certify the application as complete and shall affix the date of acceptance thereon.

2. Resubmittal Of Final Plat: The administrator shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the administrator determines that there is substantial difference in the final plat than that which was approved as a preliminary plat or conditions which have not been met, the administrator may require that the final plat be submitted to the technical review committee and commission in the same manner as required in the preliminary plat process.

3. Submission To County Commissioners: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the administrator shall place the final plat on the county commissioners' agenda within forty five (45) days from the date that an acceptable final plat application was received and acknowledged by the administrator.

D. Agency Review: The administrator may transmit one copy of the final plat, or other documents submitted, for review and recommendation to the departments and agencies as he deems necessary to ensure compliance with the preliminary approval and/or conditions of preliminary approval. Such agency review shall also include the construction standards of improvements, compliance with health standards, the cost estimate for all improvements and the legal review of the performance bond.

- E. **Action Of County Commissioners:** The county commissioners, at their next meeting following receipt of the administrator's report, shall consider the commission's findings and comments from concerned persons and agencies to arrive at a decision on the final plat. The county commissioners shall approve, approve conditionally, disapprove, or table the final plat for additional information within forty five (45) days of the date of the regular meeting at which the plat is first considered. A copy of the approved plat shall be filed with the administrator.
- F. **Approval Period:** Final plat shall be filed with the county commissioners within one year after written approval by the county commissioners; otherwise, such approval shall become null and void unless, prior to said expiration date, an extension of time is applied for by the subdivider and granted by the county commissioners.
- G. **Method Of Recording:** Upon approval of the final plat by the county commissioners, the subdivider's prepayment of: 1) recording fees, 2) construction of off site improvements or posting of surety bond, and 3) the inclusion of the following signatures on the final plat, the administrator shall submit the final plat to the county recorder for recording:
1. Certification and signature of the county commissioners verifying that the subdivision has been approved.
  2. Certification and signature of the city clerk, if required, and the county engineer verifying that the subdivision meets the county requirements and has been approved by the county commissioners.
  3. Certification of the sanitation restrictions on the face of the plat per Idaho Code section 50-1326. (Ord. 09-09, 10-6-2009)

CHAPTER 4  
**DESIGN STANDARDS**

SECTION:

- 10-4- 1: Minimum Design Standards
- 10-4- 2: Street And Road Locations
- 10-4- 3: Street Specifications
- 10-4- 4: Street Names
- 10-4- 5: Intersections
- 10-4- 6: Pedestrian Walkways
- 10-4- 7: Easements
- 10-4- 8: Blocks
- 10-4- 9: Lots
- 10-4-10: Planting Strips And Reserve Strips
- 10-4-11: Public Sites And Open Spaces

10-4-1: **MINIMUM DESIGN STANDARDS:** All plats submitted pursuant to the provisions of this title, and all subdivisions, improvements and facilities done, constructed or made in accordance with said provisions shall comply with the minimum design standards set forth in this chapter and conform to specifications as set forth by the county commissioners. (Ord. 09-09, 10-6-2009)

10-4-2: **STREET AND ROAD LOCATIONS:** Street and road location shall conform to the following:

- A. **Street Location And Arrangements:** When an official street plan or comprehensive development plan has been adopted, subdivision streets shall conform to such plans.
- B. **Minor Streets:** Minor streets shall be so arranged as to discourage their use by through traffic.
- C. **Stub Streets:** Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets

extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas. A reserve strip may be required and held in public ownership.

- D. **Relation To Topography:** Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.
- E. **Alleys:** Alleys shall be provided in multiple-dwelling or commercial subdivisions unless other provisions are made for service access and off street loading and parking. Dead end alleys shall be prohibited in all cases.
- F. **Frontage Roads:** Where a subdivision abuts or contains an arterial street, it shall be required that there be frontage roads approximately parallel to and on each side of such arterial street or such other treatment as is necessary for the adequate protection of residential properties and to separate through traffic from local traffic.
- G. **Cul-De-Sac Streets:** Cul-de-sac streets shall not be more than five hundred feet (500') in length and shall terminate with an adequate turnaround having a minimum radius of fifty feet (50') for right of way.
- H. **Half Streets:** Half streets shall be prohibited except where unusual circumstances make such necessary to the reasonable development of a tract in conformance with this title and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract. (Ord. 09-09, 10-6-2009)

10-4-3: **STREET SPECIFICATIONS:**

- A. **Street Right Of Way Widths:** Street and road right of way widths shall conform to the adopted major street plan or comprehensive development plan and the rules of the state department of highways and the highway district or department having jurisdiction; minimum right of way standards are as follows:

(see following page)



## HIGHWAY AND STREET TYPES

Expressway or freeway	160 – 260 feet
Major arterial	120 feet
Minor arterial	50 – 80 feet
Collector street	50 – 60 feet
Minor street	50 – 60 feet

- B. **Street Grades:** Street grades shall not exceed ten percent (10%) on either minor or collector streets, and six percent (6%) for arterial streets.
- C. **Street Alignment:** Street alignment shall be as follows:
1. **Horizontal Alignment:** When street lines deflect from each other by more than ten degrees (10°) in alignment, the centerlines shall be connected by a curve having a minimum radius of five hundred feet (500') for arterial streets and three hundred feet (300') for collector streets. Between reverse curves on collector and arterial streets, there shall be a minimum tangent distance of two hundred feet (200').
  2. **Vertical Alignment:** Minimum stopping sight distances shall be two hundred feet (200') for minor streets and designed in accordance with design speed for collector and arterial streets. (Ord. 09-09, 10-6-2009)

10-4-4: **STREET NAMES<sup>1</sup>:** The naming of streets shall conform to the following:

- A. **Duplications Of Existing Street Name:** Street names shall not duplicate any existing street name within the county except where a new street is a continuation of an existing street; street names that may be spelled differently but sound the same as existing streets shall not be used.
- B. **New Streets:** All new streets shall be named as follows: streets having a predominantly north-south direction shall be named "avenue" or "road"; streets having a predominantly east-west direction shall be named "street" or "way"; meandering streets shall be

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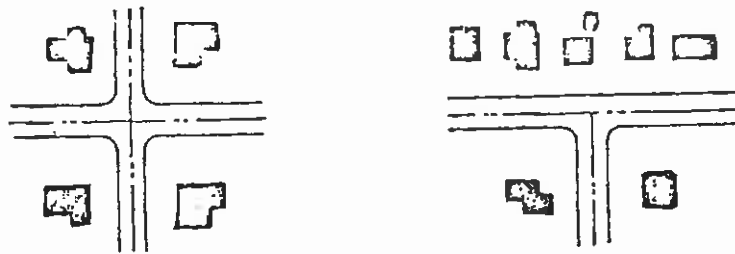
1. See also title 7, chapter 3 of this code.

named "drive", "lane", "path" or "trail", and cul-de-sacs shall be named "circle", "court", and "place". (Ord. 09-09, 10-6-2009)

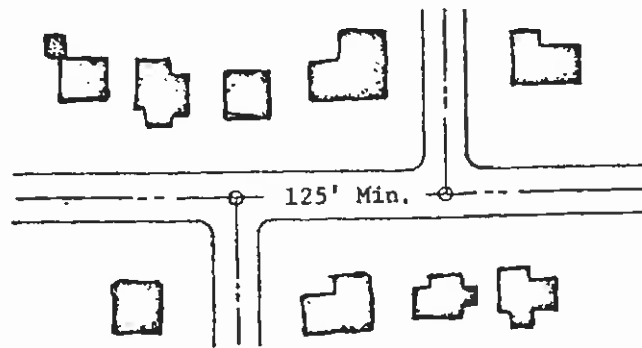
10-4-5: **INTERSECTIONS:** Intersections shall conform to the following:

- A. **Angle Of Intersection:** Streets shall intersect at ninety degrees (90°) or as closely thereto as possible, and in no case shall streets intersect at less than seventy degrees (70°).
- B. **Sight Triangles:** Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred feet (100') from the center of the intersection.
- C. **Number Of Streets:** No more than two (2) streets shall cross at any one intersection.
- D. **T Intersections:** T intersections may be used wherever such design will not restrict the free movement of traffic.
- E. **Centerline Offsets:** Street centerlines shall be offset by a distance of at least one hundred twenty five feet (125').
- F. **Vertical Alignment Of Intersection:** A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred feet (100') each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain, and four percent (4%) in hilly terrain, will be permitted.

(see following page)



4-WAY INTERSECTION -- "T" INTERSECTION



CENTERLINE OFFSET

(Ord. 09-09, 10-6-2009)

10-4-6: **PEDESTRIAN WALKWAYS:** Rights of way for pedestrian walkways in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas; the pedestrian easement shall be at least ten feet (10') wide. (Ord. 09-09, 10-6-2009)

10-4-7: **EASEMENTS:** Unobstructed utility easements shall be provided along front lot lines, rear lot lines, and side lot lines when deemed necessary; total easement width shall not be less than twelve feet (12'). Unobstructed drainageway easements shall be provided as required by the county commissioners. (Ord. 09-09, 10-6-2009)

10-4-8: **BLOCKS:** Every block shall be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street, natural feature, or subdivision boundary; blocks shall not be less than three hundred feet (300') long in all cases. (Ord. 09-09, 10-6-2009)

10-4-9: **LOTS:** Lots shall conform to the following:

- A. **Future Arrangements:** Where parcels of land are subdivided into unusually large lots, i.e., when large lots are approved for septic tanks, the parcels shall be divided, where feasible, so as to allow for future resubdividing into smaller parcels. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future subdividing or lot splitting is contemplated, the plan thereof shall be approved by the commission prior to the taking of such action.
- B. **Sufficient Area For Septic Tank:** Where individual septic tanks have been authorized, sufficient area shall be provided for a replacement sewage disposal system. (Ord. 09-09, 10-6-2009)

10-4-10: **PLANTING STRIPS AND RESERVE STRIPS:** Planting strips and reserve strips shall conform to the following:

- A. **Planting Strips:** Planting strips shall be required to be placed next to incompatible features such as highways, railroads, commercial, or industrial uses to screen the view from residential properties. Such screening shall be a minimum of twenty feet (20') wide, and shall not be a part of the normal street right of way or utility easement.
- B. **Reserve Strips:**
  - 1. **Private:** Privately held reserve strips controlling access to streets shall be prohibited.
  - 2. **Public:** A one foot (1') reserve may be required to be placed along half streets which are within the subdivision boundaries and shall be deeded in fee simple to the county for future street widening. (Ord. 09-09, 10-6-2009)

**10-4-11: PUBLIC SITES AND OPEN SPACES:**

- A. **Public Uses:** Where it is determined that a proposed park, playground, school or other public use as shown on the comprehensive development plan is located in whole or in part within a proposed subdivision, sufficient area for such public use shall be dedicated to the public or reserved and offered for public purchase.
- B. **Natural Features:** Existing natural features which add value to residential development and enhance the attractiveness of the community, i.e., trees, watercourses, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision.
- C. **Special Developments:** In the case of planned unit developments and large scale developments, the commission may require sufficient park or open space facilities of acceptable size, location, and site characteristics that may be suitable for the proposed development. (Ord. 09-09, 10-6-2009)



## CHAPTER 5

**IMPROVEMENT STANDARDS**

## SECTION:

- 10-5-1: Urban Construction Standards
- 10-5-2: Required Public Improvements
- 10-5-3: Guarantee Of Completion

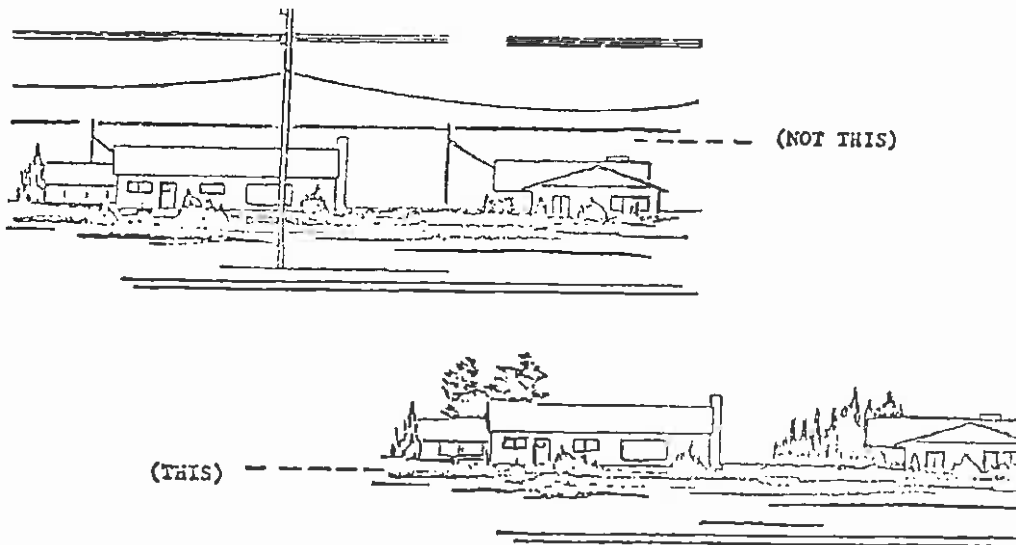
10-5-1: **URBAN CONSTRUCTION STANDARDS:**

- A. **Applicability:** Urban construction standards shall apply as needed to lot size of twenty thousand feet (20,000') or less except when the division is less than ten (10) lots.
- B. **Construction Plans:** It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer, a complete set of construction plans, including profiles, cross sections, specifications, and other supporting data, for all required public streets, utilities and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the public agencies' standards or specifications. (Ord. 09-09, 10-6-2009)

10-5-2: **REQUIRED PUBLIC IMPROVEMENTS:** Every subdivider may be required to install the following public and other improvements in accordance with the conditions and specifications as follows, and the subdivider shall be required to provide all necessary information for determination of need:

- A. **Monuments:** Monuments shall be set in accordance with Idaho Code section 50-1303.
- B. **Streets And Alleys:** All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the county commissioners.

- C. **Curbs And Gutters:** Vertical curbs and gutters shall be constructed on collector and arterial streets. Rolled curbs and gutters are required on minor streets. All construction shall be in accordance with the standards and specifications adopted by the county commissioners.
- D. **Bicycle Pathways:** A bicycle pathway shall be provided within all subdivisions as part of the public right of way or separate easement as may be specified in an overall bicycle plan as adopted by the county commissioners.
- E. **Installation Of Public Utilities:** Underground utilities are encouraged and may be required subject to the county commissioners' adopted policies and ordinances.
- F. **Driveways:** All driveway openings in curbs shall be as specified by the public works department, highway district or state highway department.
- G. **Storm Drainage:** The requirements for each particular subdivision shall be established by the county commissioners. Construction shall follow the specifications and procedures established by the county commissioners.



U N D E R G R O U N D U T I L I T I E S



- H. Public Water Supply And Sewer Systems:
1. All public water supply or sewer systems (serving 2 or more separate premises or households) shall be constructed in accordance with any adopted local plans and specifications. All new public water supply or sewer systems shall be an extension of an existing public system whenever possible. In the event that the proposed public water supply or sewer system is not an extension of an existing public system, there shall be a showing by the subdivider that the extension is not feasible and not to the best interest of the public.
  2. Idaho Code section 50-1326 requires that all water and sewer plans be submitted to the state department of environmental and community services or its authorized agent for approval.
- I. Maintenance And Operation Of Public Water Supply And Sewer Systems: The subdivider shall provide for a perpetual method of maintenance and operation of the public water supply or sewer system (serving 2 or more separate premises or households) to ensure the continued usefulness of the system.
- J. Fire Hydrants And Water Mains: Adequate fire protection shall be required in accordance with the appropriate fire district standards.
- K. Street Name Signs: Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local standards. A fee covering actual costs as determined by the county commissioners per street sign shall be paid by the subdivider.
- L. Sidewalks And Pedestrian Walkways: Sidewalks may be required on both sides of the street, except that where the average width of lots as measured at the street frontage line or at the building setback line, is over one hundred feet (100'), sidewalks on only one side of the street may be allowed. Pedestrian walkways, when required, shall have easements at least ten feet (10') in width and include a paved walk at least five feet (5') in width. Sidewalks and crosswalks shall be constructed in accordance with the standards and specifications as adopted by the county commissioners.
- M. Greenbelt: Greenbelts or landscaping screening may be required for protection of residential properties from adjacent major arterial streets, waterways, railroad rights of way or other features.

- N. Street Lighting: Streetlights may be required to be installed at intersections throughout the subdivision. A subdivider shall conform to the requirements of the county and the public utility providing such lighting. (Ord. 09-09, 10-6-2009)

10-5-3: **GUARANTEE OF COMPLETION:**

- A. Financial Guarantee Arrangements: In lieu of the actual installation of required public improvements before filing of the final plat, the county commissioners may permit the subdivider to provide a financial guarantee of performance (performance bond) in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement.
- B. Surety Bond/Performance Bond/Property Bond:
1. Accrual: The bond shall accrue to the county covering construction, operation and maintenance of the specific public improvement.
  2. Amount: The bond shall be in an amount equal to one hundred ten percent (110%) of the total estimated cost of completing construction of the specific public improvement, as estimated by the county engineer and approved by the county commissioners.
  3. Term Length: The term length in which the bond is in force shall be for a period to be specified by the county commissioners for the specific public improvement.
  4. Bond With Surety Company: The bond shall be with a surety company authorized to do business in the state of Idaho, acceptable to the county commissioners.
  5. Escrow Agreement: The escrow agreement shall be drawn and furnished by the county commissioners.
- C. Cash Deposit, Certified Check, Negotiable Bond, Or Irrevocable Bank Letter Of Credit:
1. Treasurer, Escrow Agent Or Trust Company: A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the county commissioners, shall be deposited with an escrow agent or trust company.

2. Dollar Value: The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit shall be equal to one hundred ten percent (110%) of the estimated cost of construction for the specific public improvement as estimated by the county engineer and approved by the county commissioners.
  3. Escrow Time: The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit shall be for a period to be specified by the county commissioners.
  4. Progressive Payment: In the case of cash deposits or certified checks, an agreement between the county commissioners and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.
- D. Conditions For Approval Of Final Plat: With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:
1. Construction Of Improvements: The construction of improvements required by this title shall have been completed by the subdivider and approved by the county commissioners.
  2. Acceptable Surety: Surety acceptable to the county commissioners shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.
- E. Inspection Of Public Improvements Under Construction: Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the county commissioners and state authorities, where applicable, shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.
- F. Penalty For Failure To Complete Construction Of Public Improvements: In the event the subdivider shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the county commissioners to proceed to have such work completed. In order to accomplish this, the board of county commissioners shall reimburse itself for the cost and expense

thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, as included in a written agreement between the county commissioners and the subdivider. (Ord. 09-09, 10-6-2009)

## CHAPTER 6

**SPECIAL DEVELOPMENT SUBDIVISIONS**

## SECTION:

- 10-6-1: Purpose
- 10-6-2: Hillside Subdivision
- 10-6-3: Planned Unit And Condominium Subdivisions
- 10-6-4: Large Scale Development Subdivision
- 10-6-5: Cemetery Subdivision
- 10-6-6: Subdivision Within Floodplain
- 10-6-7: Subdivision Within Area Of Critical Concern

10-6-1: **PURPOSE:** The purpose of this chapter is to identify various types of developments that normally pose special concerns to the commission and elected officials when reviewing and acting upon subdivision requests. This chapter outlines the plan submittal requirements and design standards that shall be taken into consideration when acting on special developments. The provisions of this chapter are in addition to the plan requirements, design standards and improvement standards that are required by chapters 3, 4 and 5 of this title. (Ord. 09-09, 10-6-2009)

10-6-2: **HILLSIDE SUBDIVISION:**

- A. Appearance And Preservation: In order to preserve, retain, enhance and promote the existing and future appearance, natural topographic features, qualities and resources of hillsides, special consideration shall be given to the following:
1. Skyline and ridge tops.
  2. Rolling grassy landforms, including knolls, ridges and meadows.
  3. Tree and shrub masses, grass, wildflowers and topsoil.
  4. Rock outcroppings.

5. Streambeds, draws and drainage swales, especially where tree and plant formations occur.
  6. Characteristic vistas and scenic panoramas.
- B. Hillside Development Evaluation: All development proposals shall take into account and shall be judged by the way in which land use planning, soil mechanics, engineering geology, hydrology, civil engineering, environmental and civic design, architectural and landscape design are applied in hillside areas, including, but not limited to:
1. Planning of development to fit the topography, soils, geology, hydrology and other conditions existing on the proposed site.
  2. Orientation of development of the site so that grading and other site preparation is kept to an absolute minimum.
  3. Shaping of essential grading to blend with natural landforms and to minimize the necessity of padding and/or terracing of building sites.
  4. Division of large tracts into smaller workable units on which construction can be completed within one construction season so that large areas are not left bare and exposed during the winter-spring runoff period.
  5. Completion of paving as rapidly as possible after grading.
  6. Allocation of areas not well suited for development because of soil, geology or hydrology limitations for open space and recreation uses.
  7. Minimizing disruption of existing plant and animal life.
  8. Consideration of the view from and of the hills.
- Areas having soil, geology or hydrology hazards shall not be developed unless it is shown that their limitations can be overcome; that hazard to life or property will not exist; that the safety, use or stability of a public way or drainage channel is not jeopardized; and that the natural environment is not subjected to undue impact.
- C. Engineering Plans: The developer shall retain a professional engineer(s) to obtain the following information unless the developer

requests and receives written exemption from the county commissioners for all or part of the information:

1. Soils Report: For any proposed hillside development, a soils engineering report shall be submitted with the preliminary plat. This report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and opinions and recommendations covering the adequacy of sites to be developed.

2. Geology Report:

a. For any proposed hillside development, a geology report shall be submitted with the preliminary plat. This report shall include an adequate description of site geology and an evaluation of the relationship between the proposed development and the underlying geology and recommendations for remedial remedies.

b. The investigation and subsequent report shall be completed by a professional geologist registered in the state of Idaho.

3. Hydrology Report:

a. For any proposed hillside development, a hydrology report shall be submitted with the preliminary plat. This report shall include an adequate description of the hydrology, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed.

b. Flood frequency curves shall be provided for the area proposed for development.

4. Grading Plan:

a. A preliminary grading plan shall be submitted with each hillside preliminary plat proposal and shall include the following information:

(1) Approximate limiting dimensions, elevations or finish contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels and related construction.

(2) Preliminary plans and approximate locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed.

(3) A description of methods to be employed in disposing of soil and other material that is removed from the grading site, including the location of the disposal site.

b. A final grading plan shall be submitted with each final plat and shall include the following information:

(1) Limiting dimensions, elevations or finish contours to be achieved by the grading, including all proposed cut and fill slopes, and proposed drainage channels and related construction.

(2) Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed.

(3) A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage together with estimated starting and completion dates. In no event shall the existing ("natural") vegetative ground cover be destroyed, removed or disturbed more than fifteen (15) days prior to grading.

#### 5. Development Standards:

##### a. Soils:

(1) Fill areas shall be prepared by removing organic material, such as vegetation and rubbish, and any other material which is determined by the soils engineer to be detrimental to proper compaction or otherwise not conducive to stability; no rock or similar irreducible material with a maximum dimension greater than eight inches (8") shall be used as fill material in fills that are intended to provide structural strength.

(2) Fills shall be compacted to at least ninety five percent (95%) of maximum density, as determined by AASHTO T99 and ASTM D698.



(3) Cut slopes shall be no steeper than two horizontal to one vertical (2:1), subsurface drainage shall be provided as necessary for stability.

(4) Fill slopes shall be no steeper than two horizontal to one vertical (2:1), fill slopes shall not be located on natural slopes two horizontal to one vertical (2:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top of an existing or planned cut slope.

(5) Tops and toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3') plus one-fifth ( $\frac{1}{5}$ ) of the height of the cut or fill, but need not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures a distance of six feet (6') plus one-fifth ( $\frac{1}{5}$ ) the height of the cut or fill, but need not exceed ten feet (10').

(6) The maximum horizontal distance of disturbed soil surface shall not exceed seventy five feet (75').

b. Roadways:

(1) Road alignments should follow natural terrain and no unnecessary cuts or fills shall be allowed in order to create additional lots or building sites.

(2) One-way streets shall be permitted and encouraged where appropriate for the terrain and where public safety would not be jeopardized. Maximum width shall be seventeen feet (17') between the backs of curbs.

(3) The width of the graded section shall extend three feet (3') beyond the curb back or edge of pavement on both the cut and fill sides of the roadway. If sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus one foot (1') beyond the curb back.

(4) Standard vertical curb (6 inches) and gutter shall be installed along both sides of all paved roadways.

(5) A pedestrian walkway plan shall be required.

c. Driveways And Parking: Combinations of collective private driveways, cluster parking areas and on street parallel parking bays shall be used to attempt to optimize the objectives of minimum soil disturbance, minimum impervious cover, excellence of design and aesthetic sensitivity.

D. Vegetation And Revegetation:

1. The developer shall submit a slope stabilization and revegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and the method of disposal, the vegetation to be planted, and slope stabilization measures to be installed. The plan shall include an analysis of the environmental effects of such operations, including the effect on slope stability, soil erosion, water quality and fish and wildlife.

2. Vegetation sufficient to stabilize the soil shall be established on all disturbed areas as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with perennial vegetal cover after all construction is completed. Efforts shall be made to plant those species that tend to recover from fire damage and do not contribute to a rapid rate of fire spread.

3. The developer shall be fully responsible for any destruction of native vegetation proposed for retention. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of construction until the notice of completion is filed. The developer shall be responsible for replacing such destroyed vegetation.

E. Maintenance: The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved for a building permit granted under the provisions of this title shall continuously maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures or means, and other protective devices, plantings and ground cover installed or completed. (Ord. 09-09, 10-6-2009)

10-6-3: **PLANNED UNIT AND CONDOMINIUM SUBDIVISIONS:**

A. General Provision: Planned unit and condominium developments shall be subject to requirements set forth in title 9 of this code and also subject to all provisions within this title.

- B. Site Development Plan: The developer shall provide the commission with a colored rendering of adequate scale to show the completed development that will include at least the following:
1. Architectural style and building design.
  2. Building materials and color.
  3. Landscaping.
  4. Screening.
  5. Garbage areas.
  6. Parking.
  7. Open space.
- C. Private Streets: Private street construction standards shall be based upon recommendations from the county engineer. Adequate construction standards may vary depending on the size of the development and the demands placed on such improvements.
- D. Homeowners' Association: The homeowners' association bylaws and other similar deed restrictions which provide for the control and maintenance of all common areas, recreation facilities or open space shall meet with the approval of the county commissioners. Any and all powers as specified in such agreements may also be assigned to the county commissioners for the purpose of assessing property for delinquencies and enforcement of motor vehicle speed to protect the best interests of the owners involved and of the general public.
- E. Storage Areas: Storage areas shall be provided for the anticipated needs of boats, campers and trailers. For typical residential development, one adequate storage space shall be provided every two (2) living units. This may be reduced by the county commissioners if there is a showing that the needs of a particular development are less.
- F. Parking Space: One additional parking space beyond that which is required by title 9 of this code may be required for every three (3) dwelling units to accommodate visitor parking.

- G. **Maintenance Building:** A maintenance building shall be provided, size and location to be suitable for the service needs that are necessary for the repair and maintenance of all common areas.
- H. **Open Space:** The location of open space shall be appropriate to the development and shall be of such shape and area to be usable and convenient to the residents of the development.
- I. **Control During Development:** Single ownership or control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned. (Ord. 09-09, 10-6-2009)

10-6-4:       **LARGE SCALE DEVELOPMENT SUBDIVISION:** Due to the impact that a large scale development would have on public utilities and services, the developer shall submit the following information along with the preliminary plat:

- A. Identification of all public services that would be provided to the development, i.e, fire protection, police protection, central water, central sewer, road construction, parks and open space, recreation, maintenance, schools, and solid waste collection.
- B. Estimate the public service costs to provide adequate service to the development.
- C. Estimate the tax revenue that will be generated from the development.
- D. Suggested public means of financing the services for the development if the cost for the public services would not be offset by tax revenue received from the development. (Ord. 09-09, 10-6-2009)

10-6-5:       **CEMETERY SUBDIVISION:**

- A. **Function:** The developer shall provide the commission with written documentation that will sufficiently explain the functions of the proposed cemetery for either human or animal remains.
- B. **Compliance With Idaho Code:** The developer shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the proposed cemetery with the

procedural management requirements that are outlined in Idaho Code title 27. (Ord. 09-09, 10-6-2009)

**10-6-6: SUBDIVISION WITHIN FLOODPLAIN:**

A. Flood Areas: For any proposed subdivision that is located within a floodplain, the developer shall provide the commission with a development plan of adequate scale and supporting documentation that will show and explain at least the following:

1. Location of all planned improvements.
2. The location of the floodway and the floodway fringe per engineering practices as specified by the army corps of engineers.
3. The location of the present water channel.
4. Any planned rerouting of waterways.
5. All major drainageways.
6. Areas of frequent flooding.
7. Means of floodproofing buildings.
8. Means of insuring loans for improvements within the floodplain.

B. Justification For Development:

1. Upon the determination that buildings are planned within the floodplain or that alterations of any kind are anticipated within the floodplain area that will alter the flow of water, the developer shall demonstrate conclusively to the commission that such development will not present a hazard to life, limb or property; will not have adverse effects on the safety, use or stability of a public way or drainage channel or the natural environment.

2. No subdivision or part thereof shall be approved if levees, fills, structures or other features within the proposed subdivision will individually or collectively significantly increase flood flows, heights, or damages. If only part of a proposed subdivision can be safely developed, the county commissioners shall limit development to that part and shall require that development proceed consistent with that determination. (Ord. 09-09, 10-6-2009)

**10-6-7: SUBDIVISION WITHIN AREA OF CRITICAL CONCERN:**

- A. **Designation As Area Of Critical Concern:** Hazardous or unique areas may be designated as an area of critical concern by the county commissioners or by the state. Special consideration shall be given to any proposed development within an area of critical concern to assure that the development is necessary and desirable and in the public interest in view of the existing unique conditions. Hazardous or unique areas that may be designated as areas of critical concern are as follows:
1. Avalanche paths.
  2. Earthquake locations.
  3. Unstable soils.
  4. Unique animal life.
  5. Unique plant life.
  6. Scenic areas.
  7. Historical significance.
  8. Floodplain.
- B. **Plan Submission:** The developer shall prepare and submit an environmental impact statement along with the preliminary plat application for any development that is proposed within an area of critical concern.
- C. **Content Of Environmental Impact Statement:** The content of the environmental impact statement shall usually be prepared by an interdisciplinary team of professionals that shall provide answers to the following questions:
1. What changes will occur to the area of environmental concern as a result of the proposed development?
  2. What corrective action or alternative development plans could occur so as not to significantly change the area of environmental concern?

3. What changes in the area of environmental concern are unavoidable?

4. What beneficial or detrimental effect would the development have on the environment (i.e., animal life, plant life, social concerns, economic, noise, visual, and other)? (Ord. 09-09, 10-6-2009)





## CHAPTER 7

**VACATIONS AND DEDICATIONS**

## SECTION:

- 10-7-1: Application Procedure  
10-7-2: Action

10-7-1: **APPLICATION PROCEDURE:**

- A. **Application:** Any property owner desiring to vacate an existing subdivision, public right of way or easement, or desiring to dedicate a street right of way or easement shall complete and file an application with the administrator. These provisions shall not apply to the widening of any street which is shown in the comprehensive development plan, or the dedication of streets, rights of way, or easements to be shown on a recorded subdivision.
- B. **Action Of Administrator:** Upon receipt of the completed application, the administrator shall affix the date of application acceptance thereon. The administrator shall place the application on the agenda for consideration at the next regular meeting of the commission which is held not less than fifteen (15) days after said date of acceptance. (Ord. 09-09, 10-6-2009)

10-7-2: **ACTION:**

- A. **Commission Recommendation:** The commission shall review the request and all agency responses and make a recommendation to the county commissioners for either approval, conditional approval or denial.
- B. **County Commissioners' Action:**
1. When considering an application for vacation procedures, the county commissioners shall establish a date for a public hearing and

give such public notice as required by law. The county commissioners may approve, deny, or modify the application. Whenever public rights of way or lands are vacated, the county commissioners shall provide adjacent property owners with a quitclaim deed for the vacated rights of way in such proportions as are prescribed by law.

2. When considering an application for dedication procedures, the county commissioners may approve, deny, or modify the application. When a dedication is approved, the required street improvements shall be constructed or a bond furnished assuring the construction prior to acceptance of the dedication. To complete the acceptance of any dedication of land, the owner shall furnish to the county commissioners a deed describing and conveying such lands to be recorded with the county recorder. (Ord. 09-09, 10-6-2009)

CHAPTER 8  
**VARIANCES**

## SECTION:

10-8-1: Purpose  
10-8-2: Findings

10-8-1:       **PURPOSE:** The commission may recommend to the county commissioners, as a result of unique circumstances such as topographic-physical limitations or a planned unit development, a variance from the provisions of this title on a finding that undue hardship results from the strict compliance with specific provisions or requirements of this title or that application of such provision or requirement is impracticable. (Ord. 09-09, 10-6-2009)

10-8-2:       **FINDINGS:** No variance shall be favorably acted upon by the county commissioners unless there is a finding upon recommendation by the commission, as a result of a public hearing, that all of the following exist:

- A.    There are such special circumstances or conditions affecting the property that the strict application of the provisions of this title would clearly be impracticable or unreasonable; in such cases, the subdivider shall first state his reasons, in writing, as to the specific provision or requirement involved.
- B.    Strict compliance with the requirements of this title would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions, or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this title.
- C.    The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.

- D. Such variance will not violate the provisions of Idaho Code.
- E. Such variance will not have the effect of nullifying the interest and purpose of this title and the comprehensive development plan. (Ord. 09-09, 10-6-2009)

CHAPTER 9  
**AMENDMENTS**

SECTION:

10-9-1: Amendment Procedures

10-9-1: **AMENDMENT PROCEDURES:** The county commissioners may, from time to time, amend, supplement, or replace the regulations and provisions of this title in the manner prescribed by Idaho Code. A proposed amendment, supplement or repeal may be originated by the county commissioners, commission, or by petition. All proposals not originating with the commission shall be referred to it for a report thereon before any action is taken on the proposal by the county commissioners. (Ord. 09-09, 10-6-2009)



## CHAPTER 10

**ENFORCEMENT; PENALTIES**

## SECTION:

- 10-10-1: Detection Of Violation
- 10-10-2: Enforcement
- 10-10-3: Penalties

10-10-1: **DETECTION OF VIOLATION:** The administrator shall periodically research the appropriate county records and perform the necessary investigation to detect any violations of this title. (Ord. 09-09, 10-6-2009)

10-10-2: **ENFORCEMENT:** No subdivision plat required by this title or the Idaho Code shall be admitted to the public land records of the county or recorded by the county recorder until such subdivision plat has received final approval by the county commissioners. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this title until the final plat has received the approval by the county commissioners. The prosecuting attorney shall, in addition to taking whatever criminal action is deemed necessary, take steps to civilly enjoin any violation of this title. (Ord. 09-09, 10-6-2009)

10-10-3: **PENALTIES:** Penalties for failure to comply with the provisions of this title shall be as follows:

- A. Misdemeanor: Violation of any of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor.
- B. Separate Offense: Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates

in, assists in, or maintains such violation may each be found guilty of a separate offense.

- C. **Additional Remedies:** Nothing herein contained shall prevent the county commissioners or any other public official or private citizen from taking such lawful action as is necessary to retain or prevent any violation of this title or of the Idaho Code. (Ord. 09-09, 10-6-2009)