

ORDINANCE 1981-5

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT AND DENOMINATING DIFFERENT CLASSES OF SUBDIVISIONS WITHIN ADAMS COUNTY, ESTABLISHING PROCEDURES, REQUIREMENTS, DESIGN AND IMPROVEMENTS, STANDARDS FOR SUBDIVISIONS AND SPECIAL SUBDIVISIONS AND PROVIDING FOR AN ADMINISTRATOR: PROVIDING FOR FEES AND PERMITS, PROVIDING FOR APPROVAL OF PLATS; PROVIDING FOR VACATIONS AND DEDICATIONS; PROVIDING ENFORCEMENT PENALTIES FOR NON-COMPLIANCE; PROVIDING AMENDMENT PROCEDURES AND PROVIDING EFFECTIVE DATE.

ORDINANCE 1981-5

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADAMS COUNTY, IDAHO.

ARTICLE 1

GENERAL PROVISIONS

SECTION A. TITLE

These regulations shall be known and cited as the Adams County Subdivision Regulations, hereinafter referred to as the "Subdivision Ordinance".

SECTION B. AUTHORITY

These regulations are authorized by Title 50, Chapters 12 and 13 of the Idaho Code, as amended or subsequently codified.

SECTION C. PURPOSE

The purpose of these regulations are to promote the public health, safety, and general welfare, and to provide for:

1. The harmonious development of the area.
2. The coordination of streets and roads within the subdivision with other existing or planned streets and roads.
3. Adequate open space for travel, light, air and recreation.
4. Adequate transportation, water drainage and sanitary facilities.
5. The avoidance of scattered subdivision of land that would result in either of the following:
  - a. The lack of water supply, sewer service, drainage, transportation, or other public services.
  - b. The unnecessary imposition of an excessive expenditure of public funds for the supply of such services.

6. The requirements as to the extent and the manner in which:
  - a. Roads shall be created and improved.
  - b. Water and sewer and other utility mains, piping connections, or other facilities shall be installed.
7. The manner and form of making and filing of any plat.
8. The administration of these regulations by defining the powers and duties of approval authorities.

#### SECTION D. JURISDICTION

These regulations shall apply to the subdividing of all land within the unincorporated territory of Adams County, except for the property within one mile outside the limits of an incorporated city or as mutually defined by both city and county under the requirements of Section 50-1306, Idaho Code, as amended, or subsequently codified and except as provided by 31-3803 of the Idaho Code.

#### SECTION E. 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.

#### SECTION F. 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.

#### SECTION G. COMBINING OF PERMITS

The Commission is hereby required to coordinate with other local departments and local agencies concerning all permits which may be required in this ordinance and previously or subsequently adopted Adams 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.

SECTION H. SEVERABILITY

Where any word, phrase, clause, sentence, paragraph, or section, or other part of these regulations are held invalid by a court of competent jurisdiction, such judgment shall affect only that part so held invalid.

SECTION I. FEES

All fees charged herein are in addition to those required by state law.

ARTICLE II  
DEFINITIONS

SECTION A. INTERPRETATION OF TERMS OR WORDS

Terms or words used herein shall be interpreted as follows:

1. The present tense includes the past or future tense, the singular includes the plural, and the plural includes the singular.
2. The words "shall" is mandatory, "may" is permissive; and the word "should" is preferred.
3. The masculine shall include the feminine.

SECTION B. MEANING OF TERMS OR WORDS

Administrator: An official having knowledge in the principals and practices of subdividing, who should be appointed annually by the Board of County Commissioners to administer this ordinance.

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

- a. Road design 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 the municipal governing body.

**County Recorder:** The office of the County Recorder.

**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 interest 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 of 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.

**Flood Plain:** The relatively flat area or low land 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 year frequency. The flood plain includes the channel, floodway and floodway fringe, as established per the engineering practices as specified by the Army Corps of Engineers, as following:

- a. "Flood of one hundred year frequency" shall mean a flood magnitude which has a one percent (1%) chance of being equalled or exceeded in any given year.
- b. "Flood" shall mean the temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water.
- c. "Channel" shall mean a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
- d. "Floodway" shall mean the channel or a watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water of any watercourse.
- e. "Floodway fringe" shall mean that part of the flood plain which is beyond the floodway. Such areas will include those portions of the flood plain which will be inundated by a flood of one hundred year frequency but which may be developed when such development will not have a significant effect upon the flood water 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 Adams, Idaho.

Hillside Subdivision: Any subdivision, or portion thereof, having an average slope of ten percent (10%) or more.

Highway: A street designated as a highway by an appropriate state or federal agency.

Improvement: Any alteration to the land or other physical constructions 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; 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:

- a. Corner lot is a lot located at the intersection of two or more streets.
- b. Interior lot is a lot other than a corner lot, with frontage on only one street.
- c. Through lot is a lot with frontage on more than one street other than a corner lot.

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 Section 50-1303, Idaho Code.

Open Space: An area open to the sky for outdoor recreation activity, exclusive of streets, buildings, or other covered structures.

Original Parcel of Land: A contiguous tract or parcel of land held in one ownership and of record on the effective date of this ordinance. The contiguous requirement would not apply to subdivision, townsite or cemetery plats previously recorded and accepted by the County Commissioners.

- a. Un-recorded transfers creating an original parcel, prior to the date of this ordinance shall require a notarized contract of sale, deed or deed of trust as proof of ownership and date of transfer.
- b. Should proof of ownership and date of transfer be required by the county, the owner or owners agent shall have six (6) months to furnish such proof.
- c. If such required proof is not furnished within six (6) months, the property in question shall be treated as if transferred after the date of this ordinance.

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 of control, which is developed for the purpose of selling individual lots or estates, whether fronting on private or dedicated streets, which may include two or more principal buildings.

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 by the Board of County Commissioners or the City Council.

- a. Preliminary Plat - the first formal presentation by drawings of a proposed subdivision.
- b. 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.

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: Shall be the specifications as specified in this Ordinance or as officially adopted by the County.

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.

- a. Alley - a minor street providing secondary access at the back or side of a property otherwise abutting a street.
- b. Minor - A street which has the primary purpose of providing access to abutting properties.
- c. Collector - A street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.
- d. Arterial - A street designated for the purpose of carrying fast and/or heavy traffic.
- e. Loop - A minor street with both terminal points on the same street.
- f. Cul-de-sac - A street connected to another street at one end only and provided with a turn-around space at its terminus.
- g. Frontage - A minor street, parallel to and adjacent to an arterial street to provide access to abutting properties.
- h. 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.

- i. Private - A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

State: The State of Idaho

Subdivider: A subdivider shall be 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 ordinance. 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: The division of an original lot, tract, or parcel of land into more than two parts less than forty (40) acres in size for the purpose of: transfer of ownership for development, the dedication of a public street or the addition to or creation of a cemetery. The term "development" includes, but is not necessarily limited to, improvements for residential, industrial or recreational use. However, this Ordinance shall not apply to any of the following:

- a. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat;
- b. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property or current distribution of property to immediate family (blood relations) through granting of deed or deeds without compensation;
- c. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code;
- d. Widening of existing streets to conform to the Comprehensive Plan;
- e. The acquisition of collector and arterial street rights-of-way by a public agency in conformance with the Comprehensive Plan;
- f. The exchange of land for the purpose of straightening

property boundaries or convenience which does not result in the substantial change of the present usage of the properties involved.

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, storm water, 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 ordinance would result in unnecessary and undue hardship.

Vicinity Map: A small scale map showing the location of a tract of land and in relation to a larger area.

### ARTICLE III

#### PROCEDURE FOR SUBDIVISION APPROVAL

##### SECTION A: SUBDIVISION APPROVAL REQUIRED

Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the administrator. The applicant shall submit the application and pay for fees at the Office of the County Clerk/Recorder, Adams County Courthouse. Checks shall be made payable to the Adams County Subdivision Ordinance Fund. 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.

##### SECTION B. PRE-APPLICATION

1. Application: The subdivider may submit a pre-application to enable the Administrator to review and comment on the proposed subdivision. The pre-application shall include at least one (1) copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision in schematic form and including the following:

- a. The general layout and approximate dimension of streets, blocks, and lots in sketch form;

- b. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site;
- c. The areas set aside for schools, parks and other public facilities.

2. Fee: None required.

3. Administrator Action: The Administrator shall notify the subdivider five (5) working days from the date of receiving an acceptable pre-application as to the general conformance or non-conformance of the proposal with this Ordinance, and shall provide the necessary forms and check lists, as well as the additional following concerns:

- a. Compliance of the proposed development with existing local or state policies, goals, and objectives or comprehensive plans.
- b. 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.
- c. Consideration of any unique environmental features or hazardous 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, flood plain, airport flight pattern and the like.
- d. Consideration of other local and state agencies that the subdivider should contact before preparing a preliminary plat.

#### SECTION C. PRELIMINARY PLAT

1. Application: The subdivider shall file with the Administrator a completed subdivision application form and preliminary plat data as required in this Ordinance.

2. 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 exists:

- a. No major special development considerations are involved, such as development in a flood plain, hillside development or the like.

- b. 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.

3. Content of Preliminary Plat: The contents of the preliminary plat and related information shall be in such form as stipulated by the Commission; however, any additional maps or data deemed necessary by the Administration may also be required.

The subdivider shall submit to the Administrator at least the following:

- a. Six (6) copies of the Preliminary Plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated; each copy of the Preliminary Plat shall be on good quality paper, shall have dimensions of not less than 24 inches by 36 inches, shall be drawn to a scale of not less than one (1) inch to two hundred (200) feet, shall show the drafting date, and shall indicate thereon, by arrow, the generally northerly direction.
- b. Six (6) 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.
- c. A written application requesting approval of the Preliminary Plat.
- d. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, planned unit development, flood plain, cemetery, mobile home, large scale development, hazardous and unique areas of development.

4. Requirements of Preliminary Plats: The following shall be shown on the Preliminary Plat or shall be submitted separately:

- a. The name of the proposed subdivision.
- b. The names, addresses and telephone number of the subdividers and the engineer and surveyor who prepared the plat.
- c. 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.
- d. The legal description of the subdivision.
- e. A statement of the intended use of the proposed subdivision, such as: residential single family; two family and multiple housing; commercial; industrial; recreational; or agricultural; and a showing of any sites proposed by parks, playgrounds, schools, churches or other public uses.
- f. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development.
- g. A vicinity map showing the relationship of the proposed plat to the surrounding area ( $\frac{1}{2}$  mile minimum radius, scale optional).
- h. The land use and existing zoning of the proposed subdivision and the adjacent land.
- i. Streets, street names, rights-of-way and roadway widths, including adjoining streets or roadways.
- j. Lot lines and blocks showing the dimensions and numbers of each.
- k. Contour lines, shown at five (5) foot intervals where land slope is greater than ten percent (10%) and at two (2) foot intervals where land slope is ten percent (10%) or less, referenced to an established bench mark, including location and elevation.
- l. A site report as required by the appropriate health district where individual wells or septic tanks are proposed.
- m. 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 their respective profiles.

- n. A copy of any proposed restrictive covenants and/or deed restrictions.
- o. Any dedications to the public and/or easements, together with a statement of location, dimensions, and purpose of such.
- p. Any additional required information for special developments as specified in Article VI of this Ordinance.
- q. A statement as to whether or not a variance, as specified in Article VIII, will be requested with respect to any provision of this Ordinance describing the particular provision, the variance requested, and the reasons therefor.
- r. A copy of a recent Preliminary Title Report which shall show satisfactory evidence as to the person or persons having title to the land, identify all persons having security interests or liens on the land and shall show satisfactory evidence that the land has not been previously subdivided or that if it has, a map has been duly filed reverting it to acreage.

5. At the time of filing with the administrator a completed subdivision application form and preliminary plat data, the applicant shall pay a fee in a reasonable amount specified by the County Commissioners for each preliminary plat and accompanying data, plus a reasonable fee for each lot as shown therein. There shall be no additional fee for the combining of preliminary and final plats.

6. Administrator Review:

- a. 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 shall, thereafter, place the preliminary plat on the agenda for consideration at the next regular meeting of the Technical Review Committee which is held no more than forty-five (45) days after certification.

- b. 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:
    - (1) The Technical Review Committee members.
    - (2) Other governing bodies having joint jurisdiction.
    - (3) The appropriate utility companies, irrigation companies or districts and drainage districts.
    - (4) The superintendent of the school district
    - (5) Other agencies having an interest in the proposed subdivision.
  - c. Administrator Review: Upon expiration of the time allowance for department and agency review, the Administrator shall prepare a recommendation to the Technical Review Committee.
7. Technical Review Committee Recommendation:
- a. The Technical Review Committee shall review the preliminary plat from the viewpoint of the technical disciplines represented on the Committee.
  - b. 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.
  - c. The preliminary plat shall be placed on the agenda of the next regular Commission meeting which is held not less than fourteen (14) days after the Committee meeting.
8. Public Notification:
- a. Notification to Property Owners: The Developer shall notify all adjoining property owners whose names and addresses have been provided by the administrator. Such written notification shall be mailed at least ten (10) days prior to the Commission meeting. "The subdivider shall show proof of notification of each property owner with return receipts of certified mail."
9. Commission Action:

- a. Hearing by Commission: Within a reasonable time, but no later than the next regular meeting following the Committee's recommendation, the Commissioner 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.
- b. Commission's Findings: In determining the acceptance of a proposed subdivision the Commission shall consider the objectives of this Ordinance and at least the following:
  - (1) The conformance of the subdivision with the comprehensive development plan.
  - (2) The availability of public services to accommodate the proposed development.
  - (3) The continuity of the proposed development with the capital improvement program.
  - (4) The public financial capability of supporting services for the proposed development.
  - (5) The other health, safety or environmental problems that may be brought to the Commission's attention.
- c. Action on Preliminary Plat: The Commission may approve conditionally, disapprove, or table the preliminary plat for additional information. Such action shall occur within thirty (30) 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.
- d. Action on Combined Preliminary and Final Plat: If the Commissioners 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 conditionally or disapproved.

10. 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 ten (10) days from such Commission action. Commissioners shall reply in writing within ten (10) days after their next regular meeting.
11. Approval Period:
  - a. Failure to file and obtain the certification of the acceptance of the final plat application by the Administrator within one (1) 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.
  - b. 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 (1) year may be considered for final approval without resubmission for preliminary plat approval.

#### SECTION D. FINAL PLAT

1. Application: After the approval or conditional approval of the preliminary plat, the subdivider shall cause the total parcel to be surveyed and a final plat prepared in accordance with the approved preliminary plat and conforming to any imposed conditions of approval. The subdivider shall submit to the administrator the following:
  - a. Ten (10) copies plus one sepia copy of the final plat.
  - b. Ten (10) copies plus one sepia copy of the engineered improvement plan for streets, water, sewers, sidewalks and other public improvements.

2. Content of Final Plat: The final plat shall include and be in compliance with all items required under Title 50, Chapter 13 of the Idaho Code and shall be drawn at such a scale and contain lettering of such size as to enable the same to be placed on one sheet of legal-size mylar with no part of the drawing nearer to the edge than one (1) inch. The final plat shall include at least the following:
  - a. A written application for approval of such final plat as stipulated by the Commission.
  - b. Proof of current ownership of the real property included in the proposed final plat.
  - c. 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.
  - d. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof.
  - e. Conformance with all requirements and provisions of this Ordinance.
  - f. Acceptable engineering practices and local standards.

3. Fee: Prior to the time the administrator places the final plat on the County Commissioners agenda for action, the subdivision applicant shall pay a reasonable fee per hour for actual time spent by the subdivision administrator or county engineer in performing their duties under this subdivision ordinance with respect to the final plat.

4. Administrator Review:

- a. 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.
- b. 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.

- c. Submission to the 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.

5. Agency Review: The Administration 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 insure 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.

6. County Commissioners Action: 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 thirty (30) 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.

7. Approval Period: Final plat shall be filed with the County Recorder with one (1) 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.

8. Method of Recording: Upon approval of the final plat by the County Commissioners, the subdivider's prepayment

of recording fees for construction of off-site improvements or posting of surety bond, and the inclusion of the following signatures on the final plat, the Administrator shall submit the final plat to the County Recorder for recording:

- a. Certification and signature of the County Commissioners verifying that the Subdivision has been approved.
- b. 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.
- c. Certification of the sanitation restrictions on the face of the plat per Section 50-1326, Idaho Code.

ARTICLE IV  
DESIGN STANDARDS

SECTION A. MINIMUM DESIGN STANDARDS REQUIRED

All plats submitted pursuant to the provisions of this Ordinance, and all subdivisions, improvements and facilities done, constructed or made in accordance with said provisions shall comply with the minimum design standards set forth hereinafter in this Article and conforming to specifications as set forth by the County Commissioners.

SECTION B. LOCATION

Street and road location shall conform to the following:

1. Street Location and Arrangements: When an official street plan or comprehensive development plan has been adopted, subdivision streets shall conform to such plans.

2. Minor Streets: Shall be so arranged as to discourage their use by through traffic.

3. 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.

4. Relation to Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots,

safe streets and acceptable gradients.

5. 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.

6. 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.

7. Cul-de-Sac Streets: Cul-de-sac streets shall not be more than five hundred (500) feet in length and shall terminate with an adequate turnaround having a minimum radius of fifty (50) feet for right-of-way.

8. 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 ordinance 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.

#### SECTION C. SPECIFICATIONS

1. 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:

<u>HIGHWAY AND STREET TYPES</u>	<u>WIDTHS</u>
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

2. Street Grades: Street grades shall not exceed ten percent (10%) on either minor or collector streets, and six percent (6%) for arterial streets.

3. Street Alignment: Shall be as follows:
  - a. Horizontal Alignment: When street lines deflect from each other by more than ten (10) degrees in alignment, the center lines shall be connected by a curve having a minimum radius of five hundred (500) feet for arterial streets, three hundred (300) feet for collector streets. Between reverse curves on collector and arterial streets there shall be a minimum tangent distance of two hundred (200) feet.
  - b. Vertical Alignment: Minimum stopping sight distance shall be two hundred (200) feet for minor streets and designed in accordance with design speed for collector and arterial streets.

#### SECTION D. STREET NAMES

The naming of streets shall conform to the following:

1. 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.
2. 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 named "Drive", "Lane", "Path", or "Trail", and cul-de-sacs shall be named "Circle", "Court", and "Place".

#### SECTION E. INTERSECTIONS

Intersections shall conform to the following:

1. Angle of Intersection: Streets shall intersect at ninety (90) degrees or as closely thereto as possible, and in no case, shall streets intersect at less than seventy (70) degrees.
2. 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 (100) feet from the center of the intersection.

3. Number of Streets: No more than two (2) streets shall cross at any one intersection.

4. "T" Intersections: "T" intersections may be used wherever such design will not restrict the free movement of traffic.

5. Centerline Offsets: Street centerlines shall be offset by a distance of at least one hundred twenty five (125) feet.

6. 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 (100) feet 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.

#### SECTION F. PEDESTRIAN WALKWAYS

Right-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 (10) feet wide.

#### SECTION G. EASEMENTS

Unobstructed utility easements shall be provided along front lines, rear lot lines, and side lot lines when deemed necessary; total easement width shall not be less than twelve (12) feet. Unobstructed drainage way easements shall be provided as required by the County Commissioners.

#### SECTION H. 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 (300) feet long in all cases.

#### SECTION I. LOTS

Lots shall conform to the following:

1. Future Arrangements: Where parcels of land are subdivided into unusually large lots (such as when large lots are approved for septic tanks), the parcels shall be divided, where feasible, so as to allow for future re-subdividing 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.

2. Sufficient Area for Septic Tank: Where individual septic tanks have been authorized, sufficient area shall be provided for a replacement sewage disposal system.

#### SECTION J. PLANTING STRIPS AND RESERVE STRIPS

Shall conform to the following:

1. 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 (20) feet wide, and shall not be a part of the normal street right-of-way or utility easement.

2. Reserve Strips:

a. Reserve Strips - Private: Privately held reserve strips controlling access to streets shall be prohibited.

b. Reserve Strips - Public: A one foot 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.

#### SECTION K. PUBLIC SITES AND OPEN SPACES

1. 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.

2. Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots, and similar irreplaceable assets) shall be preserved in the design of the subdivision.

3. 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.

ARTICLE V  
IMPROVEMENT STANDARDS

SECTION A. URBAN CONSTRUCTION STANDARDS

Urban construction standards shall apply as needed to lot size of 20,000 feet or less except when the division is less than ten lots.

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.

SECTION B. 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:

1. Monuments: Monuments shall be set in accordance with Section 50-1303, Idaho Code.
2. Streets and Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the County Commissioners.
3. 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.
4. 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.
5. Installation of Public Utilities: Underground utilities

are encouraged and may be required subject to the County Commissioners adopted policies and ordinances.

6. Driveways: All driveway openings in curbs shall be as specified by the Public Works Department, Highway District or State Highway Department.

7. 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.

8. Public Water Supply and Sewer Systems: All public water supply or sewer systems (serving two (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 system 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.

Section 50-1326, Idaho Code, requires that all water and sewer plans be submitted to the State Department of Environmental and Community Services or its authorized agent for approval.

9. 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 two (2) or more separate premises or households) to insure the continued usefulness of the system.

10. Fire Hydrants and Water Mains: Adequate fire protection shall be required in accordance with the appropriate fire district standards.

11. 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.

12. 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 (100) feet, sidewalks on only one side of the street may be allowed. Pedestrian walkways, when required, shall have easements at least ten (10) feet in width and include a paved walk at least five (5) feet

in width. Sidewalks and crosswalks shall be constructed in accordance with the standards and specifications as adopted by the County Commissioners.

13. Greenbelt: Greenbelts or landscaping screening may be required for the protection of residential properties from adjacent major arterial streets, waterways, railroad rights-of-way or other features. Subdivision plats shall show the location of any greenbelt areas.

14. Street Lighting: Street lights 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.

#### SECTION C. GUARANTEE OF COMPLETION OF IMPROVEMENTS

1. 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 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.

2. Surety Bond:

- a. Accrual: The bond shall accrue to the County covering construction, operation and maintenance of the specific public improvement.
- b. Amount: The bond shall be in an amount equal to the 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.
- c. 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.
- d. Bonding for Surety Company: The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the County Commissioners.

- e. The escrow agreement shall be drawn and furnished by the County Commissioners.
3. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit:
    - a. 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.
    - b. 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 and ten (110%) of the estimated cost of construction for the specific public improvement, as estimated by the County Engineer and approved by the County Commissioners.
    - c. 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.
    - d. 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.
  4. Condition 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:
    - a. The construction of improvements required by this ordinance shall have been completed by the subdivider and approved by the County Commissioners.
    - b. Surety acceptable to the County Commissioners shall have been filed in the form of a cash deposit, certified check, a negotiable bond, irrevocable bank letter of credit or surety bond.

5. 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 shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans. The County Commissioners may require and appoint a full or part-time inspector to inspect the construction of improvements during the construction process for the purpose of ascertaining whether or not the construction conforms to said plat, plans and specifications. The cost of providing such inspector for that purpose shall be paid by the developer.

6. Penalty in Case of Failure to Complete the Construction of a Public Improvement: 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 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, and as included in a written agreement between the County Commissioners and the subdivider.

#### ARTICLE VI

#### SPECIAL DEVELOPMENT SUBDIVISIONS

##### SECTION A. PURPOSE

The purpose of this article 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 article outlines the plan submittal requirements and design standards that shall be taken into consideration when acting on special developments. The provisions of this Article are in addition to the plan requirements, design standards and improvement standards that are required by Article III, IV, and V.

SECTION. B. HILLSIDE SUBDIVISION

1. 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:

- a. Skyline and ridge tops.
- b. Rolling grassy land forms including knolls, ridges, and meadows.
- c. Tree and shrub masses, grass, wild flowers and top soil.
- d. Rock outcroppings.
- e. Stream beds, draws and drainage swales, especially where tree and plant formations occur.
- f. Characteristic vistas and scenic panoramas.

2. Hillside Development Evaluation:

- a. 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 on the site so that grading and other site preparation is kept to an absolute minimum.
  - (3) Shaping of essential grading to blend with natural land forms 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.

3. 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.

- a. 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.
- b. Geology Report:
  - (1) 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 the remedial remedies.
  - (2) The investigation and subsequent report shall be completed by a professional geologist registered in the State of Idaho.
- c. Hydrology Report:
  - (1) 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.

- (2) Flood frequency curves shall be provided for the area proposed for development.

d. Grading Plan:

- (1) A preliminary grading plan shall be submitted with each hillside preliminary plat proposal and shall include the following information:

- (a) 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.

- (b) 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.

- (c) 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.

- (2) A final grading plan shall be submitted with each final plat and shall include the following information:

- (a) 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.

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

- (c) 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.

(d) Grading plans for houses to be submitted at time of applying for building permit.

e. Development Standards:

(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 (8) inches 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 AASHO T99 and ASTM D689.
- (3) Cut slopes shall be no steeper than two (2) horizontal to one (1) vertical; subsurface drainage shall be provided as necessary for stability.
- (4) Fill slopes shall be no steeper than two (2) horizontal to one (1) vertical; fill slopes shall not be located on natural slopes 2:1 or steeper, or where fill slope toes out within twelve (12) feet 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 (3) feet plus one-fifth of the height of the cut or fill but need not exceed a horizontal distance of 10 feet; tops and toes of cut and fill slopes shall be set back from structures a distance of six (6) feet plus one-fifth the height of the cut or fill, but need not exceed ten (10) feet.
- (6) The maximum horizontal distance of disturbed soil surface shall not exceed seventy-five (75) feet.

(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 (17) feet between the backs of curbs.
- (3) The width of the graded section shall extend three (3) feet 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 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.

(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.

4. Vegetation and Revegetation:

- a. 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 effects on slope stability soil erosion, water quality and fish and wildlife.
- b. 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.
- c. 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.

5. 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 Ordinance 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.

#### SECTION C. PLANNED UNIT AND CONDOMINIUM SUBDIVISIONS

1. General: Planned unit and condominium developments shall be subject to requirements set forth in the zoning ordinance and also subject to all provisions within this Ordinance.

2. 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:

- a. Architectural style and building design.
- b. Building materials and color
- c. Landscaping
- d. Screening
- e. Garbage Areas
- f. Parking
- g. Open Space

3. 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.

4. Home Owners' Association: The Home Owner's Association By-laws 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.

5. Storage Area: Storage areas shall be provided for the anticipated needs of boats, campers and trailers. For typical residential development, one adequate 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.

6. Parking Space: One additional parking space beyond that which is required by the Zoning Ordinance may be required for every three (3) dwelling units to accommodate visitor parking.

7. 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.

8. Open Space: The location of open space shall be appropriate to the development and shall be of such shape and area to be useable and convenient to the residents of the development.

9. 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.

#### SECTION D. LARGE SCALE DEVELOPMENT SUBDIVISION

1. Required Information: 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 (re: 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.

#### SECTION E. CEMETERY SUBDIVISION

1. 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.

2. 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 Title 27, Idaho Code.

#### SECTION F. SUBDIVISION WITHIN A FLOOD PLAIN

1. Flood Areas: For any proposed subdivision that is located within a flood plain, 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:

- a. Location of all planned improvements.
- b. The location of the flood way and the flood way fringe per engineering practices as specified by the Army Corps of Engineers.
- c. The location of the present water channel.
- d. Any planned rerouting of waterways.
- e. All major drainage ways.
- f. Areas of frequent flooding.
- g. Means of flood proofing buildings.
- h. Means of insuring loans for improvements within the flood plain.

2. Justification for Development: Upon the determination that buildings are planned within the flood plain or that alterations of any kind are anticipated within the flood plain 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 of stability of a public way or drainage channel or the natural environment.

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.

SECTION G. SUBDIVISION WITHIN AN AREA OF CRITICAL CONCERN

1. General: Hazardous or unique areas may be designated as an area of critical concern by the County Commissioners.

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:

- a. Avalanche paths
- b. Earthquake locations
- c. Unstable soils
- d. Unique animal life
- e. Unique plant life
- f. Scenic areas
- g. Historical significance
- h. Flood plain

2. 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.

3. Content of Environmental Impact Statement: The content of the environmental impact statement shall usually be prepared by an inter-disciplinary team of professionals that shall provide answers to the following questions:

- a. What changes will occur to the area of environmental concern as a result of the proposed development?
- b. What corrective action or alternative development plans could occur so as not to significantly change the area of environmental concern?
- c. What changes in the area of environmental concern are unavoidable?

- d. 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)?

## ARTICLE VII

### VACATIONS AND DEDICATIONS

#### SECTION A. APPLICATION PROCEDURE

1. 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.

2. Administrator Action: 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.

#### SECTION B. ACTION

1. Commission Recommendation: The Commission shall review the request and all agency response and make a recommendation to the County Commissioners for either approval, conditional approval or denial.

2. County Commissioners Action:

- a. 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 quit claim deed for the vacated rights-of-way in such proportions as are prescribed by law.

- b. 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.

## ARTICLE VIII VARIANCES

### SECTION A. 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 Ordinance on a finding that undue hardship results from the strict compliance with specific provisions or requirements of the Ordinance or that application of such provision or requirement is impracticable.

### SECTION B. 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 exists:

1. That there are such special circumstances or conditions affecting the property that the strict application of the provisions of this Ordinance 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.
2. That strict compliance with the requirements of this Ordinance 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 Ordinance.

3. That 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.

4. That such variance will not violate the provisions of the Idaho Code.

5. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Comprehensive Development Plan.

## ARTICLE IX

### DETECTION OF VIOLATION, ENFORCEMENT AND PENALTIES

#### SECTION A. DETECTION OF VIOLATION

The Administrator shall periodically research the appropriate County records and perform the necessary investigation to detect any violations of the Ordinance.

#### SECTION B. ENFORCEMENT

No subdivision plat required by this Ordinance 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 Ordinance until the final plat has received the approval by the County Commissioners. The Prosecuting Attorney shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this Ordinance.

#### SECTION C. PENALTIES

Penalties for failure to comply with the provisions of this Ordinance shall be as follows:

"Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. The land owner, 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. 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 restrain or prevent any violation of this Ordinance or of the Idaho Code."

