

CHAPTER 1

GENERAL SUBDIVISION PROVISIONS

1-1. TITLE: These regulations shall be known and cited as the “Minidoka County Subdivision Ordinance.”

1-2. AUTHORITY: These regulations are adopted pursuant to Title 50, Chapter 13 and Title 67, Chapter 65 of the Idaho Code.

1-3. PURPOSE: The purpose of these regulations is to promote the public health, safety, general welfare, and to provide for:

- A. The harmonious development of the County;
- B. The coordination of streets, alleys and easements in new subdivisions with existing and future development and improvements;
- C. Adequate park and open spaces for travel, light, fresh air and recreation;
- D. Adequate transportation, water, sanitary drainage, irrigation and other public facilities and services to meet the demands of growth;
- E. Economical development and extension of public facilities and services to meet the demands of growth;
- F. An orderly and efficient procedure for the submission and disposal of requests for approval of subdivision plats; and
- G. The delegation of authority for administration of these regulations.

1-4. JURISDICTION: These regulations shall apply to the subdivision and development of all land within the boundaries of Minidoka County, excluding the areas within the corporate limits of each city.

1-5. INTERPRETATION: All subdivisions as herein defined shall be submitted for approval by the Board of County Commissioners 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 subdivision created and recorded prior to the effective date hereof, except for the further dividing of lots; nor is it intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances, or regulations, or with private restrictions placed upon property by deed, covenant or other private agreements, or with restrictive covenants running with the land to which the County is a party.

1-6: ADMINISTRATION: The Board of County Commissioners shall appoint a Planning and Zoning Commission to carry out the provisions as herein specified. The Commission shall receive and make recommendations on all subdivision applications. In the event the Commission fails to act or carry out its responsibilities according to the

regulations contained herein, the Board shall assume all the duties of the Commission as herein specified in relation to the application concerned.

1-7: COMBINING OF PERMITS: The Commission is hereby required to combine all permits which may be required in this Ordinance and previously or subsequently adopted County ordinances which are relative to land development into one permit application procedure. In conjunction with a combined permit, the Commission shall coordinate methods of approval with the respective departments for the purpose of reducing errors and unnecessary delay in processing applications.

1-8: SEVERABILITY: Where any word, phrase, clause, sentence, paragraph, or section, or other part of these regulations is held invalid by a court of competent jurisdiction, such judgment shall affect only that part so held invalid. (1982 Code)

CHAPTER 2

SUBDIVISION DEFINITIONS

2-1: INTERPRETATION OF TERMS OR WORDS: For the purposes of these regulations, certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual;
- B. The present tense includes the past or future tense, the singular includes the plural and the plural includes the singular;
- C. The words "shall" and "must" are always mandatory requirements, the word "may" is a permissive requirement and the word "should" is a preferred requirement.;
- D. The masculine shall include the feminine;
- E. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied"; and
- F. The word "lot" includes the words "plot", "parcel" and "tract";

2-2: DEFINITIONS:

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

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind, but not including fences or advertising signs.

BUILDING LINE: A line established by law or agreement and usually parallel to property line beyond which a building or structure may not extend.

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

CEMETERY: Land used or intended to be used for the burial of humans or dead animals and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

COMMISSION: The Planning and Zoning Commission of Minidoka County as appointed by the Board of County Commissioners or the respective City Council.

COMPREHENSIVE PLAN: A plan, or any portion thereof, adopted by the Board including such things as the general location and extent of present and proposed

physical facilities including housing, industrial and commercial uses, major transportation, parks, schools, and other community facilities.

CONDOMINIUM: A condominium is an estate consisting of one (1) an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof, together with two (2) 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 respective city.

COUNTY RECORDER: The office of the Minidoka 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 interests in land for use by the public. Land becomes dedicated when accepted by the County as a public dedication, either by ordinance, resolution, or entry in the official minutes, or by the recording of a plat showing such dedication.

DEVELOPER: Authorized agent(s) of a subdivider or the subdivider himself.

DEVELOPMENT, LARGE SCALE: A subdivision the size of which consists of thirty (30) or more lots or dwelling units.

DEVELOPMENT, MEDIUM SCALE: A subdivision the size of which consists of less than thirty (30) but more than ten (10) lots or dwelling units.

DEVELOPMENT, SMALL SCALE: A subdivision the size of which consists of up to ten (10) lots or dwelling units.

DWELLING UNIT: A suite of two or more habitable rooms providing complete living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT (PRE-FAB): A building or other structure, proposed or built for occupancy by people that is designed for initial transportation on streets and highways which arrives at a site where it is installed on a permanent foundation.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of another person's property.

ENGINEER: Any person who is licensed in the state to practice professional engineering.

GOVERNING BODY (AUTHORITY): The Board of County Commissioners of Minidoka County or the respective City Council of Rupert, Heyburn, Paul, Acequia, or Minidoka, Idaho.

GOVERNMENT LOTS: Fractional sections in the rectangular government survey system that are less than one quarter-section, generally a quarter-quarter section with more or less than forty (40) acres and meets one or more of the following criteria:

- A: Found along the northern and western tier of townships;
- B: Found where two surveys meet each other: and/or
- C: Found along “meanderable” rivers and lakes.

HIGHWAY: A Street designated as a highway by an appropriate Local, State or Federal agency.

IMPROVEMENT: Any alteration to the land or other physical constructions associated with subdivision and building site developments.

LOT: A parcel of land of sufficient size to meet minimum subdivision and zoning requirements for use, coverage and area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on an improved public street or approved private street, or access to said lot will be provided by means of an approved irrevocable dedicated easement.

LOT AREA: The computed horizontal area contained within the lot lines.

LOT TYPES: As used in these regulations, lot types are as follows:

- A. Corner Lot. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty five degrees (135°). The point of intersection of the street lines is the “corner”;
- B. Interior Lot. A lot bounded by a street on one side only.
- C. Through Lot. A lot having frontage on two streets, which are parallel or nearly so. Also known as Double Frontage Lot. Through lots are prohibited under these regulations unless such a lot meets the criteria of Lot Access in Section 4-10F of this Code; and
- D. Reversed Lot. A lot with frontage on a side street or other right of way other than an interior or corner lot.

MANUFACTURED HOME (MOBILE HOME): A single-family dwelling designated for transportation after fabrication on streets and highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor incidental unpacking and assembly operations located on jacks or other temporary or permanent foundations, connections to utilities, and the like. A pre-fab dwelling unit or travel trailer is not to be

considered as a mobile home. See the Minidoka County Zoning Ordinance for specific definitions and classifications.

MONUMENT: Any permanent marker either of concrete, galvanized iron pipe, or iron or steel rods, used to permanently establish any tract, parcel, lot or street lines, as specified in section 50-1303, Idaho Code.

OPEN SPACE: An area substantially open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts and other recreational facilities that the Commission deems permissive. Streets, parking areas, structures for habitation and the like shall not be included.

ORIGINAL PARCEL OF LAND: A lot, tract or individual parcel as recorded on any plat or recorded on file in the office of the Minidoka County Recorder, any unplatted contiguous parcel of land held in one ownership, or any platted contiguous parcel of land comprised of or including government lots, and being any such parcel of record as of March 18, 1982, the effective date of the original Subdivision Ordinance.

OWNER: Any individual, person, firm, association, syndicate, partnership, corporation, or other entity having proprietary interest in real property subject to this Ordinance.

PARK, MANUFACTURED (MOBILE) HOME: Any area, tract, plot or site of land developed as a planned unit development located and maintained for dwelling purposes on a permanent or semi-permanent basis for two or more manufactured (mobile) homes or travel trailers.

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 an approved plat, and provides that if the subdivider defaults and fails to comply with 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. The Board shall set the amount of the bond at its sole discretion with regard to the recommendation of the Commission.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of residential, commercial and industrial uses developed under single ownership or control are accommodated in a pre-planned environment with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

PLAT: The drawing, mapping, or planning of a subdivision, cemetery, townsite or other tract of land or a re-platting of such including certifications, descriptions and approvals.

PLAT, TYPES:

- A. Preliminary Plat: The first formal presentation by maps or drawings of a proposed subdivision, as required in these regulations.
- B. Final Plat: The final and formal presentation by maps or 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 dedicated street or partial street and adjacent property, in either case, reserved or held in public ownership for future street extension or widening.

RIGHT OF WAY: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped area, viaducts, and bridges.

SIDEWALK: That portion of the street right of way outside the street pavement, which is improved for pedestrian use (also known as Walkway).

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

STATE: The State of Idaho

STREET: A right of way that 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 similar terms. Some related terms and definitions are as follows:

- 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, which is designated for the purpose of carrying traffic from minor streets or other collector streets and/or arterial streets.
- D. Arterial: A Street, which is designated for the purpose of carrying fast and/or heavy traffic.
- E. Loop: A minor street with both terminal points on the same street origin.
- F. Cul-de-sac: A Street, which is connected to another street at one end only and provided with a turn-around space.
- G. Dead-End: A street, which connects to another street at one end only and not having provision for vehicular turn-around at its terminus.
- H. Frontage: A minor street, which is parallel to and adjacent to arterial or collector streets, and has the primary purpose of providing access to abutting properties.

- I. Industrial: A Street, which is designated for the purpose of providing traffic movement in an industrial area.
- J. Commercial: A Street, which is 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 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 toward which the principal building is not oriented.

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 the 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 four (4) parts for the purpose of transfer of ownership or development; 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 allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property;
- B. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code;
- C. Widening of existing streets to conform to the comprehensive plan;
- D. The acquisition of collector and arterial street rights of way by a public agency in conformance with the Comprehensive Plan;
- E. The exchange of land for the purpose of straightening property boundaries that does not result in the change of the present land usage of the properties involved; and,
- F. The acquisition of a parcel with the purpose of adding to an existing parcel, lot or tract without any individual or separate development.

SUBDIVISION, MOBILE HOME: A subdivision designed for manufactured or mobile home residential use.

SURVEYOR: A land surveyor or professional engineer registered in the State of Idaho.

UTILITIES: Installation for conducting water, sewage, gas, electricity, television, communications, storm water, ancillary facilities providing service to and used by the public.

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.

VICINITY MAP: A small-scale map showing the location of a tract of land in relation to a larger area.

CHAPTER 3

PROCEDURE FOR SUBDIVISION APPROVAL

3-1: SUBDIVISION PLAT APPROVAL REQUIRED: Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the Commission. No final plat shall be filed with the County Recorder 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.

3-2: PRE-APPLICATION:

A. Application: Prior to the filing of an application for approval of a preliminary plat the subdivider shall submit a completed sub division pre-application form as provided by Minidoka County and with up to eight (8) copies, as required by the administrator of a sketch plan to the Planning and Zoning Office. The sketch plan shall include the entire development scheme of the proposed subdivision, in schematic form including the area proposed for immediate development in such a form and content as required by the Commission and shall include the following:

1. The general layout of streets, blocks, and lots in sketch form;
2. The existing conditions and characteristic of the land adjacent to the proposed subdivision.
3. Areas set aside for schools, park and other public facilities.

B. Fee: None required.

C. Pre-application Approval Procedure: The subdivider shall submit the pre-application to the Minidoka County Planning and Zoning Office. The Planning and Zoning staff will schedule within thirty (30) days a meeting to review the application before the Administrator and representatives of the highway district or road department, fire district or department, health district or sewer department, as well as any other applicable utility, agency or department.

D. Administrator Action: At the aforementioned meeting the subdivider shall present his pre-application and intent for review and comment by the administrator with respects to the following:

1. Is the proposed subdivision in compliance with existing local or state policies and regulations as well as with goals and objectives of the Minidoka County Comprehensive Plan;
2. Are any special use permits, ordinances or map amendments, special development permits or variances needed and may application for these processes be combined into one permit;
3. What other agencies approvals or input is necessary for final approval;
4. Do any unique environmental or hazardous concerns exist that may be directly or indirectly associated with the subject property, such as areas that have been designated by the State or Federal Government as areas of

- critical environmental concern, unique plant or animal life, wetlands, flood plain, airport flight pattern or like or similar conditions; and
5. May the preliminary and final plats be combined and what, if any additional issues need to be addressed for approval with all necessary forms and submittals.

3-3: PRELIMINARY PLAT:

- A. Application: Upon completion of the pre-application procedures, the subdivider may file with the Planning and Zoning Office a completed subdivision application form and preliminary plat data as required in this Ordinance in such form and content as required by the Commission.
- B. Combining Both Preliminary and Final Plats: The applicant may also request that the subdivision application be processed as both a preliminary and final plat if the following conditions are met:
 1. The proposed subdivision does not exceed ten (10) lots;
 2. No new street or major street widening are involved;
 3. No major special development considerations are involved, such as infrastructure development or the like; and
 4. All required information submittals for both preliminary and final plat are 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 Administrator.

- C. Content of Preliminary Plat: Preliminary plat shall contain the information required under subsection D of this Section. Additional maps or data deemed necessary by the Commission might also be required. The subdivider shall submit to the Commission at least the following:
 1. Four (4) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated;
 2. Four (4) sets of preliminary engineering plans for streets, water, sewers, sidewalks and other required public improvements, including a master utility map; said engineering plans shall contain sufficient information and detail to enable the Commission to make a preliminary determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards as outlined in the special development article of this Ordinance;
 3. A written application requesting approval of the Preliminary Plat on a form prescribed by the Commission; and
 4. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, planned unit development, flood plain, wetlands, cemetery, mobile home, large-scale development, hazardous and unique areas of development.

- D. Requirement of Preliminary Plats and Plat Applications: The following shall be shown on any preliminary plat submitted or shall be submitted with the same:
1. The name of the proposed subdivision;
 2. The names, addresses and telephone numbers of the present owners of the property and the subdivider or subdividers and the surveyor or engineer who prepare the final plat;
 3. The name and address of all adjoining property owners whether or not bisected by a public right of way as shown on records in the County Assessor's office;
 4. The legal description of the property of the proposed subdivision;
 5. A statement of the intended use of the proposed subdivision, such as residential single-family; two-family and multi-family housing; commercial; industrial; recreational; or agricultural and a showing of any sites proposed for parks, playgrounds, schools, churches or other public uses;
 6. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development;
 7. A vicinity map showing the relationship of the proposed plat to the surrounding area (1/2 mile minimum radius);
 8. The land use and existing zoning of the proposed subdivision and the adjacent land;
 9. Streets, street names, right of way and roadway widths, including adjoining streets and roadways;
 10. Lot lines, dimensions and numbers, and the total number of lots by block;
 11. Contours, shown at five foot (5') intervals where land slope is greater than ten percent (10%), with an established bench mark, including location and elevation;
 12. Any proposed or existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches, drainages, bridges, culverts, water mains, fire hydrants, electric power lines, gas lines, cable lines, and their respective profiles or indicated alternative methods;
 13. A copy of any proposed restrictive covenants and/or deed restrictions or, if none, a statement that none are proposed;
 14. Any additional required information for special developments as specified in Chapter 6 of this Ordinance;
 15. A statement as to whether or not a variance will be requested with respect to any provision of this Ordinance describing the particular provision, the variance requested, and the reasons therefore.
- E. Fee: A nonrefundable fee as established by resolution of the Board shall be paid at the time of submission of an application for a preliminary plat. There shall be no additional fee for the combining of the preliminary and final plats.
- F. Required Submittal: The subdivider shall submit the required four (4) copies of the preliminary plat and supplemental material, and fee to the office of the Administrator prior to scheduling the hearing before the Commission.

G. Public Notification: Notice complying with the following items shall be given for the public hearing to consider the subdivision application and plat. If the preliminary and final plats are being combined hearings before both the Commission and Board are required.

1. Posting for Commission & Board Hearings: The subdivider shall post a reasonable number of posters on or near the object property under consideration to be subdivided. Such poster and stated information shall be of such size and content as may be approved by the Commission. The location of the posters shall be on the closest public roads in visible locations surrounding the subject property and erected at least fifteen (15) days prior to the Commission and Board hearings.
2. Notice in Newspaper: At least fifteen (15) days prior to the hearings notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation.
3. Notice to Property Owners: Further, the subdivider shall give actual written notice to every property owner as set forth as follows:
 - a. If the parcel borders on or is close to a City Limits notice shall be provided to property owners or purchasers of record located in the City Limits within three hundred (300) feet of the external boundaries of the land being considered. In addition notice shall be provided to property owners or purchasers of record located outside the City Limits within one half (1/2) mile of the external boundaries of the land being considered;
 - b. If the parcel is completely outside and at least three hundred feet from a City Limits notice shall be provided to property owners or purchasers of record located outside the City Limits within one half (1/2) mile of the external boundaries of the land being considered; and
4. Failure to Notify: The failure of the subdivider to comply with the exact provisions of these procedures shall invalidate the Commission's action.

G. ADDITIONAL PROCEDURES IN CITY AREAS OF IMPACT: In cases where the parcel or property involved in the subdivision application is located in an Area of City Impact, the applicable City shall have thirty (30) days to review the application. The purpose of this review is to allow the City time to review and evaluate the application with respects to the possible impact on the City or compliance with the City's ordinances and Comprehensive Plan. If the City deems that thirty (30) days are inadequate for a thorough review, it may be granted a thirty (30) day extension upon written request.

After the review, the City may make a recommendation to the County to approve, conditionally approve, postpone decision for additional information or disapprove

the subdivision plat application. Upon making a recommendation the City shall specify:

1. The Ordinance and standards used in evaluating the application;
2. The reasons for the specific recommendation; and
3. The recommended actions, if any, that the applicant could take to obtain a permit.

If the proposed subdivision is located within an area of city impact and consists of lots of five (5) acres or less the County shall require an annexation consent agreement signed by the original subdivider and property owners if so requested by the applicable City

H. Commission Action: At the public hearing scheduled before the Commission, the subdivider shall present the preliminary plat for action. The Commission shall take action according to one of the following procedures:

1. 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 public hearing. The action, and the reasons for such action shall be stated in writing by the Commission and forwarded to the applicant. The Commission 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 Board.
2. Combined Preliminary and Final 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 public hearing. The action, and the reasons for such action shall be stated in writing by the Commission and forwarded to the applicant. The Commission shall also forward a statement of the action taken and the reasons for such action, together with a copy of the final plat for Board action.

J. Board Action: The Board shall act upon the preliminary or combined plats with the following procedures:

1. Preliminary Plat: At the next regular Board meeting after the Commission's decision, the subdivider shall present the preliminary plat to the Board. The Board 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 Board and forwarded to the applicant.
2. Combined Preliminary and Final Plat: After the Commission's approval or conditional approval, the subdivider shall present the final plat to the Board at a public hearing with public notification as established in 3-3-G

of this ordinance. The Board may approve, approve conditionally, disapprove, or table the 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 Board and forwarded to the applicant.

K. Appeals: Any person who appeared in person or by writing before the Commission or the subdivider may appeal in writing the decision of the Commission relative to any action taken by the Commission. Such appeal must be submitted to the Board within fifteen (15) days from such Commission action.

L. Approval Period:

1. Failure to file and obtain the certification of the acceptance of the final plat application by the developer within one year after action by the Commission shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for and granted by the Commission prior to the expiration date. The approval period for the final plat may be in excess of one year if so requested in the application or in writing before the expiration of the preliminary plat and approved by the Commission and Board.
2. In the event that the development of the preliminary plat is made in successive continuous segments in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of one year may be considered for final approval without resubmission for preliminary plat approval.

3-4: FINAL PLAT

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

1. Three (3) copies and the original in black opaque image upon stable base drafting film with a minimum base thickness of 0.003 inches, of the final plat. The original plat shall be returned to the subdivider for other approvals, if needed, and recording upon Board approval.
2. If applicable three (3) copies of the final engineering construction drawings and/or specifications for the streets, water, sewers, sidewalks and other public improvements.

B. 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 a scale and contain lettering of such size as to enable the same to be placed on one sheet of eighteen inch by twenty-seven inch (18" x 27") drawing paper, with a three and one-half (3 ½) inch margin at the left end and one-half (½) inch margin

on all other edges. No part of the drawing or certificates shall encroach upon the margins. The reverse of said sheet shall not be used for any portion of the drawing, nor contain written matter as to dedications, certifications and other information. The final plat and/or accompanying submittals shall include at least the following:

1. A written application for approval of such final plat as stipulated by the Commission;
2. Proof of current ownership of the real property included in the proposed final plat;
3. Such other and further information as the Commission may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat;
4. A site report and/or a Nutrient Pathogen Evaluation when required by the appropriate where individual wells or septic tanks are proposed;
5. Any dedications to the public and/or easements, together with a statement of location, dimensions, and purpose of such;
6. Verification of conformance with the approved preliminary plat and meeting all requirements or conditions thereof; and
7. Conform to all requirements and provisions of this Ordinance and acceptable engineering practices and local standards.

C. Commission Review:

1. Submittal of Final Plat: The subdivider shall submit the final plat to the Commission for review in a public hearing using the same procedures for notification as used for the preliminary hearing. The Commission shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the Commission determines that there is substantial difference in the final plat from that which was considered as a preliminary plat or conditions which have not been met, the Commission may require that the plat be resubmitted to the Planning and Zoning Office and Commission in the same manner as required in the preliminary plat process.
2. 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 Commission shall place the final plat on the Board agenda within forty-five (45) days from the date that an acceptable plat application was received and approved by the Commission.

- D. Agency Review: The Commission may transmit one copy of the final plat, or other document submitted, for review and recommendation to the same departments and agencies, or others as they may deem 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.

- E. Board Action: The Board at a scheduled public hearing following receipt of the Commission's report shall consider the Commission's findings and comments from concerned persons and agencies to arrive at a decision on the final plat. If said final plat conforms to the requirements of this Ordinance applicable at the time of approval of the preliminary plat, all rulings made by the Commission on the preliminary plat, and the requirements of the Idaho State Law, the Board shall approve, approve conditionally, disapprove or table the final plat for additional information. The decision shall be made within thirty (30) days of the date of the public hearing at which the plat is first considered.
- F. Approval Period: Final plat and covenants, if any, shall be filed by the subdivider/developer with the County Recorder within ninety (90) days after written approval by the Board, 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.
- G. Plat Endorsements: Upon approval of the final plat by the Board, the subdivider shall obtain the following signatures of approval on the final plat. Signatures shall be in reproducible black ink:
1. Certification of owner or owners of the land included in the plat, with correct legal description of the land, certifying their intentions to include the same in the plat, and make a dedication of all public streets, right of ways, and easements shown on said plat. Which certifications shall be acknowledged before an officer duly authorized to take acknowledgements and shall be endorsed on the plat;
 2. Certification of the Idaho Professional surveyor, who prepared the plat, certifying the correctness of said plat, with his signature he shall place his seal and date on the plat;
 3. Certification and signature of an Idaho professional surveyor chosen by the County verifying compliance of the plat to County and State requirements;
 4. Certification and signature of the Chairman of the Planning and Zoning Commission verifying that the subdivision has been approved by the Commission;
 5. Certification and signature of the Chairman of the Board of County Commissioners verifying that the subdivision has been approved by the Board;
 6. Certification and signature of local or State health agency that all health requirements have been complied with or the required sanitary restriction set forth in title 50, chapter 13, Idaho Code has been placed thereon;
 7. Certification of approval and acceptance of the local fire protection district or department;
 8. Certification of approval and acceptance of dedication of public streets and right of ways and means of lot ingress and egress by the Minidoka County Highway District or department having jurisdiction over such streets or right of ways;

9. Certification and signature of the local irrigation district or company verifying the irrigation water rights when applicable; and
 10. Minidoka County Treasurer Certification that all property taxes have been paid on the land included in the plat.
- H. Method of Recording: Upon approval of the final plat by the Board, and the inclusion of the aforementioned signatures on the final plat, the subdivider shall deliver the final plat, one photographic copy using a silver emulsion image process, and one blue line or bond copy to the Minidoka County Recorder for recording and any additional copies that the subdivider may want to have certified by the County Recorder. Recording fees will be charged pursuant to the number of copies and by the established fee schedule.
- I. Developer Agreements: The Commission or the Board may require the subdivider to enter into a developers agreement to assure that the subdivider complies with all objectives of this ordinance and provisions of the subdivision approval. Provisions that may be covered in such agreement include but are not limited to the following:
1. Time schedules for development;
 2. Special allowances for development in stages;
 3. If developed in stages, all work that is to be completed in each stage;
 4. Annexation and utility connection agreements if the proposed subdivision is located in an area of city impact, and when requested by that specific City; and
 5. Special provisions to protect the public interests and assure the goals and objectives of the Minidoka County Comprehensive Plan, Minidoka County Zoning Ordinance, Minidoka County Subdivision Ordinance and subdivision approval conditions.

Chapter 4

Design Standards

4-1: MINIMUM DESIGN STANDARDS REQUIRED: All plans submitted 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 Chapter; provided, however, that any higher standards adopted by any highway district, State Department of Transportation or health agency shall prevail over those set forth herein.

4-2: DEDICATIONS: 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.

4-3: LOCATION: Street and road location shall conform to the following:

- A. Street Location and Arrangements: When a major street plan or Comprehensive Development Plan has been adopted, subdivision streets shall conform to such plans;
- B. Local or Minor Streets: Shall be so arranged as to discourage their use by through traffic;
- C. Street Continuation and Extension: The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions unless otherwise approved by the Board and the highway district or department having jurisdiction over such streets;
- E. 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;
- F. Dead End Streets: Dead end streets are prohibited in all cases unless specifically approved utilizing a cul-de-sac.
- G. Relation to Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients;
- H. 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;
- I. Frontage Roads: Where a subdivision abuts or contains an arterial street, it may be required at the discretion of the Commission 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;
- J. Cul-De-Sac: Cul-de-sac streets are only allowed when circumstances require, at the discretion of the County. When allowed, a cul-de-sac shall have a turnaround at the end of at least one hundred feet (100') in diameter;

- K. 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 bordering on an existing half or partial street, the other part of the street shall be dedicated with such tract; and
- L. Private Streets: Private streets and roads shall be prohibited except within planned unit developments or where on going owner's associations are provided for maintenance and up keep.

4-4: STREET RIGHT OF WAY STANDARDS: 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 Transportation and the Minidoka County Highway District or department having jurisdiction; and minimum right of way standards as follows:

<u>Street Types</u>	<u>Widths</u>	<u>Widths of Pavement</u>
Major arterial	100 feet	48 feet divided
Collector	60 feet	50 to 60 feet
Local street	60 feet	30 feet minimum

Curbs will be required if the lot sizes of the subdivision are less than one (1) acre. If required or provided with curbs, local streets shall be at least forty feet (40') apart as measured from the back of the curbs on the opposite sides of the street, with pavement from curb to curb.

The subdivider shall install the streets to the standards as adopted by the Minidoka County Highway District or department having jurisdiction. When the standards of this ordinance conflict with those of the highway district the more stringent standard will apply.

4-5: STREET NAMES: The naming of streets shall conform to the following: 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.

4-6: INTERSECTIONS: Intersections shall conform to the following:

- A. Angle of intersection: Streets shall intersect at ninety degrees (90°) or as closely thereto as possible, and in no case, shall streets intersect at less than eighty degrees (80°);
- B. Number of Streets: No more than two (2) streets shall cross at any one intersection;

- C. “T” Intersections: “T” intersections may be used wherever such design will not unduly restrict the free movement of traffic;
- D. Vertical Alignment of Intersection: A nearly flat grade with appropriate drainage slopes is desirable within intersections. This plat section shall extend fifty feet (50’) to one hundred feet (100’) each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain, and four percent (4%) in hilly terrain, will be permitted.

4-7: 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 right of way shall be at least ten feet (10’) wide and shall extend entirely through the block.

4-8: EASEMENTS: Unobstructed utility easements shall be provided along rear lot lines and side lot lines when necessary; total easement width shall be not less than twelve feet (12’) where lots easements adjoin or twenty feet (20’) for single lot easements. Unobstructed drainage way easements shall be provided as required by the Commission.

4-9: BLOCKS:

- A. Every block shall be so designed as to provide two (2) tiers of lots, except where lots back on to an arterial street, natural feature or subdivision boundary; blocks shall not be less than three hundred feet (300’) long in most cases.
- B. The length, width and shape of blocks shall be determined with due regard to adequate sites suitable to the special needs of the type of use contemplated; the zoning requirements as to lot size and dimensions; the need for convenient access, circulation, control and safety of street traffic; and the limitations and opportunities of topography.

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

- A. Lot Sizes: No subdivision plat in the area included in an AL (Agricultural Low) district shall hereafter be approved by the County unless all interior lots shown thereon shall have a frontage of one hundred twenty five feet (125’) or more and a minimum area of one (1) acre unless central sewer is provided. In the event a cul-de-sac variance is granted, lots fronting on cul-de-sac circles may have reduced frontage as approved by the Commission, but shall not be less than fifty feet (50’);
- B. Lot Lines: Side lot lines shall be essentially at right angles to straight streets and shall generally conform to the radius of curved streets;
- C. Width Related to Length: Narrow, deep lots shall be avoided;
- D. Corner Lots: Corner lots shall have sufficient extra width to permit appropriate building setback from either streets or orientation to both streets;
- E. 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;

- F. Lot Access: Lots shall be designed to allow for vehicular ingress and egress to eliminate the need for vehicles to back onto any dedicated streets except local streets within the subdivision. Lots extending through a block and having frontage on two (2) local streets are to be discouraged and may be prohibited by the Commission;
- G. 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 the future resubdividing into smaller parcels. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future subdividing or lot splitting is contemplated the plan thereof shall be approved by the Commission prior to the taking of such action; and
- H. Further Subdivision:
 - 1. Further Subdivision of Lots: In order to protect the easements, traffic density and utility service plans of the County and the general plans of ingress and egress from a subdivision, the platted lots, as depicted on the final plat and as approved by the County, shall not be further subdivided to create additional lots or a higher density of development without a submission of an amended subdivision plat and conforming with the requirements of this Ordinance for submission and approval of amended plats.
 - 2. Variance to Prohibition of Further Subdivision of Lots: A lot owner who, because the prohibition against further subdivision, is placed in a position of hardship due to the unique circumstances of the lot in question as defined in the Minidoka County Zoning Ordinance, may make written application to the County for a variance in the same manner and providing the same information as required in the Minidoka County Zoning Ordinance. In addition thereto, the application shall provide the following:
 - a. An accurate survey with the proposed subdivision of the lot in question depicted thereon;
 - b. An accurate depiction of changes, additions or deletions of utility easements;
 - c. A verified statement why the application for an amended subdivision plat is either not feasible or impractical which shall include a statement as to why the request either does or does not effect other lot owners in the subdivisions and whether, in the opinion of the applicant, there are other lots in the subdivision that require similar variance or further subdivisions.

3. Variance procedure: The procedure for granting such a variance shall be as follows: The written petition, accompanied with payment of a fee in the amount set by resolution of the Board, shall first be presented to the Office of the Administrator. The Commission shall then hold a public hearing on the petition, after giving notice by mail to the last known address to all owners of lots within the subdivision as well as giving notice as provided in the Minidoka County Zoning Ordinance. If the Commission determines that it will waive the requiring of submission and approval of an amended subdivision plat, then it shall refer the matter to the Board for approval.

4-11: PLANTING STRIPS AND RESERVE STRIPS: Shall conform to the following:

- A. Planting Strips: Planting strips shall be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses to screen the view from residential properties. Such screens shall be a minimum of twenty feet (20') wide, and shall not be a part of the normal roadway right of way or utility easement; and
- B. Reserve Strips: Privately held reserve strips controlling access to streets shall be prohibited.

4-12: PUBLIC SITES AND OPEN SPACES: Public sites and open spaces shall conform to the following:

- A. Public Uses: Where a proposed park, playground, school or other public use shown on the Comprehensive Development Plan is located in whole or part within a subdivision, a suitable area for this purpose 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; and
- B. Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, water courses, historic spots and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.

4-13: LARGE SCALE DEVELOPMENTS: Large scale developments shall be governed by the following provisions:

- A. Modification: This Ordinance may be modified in accordance with the variance provisions of this Ordinance in the case of a subdivision large enough to constitute a complete community or neighborhood, consistent with the Comprehensive Development Plan, which provides and dedicates adequate public open space and improvements for circulation, recreation,

education, light, air and service needs of the tract when fully developed and populated; and

- B. Neighborhood Characteristics: A community or neighborhood under this provision shall be consistent with the Comprehensive Development Plan, bounded by major streets or natural physical barriers, and shall contain public areas of sufficient size for schools, playgrounds, parks and other public facilities to serve its population.

Chapter 5

Improvement Standards

5-1: PURPOSE: It is the purpose of this Chapter to establish and define the public improvements which will be required to be constructed by the subdivider as conditions for final plat approval and also to outline the procedures and responsibilities of the subdivider and the various public officials and agencies concerned with the administration, planning design, construction, and financing of public facilities and to further establish procedures for assuring compliance with these requirements.

5-2: 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 that have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by an engineer designated by the County for compliance verification and other responsible public agencies. All construction plans shall be prepared in accordance with the public agencies' standard or specifications.

5-3: 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:

- A. Monuments: Monuments shall be set in accordance with the section 50-1313, Idaho Code;
- B. Streets and Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Board or Highway District. Vertical curbs and gutters shall be constructed on arterial streets;
- C. Curbs and Gutters: Curbs and gutters shall be required on local streets when lot sizes are less than one acre and shall be constructed in accordance with the standards and specifications adopted by the Board;
- D. Installation of Public Utilities: Underground utilities are recommended and may be required by the Board in areas where overhead facilities would not be compatible with the surrounding properties;
- E. Driveways: All driveway openings in curbs shall be as specified by the Board, Highway District or State Highway Department;
- F. Water Supply System: When a proposed subdivision is to be serviced by public water supply system fire hydrants and other required water system appurtenances shall be provided by the subdivider. If there is no existing or accessible public water supply system, the subdivider shall be required to install a water supply system for the common use of the lots within the subdivision as approved by Idaho Department of Environmental Quality. Individual wells may be permitted

- in accordance with the density requirements and requirements of the appropriate health district.
- G. Irrigation Water System: In proposed subdivision with lots greater than one-half acre the developer shall provide irrigation water rights and a delivery system to each individual lot. The irrigation water delivery system shall be maintained with in approved easements and with approved owners' agreement for on going maintenance of the system if necessary.
- H. Sanitary Sewer System: A proposed subdivision shall be served by a public sanitary sewage system, sanitary sewers and other required appurtenances thereto and shall be provided by the subdivider as approved by the Idaho Department of Environmental Quality. When it is determined by the Commission, based upon the advice of the appropriate health district, that a subdivision cannot feasibly be connected to an existing public or private sewer system or that a public or private sewer system cannot feasibly be provided for the subdivision, approved individual disposal systems may be authorized which shall comply with the requirements of the appropriate health district.
- I. Sidewalks and Pedestrian Walkways: Sidewalks shall be required on one side of the street when the street or collector that provides access to the subdivision has or is required to have sidewalks. Pedestrian walkways, when required, shall have easements at least ten feet (10') in width and include a concrete walk at least five feet (5') in width, located generally along the centerline of the easement, dedicated as a public pedestrian walkway. Sidewalks and cross walks when required, shall be constructed in accordance with the standards and specifications as adopted by the Board.
- J. Greenbelt: Greenbelt 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.
- K. Street Lighting: Street lights shall be required to be installed at intersections throughout the subdivision. In these cases a subdivider shall conform to the requirements of the County and the public utility providing such lighting.
- L. Bicycle Paths: Bicycle paths should be considered in all developments and may be required by the Board and/or Commission.
- M. Responsibility for Private Improvements and Public Utilities: It shall be the responsibility of the subdivider to arrange and provide for the development, installation, construction or other improvement of private facilities and public utilities within and for the subdivision in accordance with applicable standards and requirements.
- N. Responsibilities for the Construction of Public Works: The scope of this Section is to define the respective areas of responsibility of the subdivider and the County relative to the installation, construction, or other improvements of public works enroute to and within the boundaries of a subdivision.

In certain instances, the County may require formal written agreements with the subdivider that more fully and specifically describe their respective obligations and responsibilities.

1. General: It shall be the responsibility of the subdivider to complete at his sole expense all the development and construction of public works for and within his subdivision except as specifically provided otherwise to be the obligation and responsibility of the County, other governmental entity or purchaser of any lot as may be provided for in any legal and County approved purchase agreement.
 2. Completion of Public Works: The subdivider shall complete the installation or construction of all the different phases of public works for which he is responsible before the County will approve any of them. This requirement may be satisfied by completion of a stage if a staged development is called for in the approved development plan.
 3. Guarantee of Completion: Until the public works for which the subdivider is responsible are complete, or an acceptable stage of the development is completed, the County will issue no building permit for private construction therein; unless a satisfactory performance bond or other suitable guarantee of performance acceptable to the County is provided by the subdivider.
 4. Evidence of Completion: The subdivider shall notify the County in writing when the public works for which he is responsible have been completed.
 5. The County Engineer or the Zoning Administrator shall also certify in writing, a copy of which shall be sent to the subdivider, that the said public works have been inspected by him or his authorized representative, and that the said public works have been completed in accordance with applicable standards and specifications. As built construction plans shall be submitted to the County upon completion.
 6. Acceptance of Public Works: Compliance with the foregoing provisions shall constitute the County's acceptance of the public works. The County shall thereby accept said public works and be responsible for their operation and maintenance in accordance with County policies.
 7. In absence of a municipality to accept the public works a homeowners' association or utility district By-Laws and other similar deed restrictions, which provide for the control and maintenance of all public work facilities shall meet with the approval of the Board. Any and all powers as specified in such agreements may be required to also be assigned to the jurisdictional agency to insure continued and adequate maintenance of all such facilities.
- O. Streets: Subdivider Requirements: The subdivider shall perform, install, construct, or otherwise complete at his sole expense the following items relative to street improvements within the boundaries of the subdivision:
1. Route (or boundary) surveys of the dedicated rights of way;
 2. Construction surveys of line and grade;
 3. Installation of sidewalks, if applicable;

4. Installation of curb and gutters, if applicable;
5. Preparation of the sub grade;
6. Installation of the roadway base course;
7. Inspection of all phases of construction to assure compliance with applicable standards and specifications;
8. Installation of a crushed gravel leveling course to be used as a temporary wearing surface until a permanent asphalt pavement is installed;
9. Installation of asphalt pavement;
10. Adequate runoff, storm sewers, pipes, culverts, ditches or other drainage facilities as designated by the Commission; and
11. Installation of traffic control signs and street name signs.

P. Sanitary Sewage Collection System: Except when individual sewer systems are approved the subdivider shall be responsible for the installation of a sanitary sewage collection system within the boundaries of the subdivision. The subdivider shall perform, install, construct or otherwise complete at his sole expense the following items relative to sanitary sewers:

1. Preparation of plans and specifications for the construction of the sanitary sewer system, including extensions from the existing collection system, and the approval of said plans and specifications by the Idaho Department of Environmental Quality;
2. Construction surveys of line and grade within the subdivision;
3. Installation of the sewer system within the subdivision, including sewers, manholes and other appurtenances, and, if applicable, sewage pumping stations;
4. If sewer mains are located in a dedicated street, installation of a sewer service line to the property line of each lot;
5. Inspection of construction to assure compliance with the plans, specifications, and applicable standards; and
6. Installation of a sewer extension from the existing collection system to a designated point of connection near the subdivision;

Q. Water Distribution System: When required the subdivider shall be responsible for the installation of a culinary water distribution system within the boundaries of the subdivision. The subdivider shall perform, install, construct, or otherwise complete at his sole expense the following items relative to a culinary water distribution system:

1. Preparation of plans and specifications for the construction of the water distribution system, and the approval of said plans and specifications by the Idaho Department of Health and Welfare;
2. Construction surveys of line and grade within the subdivision;
3. Installation of the water distribution system within the subdivision, including water lines, control valves, fire hydrants, and appurtenant facilities;

4. If water mains are located in a dedicated street, installation of a water service line to the property line of each lot;
 5. Inspection of construction to assure compliance with the plans, specifications, and applicable standards;
 6. Installation of a water line extension or extensions as indicated above.
- R. Building Line Setback: In all new subdivisions the building line setback from any street shall be a minimum of twenty feet (20') from the property line. In the event that a new subdivision is located along a street with existing residences, the setback line shall be not less than other structures along the street and preferably should be set back as an average of the existing structures.
- S. Side and Rear Lot Line Clearance: In all new subdivisions no building of any nature shall be placed or constructed nearer than five feet (5') of the property line. In subdivisions that are not required to have a water system providing fire flow no building of any nature shall be placed or constructed nearer than twenty five feet (25') of the property line to provide safe distances between structures for fire protection purposes. Where utility rights of way or other rights of way or easements are provided along property lines and lot lines no structure of any nature shall be permitted in such right of ways or easements, except for the purpose for which they are provided.

Chapter 6

Special Developments

6-1: PURPOSE: The purpose of this Chapter is to identify the various types of special developments that normally pose special concerns to the Commission and elected officials when reviewing and acting upon subdivision requests. Therefore, this Chapter outlines the general plan submittal requirements and design standards that shall be taken into consideration when acting on special developments. The provisions of this Chapter are in addition to the plan requirements and design standards that are required by other chapters of this Ordinance. The required information shall be submitted to the Commission with the preliminary plat.

6-2: PLANNED UNIT AND CONDOMINIUM DEVELOPMENTS:

1. Site Development Plan: The developer shall provide the Commission with a colored rendering of adequate scale to show the completed development that will include at least the following:
 1. Architect style and building design;
 2. Building materials and color;
 3. Landscaping;
 4. Screening;
 5. Garbage areas;
 6. Parking; and
 7. Open space.
2. Private Streets: Private street construction standards shall be based upon recommendations from the Commission. Adequate construction standards may vary depending on the size of the development and the demands places on such improvements.
3. 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 as 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 areas, 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.
4. 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 every three (3) living units. The Board may reduce this if there is a showing that the needs of a particular development are less.

5. Parking Area: 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.
6. 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.
7. Open Space: The location of open space shall be appropriate to the development and shall be of such shape and area to be usable and convenient to the residents of the development.
8. 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.

6-3: CEMETERIES:

- A. 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.
- B. Compliance with the 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 that are outlined in title 27, Idaho Code.

6-4: MOBILE HOME PARKS: Mobile home parks shall in general be treated the same as any residential subdivision, subject to any special requirements set forth in the Zoning Ordinance and also subject to the following special requirements.

- A. Developed as a planned unit development with a minimum lot area for the planned development of two (2) acres;
- B. Essential community facilities and services for the type of development under consideration is available, or provisions shall be made to assure that these facilities will be provided;
- C. The site shall be suitable for residential development and not be subject to hazards such as insect or rodent infection, objectionable smoke, noxious odors, unusual noise, or the probability of flooding or erosion;
- D. Adequacy of provisions for drainage of surface waters and for waste disposal;
- E. Protection of existing ground cover;
- F. Screening from adjacent areas, other than subdivisions of the same type and agricultural uses, by aesthetically acceptable fences, walls, living plant areas, and existing natural or manmade barriers;
- G. The width and construction of access streets shall be suitable for the vehicular traffic requirements of the property served. No lot within the development shall have direct vehicular access to a street bordering the development; and
- H. Creation of a Home Owner's Association, if lots are not held in common ownership to assure that all common open areas are adequately maintained.

6-5: RECREATIONAL VEHICLE PARKS:

- A. General: Recreational vehicle parks shall in general be treated the same as any residential subdivision, subject to any special requirements set forth in the Zoning Ordinance and also subject to the following special requirements.
- B. Special Requirements:
 - 1. Recreation vehicle parks shall be developed as a planned unit development with a minimum lot area for the planned development of two (2) acres;
 - 2. Essential community facilities and services for the type of development under consideration shall be included in the plans or there shall be reasonable assurance that the facilities and services area available, or provisions shall be made to assure that these facilities will be provided;
 - 3. There shall be adequate provisions for drainage of surface waters and for waste disposal;
 - 4. There shall be adequate protection of existing ground cover;
 - 5. There shall be adequate screening from adjacent areas, other than subdivisions of the same type and agricultural uses, by aesthetically acceptable fences, walls, living plant areas, and existing natural or manmade barriers; and
 - 6. There shall be adequate provision for width and construction of access streets that shall be suitable for the vehicular traffic requirements of the property served. No lot within the development shall have direct vehicular access to a street bordering the development.

6-6: LARGE SCALE DEVELOPMENT REQUIRED INFORMATION: Due to the impact that 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 that will occur as a result of the subdivision (re: fire protection, police protection, central water, central sewer, road construction, recreation, maintenance, schools and other);
- 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; and
- D. Public means of financing the services for the development if any public services would not be offset by tax revenue received from the development.

Chapter 7

Vacations, Dedications Variances and Administrative Approvals

7-1: APPLICATION PROCEDURE:

- B. 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 Commission and also file such other applications as are otherwise required by law. These provisions shall not apply to the widening of any street that is shown in the Comprehensive Development Plan, or the dedication of streets, right of ways, or easements to be shown on the recorded plat of a subdivision.
- C. Board Action:
1. When considering an application for vacation procedures, the Board shall establish a date for a public hearing and give such public notice as required by law. The Board may approve, deny, or modify the application. Whenever public right of way or lands are vacated, the Board shall provide adjacent property owners with a quitclaim deed for said vacated rights of way in such proportions as are prescribed by law.
 2. When considering an application by dedication procedures, the Board 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 Board a deed describing and conveying such lands to be recorded with the County Recorder.

7-2: PURPOSE OF VARIANCES: The Commission may recommend to the Board a variance from the provisions of this Ordinance on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the Ordinance or that application of such provisions or requirements is impracticable. The Commission shall only recommend variances that it deems necessary to or desirable for the public interest. In making its findings, the Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the Commission finds after a public hearing:

- A. That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this Ordinance would clearly be impractical, or unreasonable; in such cases, the subdivider shall first state his reasons in writing as to the specific provisions or requirement involved;

- B. 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 said property is situated;
- C. That such variance will not violate the provisions of the Idaho Code; and
- D. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Comprehensive Development Plan.

7-3: TOPOGRAPHICAL OR PHYSICAL LIMITATION VARIANCE:

Where in the case of a particular proposed subdivision, it can be shown 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 objectives of this Ordinance, the Commission may recommend to the Board that variance modification or a waiver of these requirements be granted.

7-4: PLANNED UNIT DEVELOPMENT VARIANCE: The developer may request a variance from specified portions of this Ordinance in the case of a planned unit development. Upon considering the requested variance, the Commission shall take into account the nature of the proposed use of the land and existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, the probable effect of the proposed subdivision upon traffic conditions in the vicinity, adequate open space, light, air and other needs. The Commission's findings and report to the Board shall include whether:

- A. The proposed project will constitute a desirable and stable community development and be in compliance with the Comprehensive Development Plan;
- B. The proposed project will be in harmony with adjacent areas; and
- C. The proposed project will be served with adequate public facilities.

7-5 ADMINISTRATIVE APPROVAL FOR DIVISIONS OF LAND: All divisions of land for development purposes shall be submitted to the Administrator for approval subject to the following conditions, procedures and requirements:

- A. The division of land is for development purposes;
- B. Approval of a subdivision plat is not required.
- C. There is legal ingress and egress to the parcel from a public way;
- D. There is an established water right and delivery system;
- E. If necessary applicable easements are prepared for utilities;
- F. Plat and legal description is prepared by a licensed State of Idaho Surveyor;
- G. Approved plat is recorded in the office of the Minidoka County Record; and
- H. Parcel is surveyed by a licensed State of Idaho Surveyor.

Chapter 8

Enforcement and Penalties

8-1: 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 approval by the Board.

8-2: 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 as 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.