

ORDINANCE NO. 79-1

An ordinance amending the general Subdivision Ordinance for Elmore County Idaho theretofore known as Ordinance No. 73-12 passed December 26, 1973, by amending portions of the Subdivision Ordinance.

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

ARTICLE I  
GENERAL PROVISIONS

SECTION B. AUTHORITY

These regulations are authorized by Title 50, Chapter 13 of the IDAHO CODE, Title 67, Chapter 65 of the IDAHO CODE, and Article 12, Section 2 of the IDAHO CONSTITUTION, as amended or subsequently codified.

SECTION C. PURPOSE

The purpose of these regulations is 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 streets or roads, water drainage, sanitary facilities, solid waste management, and environmental concerns.
5. The avoidance of scattered subdivision of lands that would result in either of the following:
  - (1) The lack of water supply, streets or roads, or other public services;
  - (2) The unnecessary expenditures of public funds for the supply of such services.
6. 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
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 including procedures for the equitable review and approval of all plats of subdivisions covered by these provisions.

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 of 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 sign the plat when all requirements for public roads and attendant drainage and erosion control and/or bonding for such, have been met by the developers.

COUNTY SURVEYOR: It shall be the function of the County Surveyor to: Check the plat and the computations thereon to determine that the requirements of Section 50-1300 IDAHO CODE relating to surveys and essentials of plats are met and to certify such compliance on the plat.

ARTICLE II

DEFINITIONS

SECTION B. MEANING OF TERMS OR WORDS

Adding and/or amending the following definitions:

COMMISSION: The Planning Commission or Planning and Zoning Commission appointed by the Board.

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. (Section 55-1018 IDAHO CODE)

**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 (100) year frequency, as established by the engineering practices specified by the Army Corps of Engineers, as follows:

- a. "Flood of one hundred (100) 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 over-flow from a river, stream, or 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 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.

**HILLSIDE SUBDIVISION:** Any subdivision, or portion thereof, having slopes of ten percent (10%) or more.

**OPEN SPACE:** An area open to the sky for outdoor recreation activity. Streets, designated parking areas, buildings or other covered structures are not included in computing these areas.

**PLANNED UNIT AND/OR CONDOMINIUM DEVELOPMENT:** An area of land developed as a unit under single ownership and control, primarily for residential use, in which restriction of lot sizes, setbacks, densities, and land uses may be adjusted in return for conformity with an approved plan for the entire parcel.

**RESERVE STRIP:** A strip of land between a dedicated or partial street and adjacent property which is reserved or held in public ownership for future street extension or widening.

**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 term: highway, thoroughfare, parkway, road, avenue, boulevard, 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 the required street width, usually along the edge of a subdivision or tract of land.
- l. Private - A street that is not dedicated and accepted for public use or maintenance which provides vehicular and pedestrian access to one or more properties.

**SUBDIVISION:** The division of an original lot, tract, or parcel of land into more than two (2) parts for the transfer of ownership or development or 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 the 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 a street right-of-way by a public agency.
- 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.
- g. The division of lands into lots of forty (40) acres or more. However these lots are not to be considered original lots that would allow further splitting without approval as herein-after provided.

### ARTICLE III

#### PROCEDURE FOR SUBDIVISION APPROVAL

##### SECTION A. GENERAL RULES

1. Any division of land into more than two lots, with any lot less than forty (40) acres, requires approval by the Commission. Approval for a subdivision without platting may be given for a division of land into four (4) lots if no new roads are involved and no other great impacts are seen. (See section E for approval procedure).  
If a tract of land is divided into five (5) or more lots, with any lot less than forty (40) acres, then the developer or subdivider must plat the subdivision and follow the adopted

procedures in this ordinance to obtain approval. Any person creating a subdivision that requires platting 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 C. PRELIMINARY PLAT

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 required. 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 northerly direction of the land depicted.
  - b. A written application requesting approval of the preliminary plat on a form prescribed by the Commission;
  - c. 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.
5. Fee: At the time of submission of an application for a preliminary plat a fee shall be paid by the subdivider to the County, as set by the Board.
7. Public Notification:
  - a. Notification to Property Owners: The Administrator shall notify all adjoining property owners by 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.
8. Commission Action:
  - 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 plat, 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.

#### 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. A written application for approval of such final plat, as stipulated by the Commission.
  - b. Three (3) copies of the final plat.
  - c. Two (2) copies of the final engineering construction drawings for streets, water, sewer, sidewalks, and other required public improvements, 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 the IDAHO CODE. In addition the final plat shall show the following:
- a. Proof of current ownership of the real property included in the proposed final plat, including all owners.
  - b. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof.
  - c. Conformance with requirements and provisions of this Ordinance.
  - d. Acceptable engineering practices and local standards.
3. Fee: At the time of submission of any application for final plat a fee shall be paid by the subdivider, as set by the Board.
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. If a plat is denied the Board shall specify in writing:
- a. The ordinance and standards used in evaluating the application;
  - b. The reason for denial.
8. Method of Recording:
- d. Certification and signature of the Highway District Commission, when public roads are involved, verifying that the plans for roads and drainage meets their requirements.
  - f. Certification of the County Surveyor that the plat meets the requirements of the applicable state laws, and engineering practices are good.

#### SECTION E. LETTERS OF INFORMATION

In any subdivision of land where a plat is not required by the provisions of Article III, Section A of this Ordinance, the owner or subdivider of said land shall submit to the Commission through the Administrator a "letter of information" and a map containing the following:

1. The location of the subdivision in relation to surrounding areas;
2. A legal description of the tract to be subdivided and of the lots into which it is to be subdivided;
3. The location of existing streets and other important features such as railroads, watercourses, easements, and exceptional topography, within and contiguous to the tract;
4. The location of any existing sewers, pipe lines, utility lines, and culverts within the tract or immediately adjacent thereto;
5. All parcels of land to be dedicated for public use or reserved for the use of all property owners, with the purpose indicated;
6. All easements to be dedicated for utilities;

7. A letter of approval from the Health Department relating to sewage, water, and solid waste.

8. A letter of approval from the highway district concerning access, easements, and drainage.

The letter of information and the map shall be reviewed by the Commission at its next regularly scheduled meeting along with a report by the Administrator as to its consistency with the comprehensive plan and any other problems or impacts or lack of them that he sees in the action. If the proposed subdivision presents no great problems, no plat shall be required. A copy of any survey completed shall be filed with the Administrator. If a plat is required, then the Commission shall so state in writing the reasons for their decision.

#### SECTION F. APPEALS

(No change in APPEALS except Section Letter.)

#### SECTION G. PERMITS

No permits shall be issued by an administrative officer of the County for any improvement requiring a permit, upon any land for which a plat or a letter of information is required by this ordinance unless and until all the requirements of the ordinance have been met.

### ARTICLE IV

#### DESIGN STANDARDS

##### 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 with the exception of private streets.

##### 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.
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 subdivision 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 topograph 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 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 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 may be allowed, upon application and approval by the Commission, in planned unit developments and in some instances in regular subdivisions in the area north of the southern boundary of the Boise and Sawtooth National Forests in Elmore County.

#### SECTION D. SPECIFICATIONS

1. Street Right-of-way: Public streets and road right-of-way widths shall conform to the requirements of the highway district having jurisdiction; however, the Commission may require wider right-of-ways.

2. Street Surfacing: Public streets shall have a surface acceptable to the highway district.

3. Private Streets: Right-of-way widths for private streets shall be the same as for public streets. Widths of finished roadway, roadway surface, and construction specifications may vary with different subdivisions or even within subdivision. The subdivision engineer shall present plans and specifications for private roads, and drainage, along with his reasons for such design, to the Commission for their approval before final plat is presented. The Commission may approve or request changes before approving the plat. The subdivision engineer will inspect and certify to the Commission by letter that private roads or streets are built to the plans and specifications approved by the Commission. The Commission shall set a date by which this certification shall be filed.

#### SECTION E. STREET NAMES OR DESIGNATION

Naming or designation of streets shall conform to the following:

1. Street names shall not duplicate any existing street names 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 the immediate vicinity of Mountain Home, street names or number shall conform to the plan adopted by the Mountain Home Highway District and the City of Mountain Home.

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,' or shall conform to local customs.

#### SECTION H. BLOCKS

Every block shall be so designated 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. These requirements may be waived when the Commission find they are not feasible because of topography, lot size, or other aspects.

#### ARTICLE V

##### IMPROVEMENT STANDARDS

#### SECTION B. REQUIRED PUBLIC IMPROVEMENTS

2. Streets and Alleys" All public streets and alleys shall be constructed in accordance with the standards and specifications of the highway district.

#### ARTICLE VI

##### SPECIAL DEVELOPMENT SUBDIVISION

#### SECTION B. HILLSIDE SUBDIVISIONS

GENERAL: The developer shall comply with this Section only on those areas of the subdivision having slopes of ten percent (10%) or more.

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

- a. Details of terrain and area drainage.
- b. 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.
- 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 network, drainageways, which may be affected by the proposed development, and the estimated runoff of the area served by the drains.

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

4. Private Streets: Private streets may be allowed, upon application to the Commission, if the Commission finds them of advantage to the County. (See Article IV, Section D, Paragraph 3 for Standards)

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 spaces shall meet with the approval of the Commission. 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 Commission if there is a showing that the needs of a particular development are less.

#### 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, if applicable, shall provide the Commission with a development plan of adequate scale and supporting documentation.

### ARTICLE VII

#### VACATION

##### SECTION A. PETITION PROCEDURE

1. Application: Any property owner desiring to vacate an existing subdivision, public right-of-way, or easement, situated more than one (1) mile outside the boundaries of an incorporated city, shall complete and file a petition for vacation with the Administrator. Such petition shall set forth particular reasons for the request to vacate; contain a legal description of the platted area or property to be vacated and the names and addresses of the persons affected thereby. The petitioner shall also furnish, along with the petition, the names and addresses of all property owners within three hundred (300) feet of the boundaries of the area described in the petition. Vacation petitions within one mile (1) of the city limits must be filed with the city.

2. Administrator Action: Upon receipt of the completed petition and other information as he may require, the Administrator shall affix the date of receipt thereon. He shall thereafter place said petition on the agenda for consideration at the next regular meeting of the Commission. He shall also present the petition to such other agencies as are affected, for comment.

##### SECTION B. ACTION

1. Commission Recommendation: The Commission shall review the request and petition, all agency response, and the Administrator's report of impact, and make a recommendation to the Board for either approval, conditional approval or denial, and the reasons for their recommendations.

2. Board Action: Upon receipt of the petition and recommendation of the Commission, the Board shall set a date for public hearing and give such notice as is required by Title 50, Chapter 13, IDAHO CODE. After public hearing the Board may grant the petition to vacate, deny it, or grant it with such restrictions as they deem necessary in the public interest.

All notification and publication costs shall be at the expense of the petitioner.

#### ARTICLE IX

#### ENFORCEMENT AND PENALTIES

#### SECTION A. DETECTION OF VIOLATION

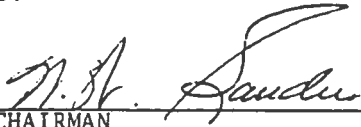
The Administrator shall coordinate with the County Assessor's office, other County offices, and individuals to detect any violation of this Ordinance.


#### SECTION B. ENFORCEMENT

Upon finding that a violation has occurred, or is in progress, the Administrator shall immediately notify the violator of the fact and attempt to have the violation stopped or corrected. If the violation continues, the Administrator shall notify the Prosecuting Attorney in writing, stating the pertinent facts of the case.

The Prosecuting Attorney shall, in addition to taking whatever criminal action is deemed necessary, take steps to civilly enjoin any violation of this Ordinance.

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, on this \_\_\_\_\_ day of June, 1979.

  
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CHAIRMAN

  
\_\_\_\_\_  
MEMBER

  
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MEMBER