

**NO. 73-12**

# **SUBDIVISION ORDINANCE**

**FOR**

**Elmore County**

**Idaho**

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FOR  
ELMORE COUNTY  
IDAHO

Prepared By

Planning and Zoning Commission

Elmore County

Idaho

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AN ORDINANCE, PROVIDING DEFINITIONS, FUNCTIONS OF DEPARTMENT OR COMMISSIONS, RULES AND REGULATIONS FOR THE APPROVAL OF PLATS AND SUBDIVISIONS, DEDICATION AND VACATIONS OF PUBLIC RIGHTS-OF-WAY AND EASEMENTS; REQUIRING PAYMENT OF FEES; PRESCRIBING MINIMUM DESIGN STANDARDS; REQUIRING IMPROVEMENTS AND SETTING STANDARDS; REQUIRING GUARANTEES FOR IMPROVEMENTS; PROVIDING FOR SPECIAL DEVELOPMENT SUBDIVISIONS; PROVIDING FOR GRANTING OF VARIANCES; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR AMENDMENTS:

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO:

ARTICLE I  
GENERAL PROVISIONS  
SECTION A. TITLE

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

SECTION B. AUTHORITY

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

SECTION C. PURPOSE

The purposes of these regulations are to promote the public health, safety, 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. The provisions of adequate transportation, water drainage, and sanitary facilities;
5. The requirements as to the extent and the manner in which roads shall be created and improved, water and sewer and other utility mains, piping connections, or other facilities shall be installed;
6. The manner and form of making and filing of any plat;
7. The administration of these regulations by defining the powers and duties of approval authorities including procedures for the equitable review and approval of all plats of subdivision covered by these provisions.

SECTION D. JURISDICTION

These regulations shall apply to all lands within the territory of Elmore County with the exceptions as contained in Section 50-1306, Idaho Code, as now constituted or subsequently codified, that within one mile of an incorporated city, the city subdivision ordinance shall prevail over the county subdivision ordinance unless the county and the city agree on the difference.

## SECTION E. INTERPRETATION

All subdivisions as herein defined shall be submitted for approval of the Board and shall comply with the provisions of these regulations. These regulations shall supplement all other regulations, and where at variance with other laws, regulations, ordinances, or resolutions, the more restrictive requirements shall apply. This Ordinance shall not apply to any lot or lots forming a part of any subdivision created and recorded prior to the effective date hereof, except for the further dividing of lots.

## SECTION F.

### FUNCTIONS OF DEPARTMENTS, COMMISSIONS, OR AGENCIES, ETC., AS THEY RELATE TO SUBDIVISIONS

**PLANNING COMMISSION:** It shall be the function of the Planning Commission to recommend approval, conditional approval, or disapproval of the subdivision based upon the design and land use proposed by the developer. Such design and land use recommendations shall include:

1. Concept evaluation of development;
2. Lot size, design, and suitability for intended use;
3. Street alignment and width;
4. Location of school and park sites and other public facilities;
5. Open space.

**HEALTH DEPARTMENT:** It shall be the function of the Elmore County Office of the Central District Health Department to recommend approval, conditional approval, or disapproval of the subdivision in accordance with the results of an analysis of its impact upon public health and environmental quality. The analysis shall be based upon the Department's standards and Rules and Regulations and shall include as a minimum:

1. Method of sewage disposal;
2. Analysis of soil reports as they relate to sewage disposal;
3. Source and quality of water supply to be provided for domestic use;
4. Analysis or elements affecting the proposed environment, such as noise, odor, dust, pesticides, and other spraying operations;
5. Regulations of minimum lot size for subdivision when individual sewage disposal systems are proposed.

**HIGHWAY DISTRICT COMMISSION:** It shall be the function of the Highway District Commission to recommend approval, conditional approval, or disapproval, of the proposed subdivision based upon transportation facilities, drainage, and erosion control. Recommendations shall include:

1. Minimum road width;
2. Design of roads;
3. Review and approval of drainage matters (location and size of drainage channels, culverts, structures etc.);
4. Erosion control within the road right-of-way.

**COUNTY SURVEYOR:** It shall be the function of the County Surveyor to commend approval, conditional approval, or disapproval of the proposed subdivision based upon:

1. Conformance to requirements as stated in Idaho Code;
2. Adequacy and accuracy of the engineering.

- lane, place, and other such terms.
- a. Alley - A minor street providing secondary access to the back or side of a property otherwise abutting a street.
  - b. Local or 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 of origin.
  - 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. Dead End - A street connecting to another street at one end only and not having provision for vehicular turn-around at its terminus.
  - h. Frontage - A minor street, parallel to and adjacent to an arterial street, which has the primary purpose of providing access to abutting properties.
  - i. Industrial - A street designated for the purpose of providing traffic movement in an industrial area.
  - j. Commercial - A street designated for the purpose of providing traffic movement in a commercial area.
  - k. Partial - A dedicated right-of-way providing only a portion of a required street width, usually along the edge of a subdivision or tract of land.
  - l. Private - A street which provides vehicular and pedestrian access to one or more properties, however, not accepted for public dedication or maintenance.
  - m. Side Street - A secondary street that provides access to a corner lot of which the principle building is not oriented towards.
42. SIDEWALK: That portion of the street right-of-way outside the street pavement, which is improved for pedestrian use. (Also know as walkways).
43. 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 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.
44. STATE: State of Idaho.
45. SUBDIVISION: The division of an original lot, tract, or parcel of land into more than two (2) parts for the purpose of transfer of ownership or development, which shall also include the dedication of a public street and the addition to, or creation of a cemetery. 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 set-back 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;
  - c. The unwilling sale of land as a result of legal condemnation as defined and allowed in IDAHO CODE;
  - d. Widening of existing streets to conform to the Comprehensive Plan;
  - e. The acquisition of collector and arterial street right-of-way by a



- public agency in conformance with the Comprehensive Plan;
- f. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage of properties involved.
  46. SURVEYOR: Any person who is licensed in the State as a public land surveyor to do professional surveying.
  47. UTILITIES: Installations for conducting water, sewage, gas, electricity, television, storm water, and similar facilities providing service to and used by the public.
  48. VARIANCE: A variance is 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 the regulations would result in unnecessary and undue hardship.
  49. VICINITY MAP: A small scale map showing the location of a tract of land in relation to a larger area.

### ARTICLE III

#### PROCEDURE FOR SUBDIVISION APPROVAL

##### SECTION A. SUBDIVISION 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 Board. No lots shall be sold from any plat until it 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 condition 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. Fees: None required.
3. Administrator Action: The Administrator shall notify the subdivider within ten (10) 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 Both Preliminary and Final Plats: The applicant may request that the subdivision application be processed as both a preliminary and final plat if the following exists:
  - a. The proposed subdivision does not exceed ten lots;
  - b. No new street or major street widening are involved;
  - c. No major special development considerations are involved, such as development in a flood plain, hillside development or the like.
  - d. All required information for both preliminary and final plat is complete and in acceptable form. A request to combine both preliminary plat and final plat into one application shall be acted upon by the Commission.
3. Content of Preliminary Plat: 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 require. The subdivider shall submit to the Administrator at least the following:
  - a. Ten (10) copies of the Preliminary Plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated; each copy of said Preliminary Plat shall be on good quality paper, shall have dimensions of not less than 18 inches by 24 inches, shall be drawn to a scale of preferably not less than one (1) inch to one hundred (100) feet, shall show the drafting date, and shall indicate thereon, by arrow, the generally north-erly direction of the land depicted.
  - b. Two (2) sets of preliminary engineering plans for streets, water, sewers, sidewalks, and other public improvements; said engineering plans shall contain sufficient information and detail to enable reviewing agencies or committees 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 on a form prescribed by the Commission;
  - 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. Requirement 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 numbers of the subdivider (or subdividers) and the engineer 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 Assessors 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 for 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. Streets, street names, rights-of-way, and roadway widths, including adjoining streets or roadways;
  - i. Lot lines and blocks showing the dimensions and numbers of each;
  - j. Contour lines shown at 5 foot intervals where land slope is greater than 10% and at 2 foot intervals where land slope is 10% or less, referring to an assumed/established bench mark including location and elevation;
  - k. A site report as required by the Health Department where individual wells or septic tanks are proposed.
  - l. Any proposed or existing utilities, including, but not limited to, electrical lines, storm and sanitary sewers, irrigation laterals, ditches, drainages, bridges, culverts, water mains, fire hydrants, and their respective profiles;
  - m. A copy of any proposed restrictive covenants and/or deed restrictions, or, if none, a statement that none are proposed;
  - n. Any dedications to the public and/or easements, together with a statement of location, dimensions, and purpose of such;
  - o. Any additional required information for special developments as specified in Article VI of this Ordinance.
5. Fee: At the time of submission of an application for a preliminary plat, a fee of twenty-five dollars (25.00) plus one dollar (1.00) per lot shall be paid by the subdivider. There shall be no additional fee for the combining of the 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 said preliminary plat on the agenda for consideration at the regular meeting of the Commission not later than 45 days from date.
  - 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) Concerned Highway District;
    - (2) Soil Conservation District
    - (3) Other Governing bodies having joint jurisdiction;
    - (4) Superintendent of the school district;
    - (5) Appropriate utility companies, irrigation companies or districts, drainage district, and/or fire district;
    - (6) 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 compile the recommendations received. In the event changes in the preliminary plat are recommended, the Administrator shall make the subdivider aware of these recommendations so that he may either immediately revise, or agree to revise, the preliminary plat or be prepared to discuss the recommended changes with the Commission.

7. Public Notification:

- a. Notification to Property Owners: The Administrator shall notify all adjoining property owners by certified mail according to the list of property owners' names and addresses that has been provided by the subdivider. Written notification shall be mailed at least ten (10) days prior to the Commission meeting.
- b. Failure to Notify: The failure of the Administrator to comply with the exact provisions of these procedures shall not invalidate the Commission's action, provided the spirit of the procedure is observed.

8. Commission Action:

- a. Hearing by Commission: At their regular meeting, the Commission shall review the preliminary plat, 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 the public services to accomodate 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, 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. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant.
- d. Action on Combined Preliminary and Final Plat: If the Commission's conclusion is favorable to the subdivider's request that the subdivision be considered as both a preliminary plat and final subdivision, then a recommendation shall be forwarded to the Board 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.

9. 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 is applied for 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, and 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 may cause the subdivision, or any part thereof, with the Commission's consent, to be surveyed and a Final Plat prepared in accordance with the approved Preliminary Plat. The subdivider shall submit to the Administrator the following:
  - a. Three (3) copies of the final plat.
  - b. Two (2) copies of the final engineering construction drawing for streets, water, sewers, sidewalks, and other required public improvement, if any.
2. Contents of Final Plat: The final plat shall include and be in compliance with all items required under Title 50, Chapter 13 of IDAHO CODE and shall be drawn at such scale and contain lettering of such size as to enable the same to be placed on one sheet of 18-inch by 24-inch drawing paper, with no part of the drawing nearer to the edge than one (1) inch. The reverse of said sheet shall not be used for other information. 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 of the 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. Conform with requirements and provisions of this Ordinance.
  - f. Acceptable engineering practices and local standards.
3. Fee: At the time of submission of an application for a final plat, a fee of twenty-five (\$25.00) dollars shall be paid by the subdivider.
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 determined that there is substantial differences in the final plat than that which was considered as a preliminary plat or that conditions have not been met, the Administrator may require that the final plat be submitted to the Commission in the same manner as required in the Preliminary Plat process.
  - c. Submission to the Board: 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 Board agenda within thirty (30) days from the date that an acceptable final plat application was received and acknowledged by the Administrator.
5. Agency Review: The Administrator may transmit one copy of the final plat, or other documents submitted, for review and recommendation to the same department and agencies, or others as he may deem necessary to insure compliance with the preliminary approval and/or conditions of preliminary approval. Such compliance with health standards, and the legal review of the performance bond.



6. Board Action: The Board, at its next meeting following receipt of the Administrator's report, shall consider the Commission's findings and comments from concerned persons and 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 and covenants, if any, shall be filed with the County Recorder within one (1) year after written approval by the Board; or otherwise, such approval shall become null and void unless prior to said expiration date, an extension of time is applied for and granted by the Commission.
8. Method of Recording: Upon approval of the final plat by the Board and the inclusion of the following signatures on the final plat, the subdivider or his authorized representative shall submit the final plat to the County Recorder for recording.
  - a. Certification and signature of the Board verifying that the subdivision has been approved.
  - b. Certification and signature of the Elmore County Office of the Central District Health Department or its successor, that all health requirements have been complied with.
  - c. If within one mile of the city limits, the certification and signature of the city engineer and clerk verifying that the subdivision meets the city requirements and has been approved by the City Planning and Zoning Commission and the Council.
  - d. Certification and signature of the Highway District Commission verifying that the plans for roads and drainage meet their requirements.
  - e. Certification and signature of the Chairman of the Commission verifying that the subdivision as platted meets their requirements.
  - f. Certification of the County Surveyor that the plat meets the requirements of applicable state laws and local ordinances, and engineering practices are good.
9. Publishing Fee: The person filing a plat is responsible for all publishing fees concerning any public hearing or notice of such that are required.
10. Schedule of Fees:
  - a. For preliminary plat - \$25.00 plus one dollar (\$1.00) per lot.
  - b. For final plat - \$25.00.
  - c. For combined preliminary and final plat - \$25.00 plus one dollar (\$1.00) per lot.

#### SECTION E. APPEALS

1. Notice of Appeals: Any subdivider or any person who appeared in person or in writing before the Commission may appeal in writing the decision of the Commission relative to the final action taken by the Commission. Appeal must be submitted to the Administrator within ten (10) days from such Commission action, specifying the grounds upon which the appeal is being taken.
2. Board Action: Upon receipt of any appeal from the action of the Commission, the Board shall set a hearing date to consider the appeal. Only those matters of contest stated in the appeal as grounds for the appeal shall be considered in the hearing. The Commission shall furnish to the Board all material, information, and minutes of meetings concerning the action being appealed for consideration in the hearing. Within 30 days of the hearing, the Board shall submit their decision to uphold, conditionally uphold, or overrule the decision of the Commission, and stating the reasons for their action.

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 fully comply with the minimum design standards set forth hereinafter in this Article; provided, however, that any higher standards adopted by any Highway District, State Highway Department, or Health Agency shall prevail over those set forth herein.

SECTION B. DEDICATION

Arterial and collector streets shall be dedicated to the public in all cases; in general, all other streets shall also be dedicated to public use.

SECTION C. LOCATION

Street and road location shall conform to the following:

1. Street Location and Arrangements: When a major street plan or comprehensive development plan has been adopted, subdivision streets shall conform to such plans. Within three (3) miles outside the limits of an incorporated city, street location and arrangement will conform to the City's plans.
2. Local or 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, and that there be 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 500 feet in length and shall terminate with an adequate turn-around 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.
9. Private Streets: Private streets and roads shall be prohibited except within planned unit developments.

#### SECTION D. SPECIFICATIONS

1. Street Right-of-Way Widths: Street and road right-of-way widths shall conform to the rules of the Highway District having jurisdiction.
2. Street Surfacing: Streets shall have a surface acceptable to the Highway District.

#### SECTION E. STREET NAMES OR DESIGNATION

The naming or designation of streets shall conform to the following:

1. Street names shall not duplicate any existing street name 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. Within three (3) miles of the limits of an incorporated city, street names shall conform to the requirements of the city.
3. All other new streets shall be named as follows: streets having predominantly north-south direction shall be named 'Avenue' or 'Road'; streets having a predominantly east-west direction shall be named 'Street' or 'Highway'; meandering streets shall be named 'Drive', 'Lane', 'Path', or 'Trail', and cul-de-sacs shall be named 'Circle', 'Court', 'Way', 'Place', or shall conform to local customs.

#### SECTION F. 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 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 intersection.
4. 'T' Intersection: 'T' intersections may be used wherever such design will not unduly restrict the free movement of traffic.

#### SECTION G. EASEMENTS

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

#### 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. (a) The lot width, depth and total area shall be not less than the requirements of any applicable zoning ordinance or requirements of the Health Department; in the absence of these requirements, the lot size shall conform generally to size of lots in the vicinity of the subdivision or at the discretion of the Commission.



- (b) No building may take place on land whose slope is greater than 15% unless the building is put on pilings with no site preparation.
2. Uninhabitable Areas: Land subject to flooding or which shall otherwise be deemed to be uninhabitable shall not be platted for residential purposes or for any other uses that may increase or create a danger to health, life, or property or which may increase or create a flood hazard. Such land within a subdivision shall be set aside for other uses such as parks or other open space.
  3. Future Arrangements: Where parcels of land are subdivided into unusually large lots (such as when large lots are approved for septic tank operations), the parcels shall be divided, where feasible, so as to allow for future re-subdivision into smaller parcels. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks.
  4. Lot Splitting: No lot splitting may occur in a platted subdivision unless a plan for such has been approved by the Commission prior to taking such action.
  5. Sufficient Area for Septic Tank: Where individual septic tanks have been authorized, sufficient area shall be provided for a replacement sewage disposal system.
  6. Occupancy of Lots: No lot in a platted subdivision may be occupied until approved sanitary facilities are complete.

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

Shall conform to the following:

1. Public Uses: Where a proposed park, playground, school or other public use is shown on the plat, it shall be dedicated to the public or reserved for public purchase. If within two (2) years of plat recording, the purchase is not agreed on, the reservation shall be cancelled or shall automatically cease to exist.
2. Natural Features: Existing natural features which add value to residential development and enhances the attractiveness of the community (such as trees, watercourses, historical spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.
3. Solid Waste Sites: Every subdivider shall set aside, by easement or deed, a site suitable for solid waste pick up, or land fill site. Site must be agreeable to the Planning Commission and the Central District Health Department. This requirement may be waived by the Commission. upon recommendation of the Health Department, if there are adequate solid waste facilities in the vicinity.

### ARTICLE V IMPROVEMENT STANDARDS

#### SECTION A. RESPONSIBILITY FOR 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-section, 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 shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

1. Monuments: Monuments shall be set in accordance with the Section 50-1313 Idaho Code.
2. Streets and Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications of the Highway District.
3. Curbs and Gutters: Curbs and gutters shall be constructed when required by the Highway District in accordance with their standards and specifications.
4. Installation of Public Utilities: Underground utilities are encouraged and may be required by the Board in areas where overhead facilities would not be compatible with the surrounding properties.
5. Driveways: All driveway openings in curbs shall be as specified by the Highway District or State Highway Department.
6. Storm Drainage: An adequate storm drainage system shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the Highway District. Construction shall follow the specifications and procedures established by the Highway District.
7. 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 the requirements of the Central District Health Department. 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. 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.
8. Maintenance and Operation of Public Water Supply and Sewer System: 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.
9. Fire Hydrants and Water Mains: Adequate fire protection shall be required in accordance with the appropriate fire district standards.
10. Street Name Signs: Street name signs shall be installed in the appropriate locations at each street intersection in accordance with local standards.

## 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 Board may permit the subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements for those improvements which the subdivider has agreed or is required to install.
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 for completing construction of the specific public improvement, as estimated by the County Engineer and approved by the Board.
  - c. Term Length: The term length in which the bond is in force shall be for

- a period to be specified by the Board 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 Board.
  - e. Escrow: The escrow agreement shall be drawn and furnished by the Board.
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 Board, 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 the one hundred and ten percent (110%) total estimated cost of construction of the specific public improvement, as estimated by the County Engineer and approved by the Board.
  - 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 Board.
  - d. Progressive Payment: An agreement between the Board 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 Board.
  - b. Surety acceptable to the Board shall have been filed in the form of a cash deposit, certified check, 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 Board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.
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 Board to proceed to have such work completed. In order to accomplish this, the Board 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 Board and the subdivider.
7. Road and Drainage: Whenever bonding for public roads and drainage is contemplated the subdivider shall make all arrangements for such bonding with the Highway District who is responsible for roads in that particular area. All references to the Board, County, or County Surveyor in the preceeding paragraphs in Section C shall also apply to the Highway District and Highway District Engineers.

ARTICLE VI  
SPECIAL DEVELOPMENT SUBDIVISIONS

SECTION A. PURPOSE

The purpose of this article is to identify the various types of special developments that normally pose special concern to the Commission and elected officials when reviewing and acting upon subdivision request. Therefore, this article outlines the general 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 and design standards that are required by Article III, Article V, and Article VI.

SECTION B. HILLSIDE SUBDIVISIONS

1. Hillside Development Evaluation

- a. All development proposals shall be judged on the basis of the following:
  - (1) Planning of the development to fit the topography, soils, geology, hydrology, and other conditions existing on the proposed site;
  - (2) Grading and other site preparation is kept to a minimum;
  - (3) Submittal of an erosion control plan where large areas are left disturbed during winter and spring.
  - (4) Accomplishing all paving, curbs, and gutters as rapidly as possible after grading.
  - (5) Allocation to open space and recreation uses those areas not well suited to development because of soil, drainage, topography, and other natural features.

2. Engineering Plans: The developer shall retain professional engineers to investigate and make available reports on the following:

a. Soils:

- (1) Soil characteristics, nature, distribution, and strength.
- (2) Conclusions and recommendations for grading procedures.
- (3) Opinions and recommendations covering the adequacy of sites to be developed.

b. Geology:

- (1) An adequate description of the geology of the site and conclusions and recommendations regarding the effect of geologic conditions on the proposed development.

c. Hydrology:

- (1) An adequate description of the hydrology of the site, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development.

3. Grading Plan: A grading plan shall be submitted with both the preliminary plat and the final plat. Such plans to show:

- a. Details of terrain and area drainage.
- b. Approximate limiting dimensions, elevations, or finish contours to be achieved by grading, including all cut and fill slopes, proposed drainage channels and related construction.
- c. Plans and locations of all surface and subsurface drainage devices, dams, sediment basins, storage reservoirs, and other protective devices, together with a map showing drainage areas, drainage networks, drainageways, which may be affected by the proposed development, and the estimated runoff of the area served by the drains.



4. Development Standards:

a. Soils

- (1) No organic materials will be allowed in fill areas.
- (2) Fills shall be compacted to at least 95% of maximum density, as determined by ASSHO T99 and ASTM D698.
- (3) No cut or fill slope shall be steeper than two (2) horizontal to one (1) vertical.

b. Roadways

- (1) Road alignment should follow natural terrain, and no unnecessary cuts or fills should be allowed in order to create additional lots or building sites.
- (2) Existing vegetation of the deep-rooted perennial variety shall be preserved to the greatest extent in the location of roads.
- (3) Variations in road design and road construction may be permitted in order to keep grading and cut/fill slopes to a minimum.
- (4) One-way streets shall be permitted where appropriate for the terrain and where public safety would not be jeopardized.
- (5) A pedestrian-way plan may be required.

5. Vegetation and Re-vegetation

- a. The developer shall submit a slope stabilization and re-vegetation plan for all disturbed areas to include:
  - (1) Existing vegetation
  - (2) Vegetation to be planted
  - (3) Slope stabilization measures to be installed.

6. Utilities

All new service utilities shall be placed underground.

SECTION C. PLANNED UNIT AND CONDOMINIUM SUBDIVISIONS

1. General: Planned unit and condominium developments shall be subject to special requirements set forth below and also to all provisions within this Ordinance.
2. Minimum Area: A planned unit development for the following principal uses shall contain an area of not less than:
  - a. Three (3) acres or one (1) city block for residential use, except for a mobile home subdivision.
  - b. Five (5) acres for mobile home subdivision
  - c. Five (5) acres for residential use with subordinate commercial use.
  - d. Ten (10) acres for commercial use.
  - e. Ten (10) acres for industrial use.
3. Site Development Plan: The developer shall provide the Commission with a rendering of adequate scale to show the completed development that will include at least the following:
  - a. Architect style and building design
  - b. Building materials and color
  - c. Landscaping
  - d. Screening
  - e. Garbage areas
  - f. Parking
  - g. Open space
4. Private Streets: Private street construction standards shall be based upon recommendations from the County Engineer and Administrator. Adequate construction standards may vary depending on the size of the development and the demands placed on such improvements.

5. Home Owners' Association: Home Owners' 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 Board. Any and all powers specified in such agreements may be required to also be assigned to the jurisdictional agency to insure continued and adequate maintenance of all such common area, recreational facilities, and open spaces, ability to assess property for delinquencies, and enforcement of motor vehicle speed to the best interest of the owners involved and of the general public.
6. Storage Areas: Storage areas shall be provided for the anticipated needs of boats, campers, and trailers. For typical residential development, one adequate space shall be provided for every two (2) living units. This may be reduced by the Board if there is a showing that the needs of a particular development are less.
7. Maintenance Building: A maintenance building shall be provided, size and location to be determined by the type and service needed for the necessary 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. MOBILE HOME SUBDIVISION

1. Special Requirements: Mobile home subdivisions shall be subject to the following special requirements:
  - a. Developed as a planned unit development with a minimum lot area for the planned development of five (5) acres.
  - b. Creation of a Home Owners' Association to assure that all common areas are adequately maintained.

#### SECTION E. LARGE-SCALE DEVELOPMENT SUBDIVISIONS

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, recreation, maintenance, schools, and others).
  - b. Estimate the public service costs to provide adequate services 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 public services would not be offset by tax revenue received from the development.

#### SECTION F. CEMETERIES

1. Function: The developer shall provide the Commission with written documentation that will sufficiently explain if the proposed cemetery will be used for either human or animal remains and the functions that are anticipated on the property.

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 platting requirements and management requirements that are outlined in Title 27, Idaho Code.

### 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 Board upon recommendation of the Commission. 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 location
  - c. Unstable soils
  - d. Unique animal life
  - e. Unique plant life
  - f. Scenic areas
  - g. Areas of historical significance
  - h. Flood plain
  - i. Airport flight operational zones
  - j. Other Areas of Critical Concern as recommended by the Commission and designated by the Board.
2. Designation of an Area of Critical Concern: Upon recommendation of the Commission, the Board may designate an Area of Critical Concern by entering the action thereof in the minutes and by drawing the boundaries of such on a suitable map of the County, such map is to be filed in the office of the Planning and Zoning Commission and made available for those who wish to see it.
3. 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 a designated Area of Critical Concern.
4. Content of Environmental Impact Statement: The environmental impact statement will provide answers to the following questions:
  - a. What changes will occur to the Area of Critical Concern as a result of the proposed development?
  - b. What changes are unavoidable?
  - c. What alternate ways of development are there that would lessen the impact of change on the area?
  - d. What beneficial or detrimental effect could the development have on environment (ie: plant life, animal life, soils, social concerns, economics, noise, visual, and others)?

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

1. Flood Area: For any proposed subdivision that is located within or partly within a flood plain, the developer, in addition to regular requirements and requirements under Section G, 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 flood way fringe by method as specified by the Army Corps of Engineer.
  - c. The location of the present water channel and major drainageways.



- d. Any planned re-routing of waterways.
  - e. Means of flood proofing buildings.
  - f. 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 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 and will not have adverse effects on the safety, use, or 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 any other features within the proposed subdivision will, individually or collectively, significantly increase flood flow, heights, or damages. If only part of a proposed subdivision can be safely developed, the Board shall limit development to that part.

## ARTICLE VII VACATION AND DEDICATIONS

### SECTION A. APPLICATION PROCEDURE

1. Application: Any property owner desiring to vacate an existing subdivision, public right-of-ways or easements, or desiring to dedicate a street right-of-way or easement shall complete and file an application with the Administrator and also file such other applications as are otherwise required by law. These provisions shall not apply to the dedication of streets, right-of-ways, or easements to be shown on a recorded plat of a subdivision.
2. Administrator Action: Upon receipt of the completed application and other information as he may require, the Administrator shall affix the date of application acceptance thereon. He shall thereafter place said application on the agenda for consideration at the next regular meeting of the Commission.

### SECTION B. ACTION

1. Commission Recommendation: The Commission shall review the request and all agency response and make a recommendation to the Board for either approval, conditional approval, or denial.
2. Board Action:
  - a. When considering an application for vacation procedures the Board shall establish a date for public hearing and give such public notice as required by law. The Board may approve, deny, or modify the application. Whenever public rights-of-way or lands are vacated, the Board shall provide adjacent property owners with a quitclaim deed for said vacated right-of-way in such proportions as are prescribed by law.
  - b. When considering an application for dedication procedures, the Board may approve, deny, or modify the application. When a dedication is approved, the required street improvement 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 Board, 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 Board, 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 Board unless there is a finding upon recommendation by the Commission, (a public hearing may be required) 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 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 objective 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

### ENFORCEMENT AND PENALTIES

#### SECTION A. DETECTION OF VIOLATION

The Administrator shall coordinate with the County Assessor's office 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 Board. 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 Board. The Prosecuting Attorney shall, in addition to taking whatever criminal action is 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 and suffer the penalties herein provided. Nothing herein contained shall prevent the Board 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.

## ARTICLE X

### AMENDMENT PROCEDURES

The Board may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance in the manner prescribed by the Idaho Code. A proposed amendment, supplement, or repeal may be originated by the Board, 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 Board.

## ARTICLE XI

### EFFECTIVE DATE

This Ordinance shall be in full force and effect upon publication following passage and approval.

Regularly passed and adopted by the Board of County Commissioners of Elmore County, Idaho, on this 26th day of ~~May, 1974.~~

*Dec. 1975*

