

Minidoka County Community Development

ZONING APPLICATION PACKET

SUBDIVISION-PLANNED UNIT DEVELOPMENT

715 G. Street, RUPERT, ID 83350

Phone: 208-436-7183 Fax: 208-436-1580

Website: Minidoka.id.us





Minidoka County Zoning Application
Subdivision or Planned Unit Development
Application

715 G Street; PO Box 368, Rupert, Idaho 83350

Ph: (208) 436-7183 Fax: (208) 436-1580

City Area of Impact (if applicable) _____

APPLICANT INFORMATION

Name _____ Phone _____ Email _____

Address _____ City _____ State _____ ZipCode _____

PROPERTY INFORMATION

Owner _____ Phone _____ Email _____

Location/Address _____

Zoning District _____ Comprehensive Land Use _____

Description of Existing Land Use

Description of Proposed Land Use or Zoning

Legal Description (or Attach copy)

FEE: A non-refundable fee of \$400.00 shall accompany this completed application. Application will be billed for any additional costs above and beyond this initial fee or deposit, accrued by the County involving publication and notification of the public hearing as well any other direct costs involved with the application for Subdivision or Planned Unit Development.

Detail Submittals

1. Development Plat prepared by a Licensed Engineer or Surveyor showing the following:
 - Name of the proposed Subdivision
 - Legal Description
 - 1/2 Mile Vicinity Map
 - Adjoining Property owners
 - Adjoining Streets, right of ways, easements and widths
 - Proposed developed Streets, Right of Ways, easements and widths
 - Lots lines, dimensions, and total number of lots and blocks
 - Land Contours shown at five (5') foot intervals
 - Septic and Drain Field envelopes
 - Statement of intended Land Uses
 - Map of the entire Development if completed in phases.
1. Vicinity Map: showing Roads, easements, property lines, and existing land uses of all adjoining properties.
2. Written Narrative of the propose land use:
 - Detailed description of the existing and proposed property use.
 - The Reason for requesting a Subdivision of Planned Unit Development.
 - Evaluation of the impact of the proposed use on the surrounding properties, the City, the area, and the general population.
 - How does the proposed land use meet and comply with the Minidoka County Comprehensive Plan and Comprehensive Plan Map?
 - How do you plan to comply with the Plan and the current regulations of the Minidoka County Ordinance?
 - Explain how this application meets the following points of evaluation for an Ordinance or Map Amendment:

Subdivision or Planned Unit Development Points of Evaluation

1. Is the subdivision or PUD in fact required or necessary as established in the Rupert County Zoning, Subdivision or other applicable County ordinances.
2. Will the proposed use be harmonious with and in accordance with the general objectives or with any specific objectives of the Comprehensive Plan and/or the Zoning Ordinance.
3. Will the facilities be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will the use be hazardous or disturbing to existing or possible future neighboring uses.
5. Will the proposed use be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will the proposed use create excessive additional requirements at the public's expense for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will the proposed use involve activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general public by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

8. Will the facilities have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will the proposed use result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
10. Will all streets, curbs, sidewalks and public utilities be installed to meet the requirements of the County Subdivision and Zoning Ordinances as well as the requirements and standards set forth by the County's Highway District.

Submit Written Comments from the Following Agencies:

- South Central Health District
- Minidoka County Highway District
- Irrigation District and Bureau of Reclamation
- Applicable Utility Agencies: Electric; Gas, Cable, Sewer, Water
- School District
- Minidoka County Assessor / Mapper
- Fire Jurisdiction
- City Area of Impact (if applicable)
- Any other Agency that may have an Interest in the proposed Development

NOTICE:

“Idaho law prohibits members of any Planning and Zoning Commission or members of any City Council or Board of County Commissioners from talking to applicants or interested parties about planning and zoning matters outside of public hearings. Those hearings include: requests for change of zoning, zoning ordinance amendment, zoning variance, special use permit, approvals for subdivisions or any other decisions to be made by them concerning Zoning and Subdivision applications of any kind where a public hearing is required pursuant to Idaho Code Section 67-6509. If the applicant or any other interested parties contact any members of these bodies outside the formal hearing process the application may by law be rejected.”

I certify that all the information I have submitted is true and correct. Any false information will result in the invalidation of this application.

Applicant Signature _____ **Date** _____

Owner Signature _____ **Date** _____

Note: If there is more than one owner, include attachment with all the owners' consent and signatures.

The Zoning Administrator reserves the right to not officially accept this application until all the required information is submitted and complete. The date of the public hearing will be set after acceptance of a completed application.

Within twenty eight (28) days after the receipt of an application, the administrator shall either approve or disapprove the application in conformance with the provisions of the County Ordinance.

Accepted By: _____ Date _____

Minidoka County Subdivision Improvement Standards

Minidoka County Ordinance Title 9 Chapter 5

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 Idaho Code section 50-1331.
- 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 a 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 the 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 a proposed subdivision with lots greater than one-half (1/2) acre, the developer shall provide irrigation water rights and a delivery system to each individual lot. The irrigation water delivery system shall be maintained within approved easements and with approved owner's agreement for ongoing 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 crosswalks, 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:** Streetlights 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 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 en route 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. Certify Inspection: 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. Approval Of Facilities: In absence of a municipality to accept the public works, a homeowners' association or utility district bylaws and other similar deed restrictions, which provide for the control and maintenance of all public works 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 ensure 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 subgrade;
 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. 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;
 3. 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;
 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. 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;
 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 in this section.
- Q. 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.
- R. 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') to 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 rights of way or easements, except for the purpose for which they are provided. (Ord., 3-2007)

Zoning Process and Procedures

A. Hearing Notices:

1. **Notice Required:** In order that the owners of property involved and other legitimately interested parties may have fair opportunity to be heard, notice shall be given of any public hearing required by the provisions of this title.
2. **Filing of Application For Zoning Application:** Applications for zoning actions that require a public hearing shall be filed with the Planning and Zoning secretary no less than thirty (30) days before the next regularly scheduled meeting.
3. **Contents of Notice:** Notice of any public hearing which the board of county commissioners or planning and zoning commission is required to hold under the terms of this title shall specify the date, time, and place of hearing, and the matter to be presented at the hearing.
4. **Publication of Notice:** Notice of any public hearing shall be published in the official newspaper of general circulation in Minidoka County not less than fifteen (15) days before the date of the hearing.
5. **Manner Of Serving Notice; Conditions:** Notice of the public hearing shall be mailed not less than ten (10) days before the date of hearing by U.S. mail, first class postage prepaid, to all interested parties and every person listed by the county tax assessor as owning real property located within one-half ($\frac{1}{2}$) mile of any external boundary of the subject property as is described in the application. All CAFO notice requirements shall be one mile from external boundaries. Any subject property bordering a city's corporate boundary shall require notice to all interested parties and every person listed by the county tax assessor as owning real property within three hundred feet (300') inside the city's corporate boundary and any additional area that in the determination of the zoning administrator may be substantially impacted. The applicant shall prepare and file, with the planning and zoning secretary, at least five (5) days prior to the hearing, an affidavit of publication, posting and mailing indicating that the notice given is in compliance with this section.
6. **Notice To Multiple Property Owners; Publication:** When notice is required to two hundred (200) or more property owners or purchasers of record, in lieu of mailing notification, two (2) notices in the newspaper or paper of general circulation is sufficient; provided, that the second notice appears ten (10) days prior to the public hearing. If notice is given to fewer than two hundred (200) property owners or purchasers of record, notice shall be by regular first class mail with postage prepaid to the address shown on the rolls of the county tax collector at the time of mailing. An agent from the respective jurisdiction who mails the notices shall file a certificate with the commission secretary showing the date of mailing and listing the names and addresses to which the notice was sent.
7. **Posting Notice On Premises:** Notice shall be posted on the premises by the applicant not less than ten (10) days prior to hearing. Notice may also be made available by the county to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement.

B. Testimony At Hearing:

1. **Support Or Objection:** All persons to whom notice is mailed shall be advised that they may file written objections or supporting statements with the planning and zoning secretary no later than five (5) days prior to the date of hearing in order to establish that their substantial rights would be affected by the approval or denial of the application.
2. **Statement Filed:** Any person who files a statement in support or objection shall indicate in such statement whether or not such person desires to testify at the hearing.
3. **Right To Participate:** Any property owner entitled to specific notice pursuant to the provisions of this section shall have a right to participate in public hearings before a planning and zoning commission or governing board.

APPEALS

A. Right To Appeal: The applicant or any affected aggrieved persons with lawful standing and who also appeared in person or in writing before the commission may appeal the decision of the commission to the commission or board as provided in this chapter.

B. Zoning Administrator Decisions: Appeals of decisions of the zoning administrator shall be determined by the planning and zoning commission. An appeal shall be in writing and shall include the specific legal basis for appeal and the results sought. The commission will render a written decision that will be communicated to the appellant and applicant.

C. Commission Decisions: Appeals of decisions made by the commission shall be determined by the board of county commissioners. The procedure for an appeal shall be as follows:

1. Fees governing appeals must be paid at the time of the filing of the appeal. The legal basis for the appeal must be stated in writing before an appeal will be deemed accepted for consideration. The written notice of appeal shall contain the name, address and phone number of the appellant and, if different, the name, address and phone number of the property owner; and it shall include the street address and legal description of the property which is the subject of the appeal. The record of the proceedings before the commission shall be transmitted to the board before consideration of the appeal by the board.

2. Appeals of final decisions made by the commission may only be appealed to the board if a written request for reconsideration has been previously submitted to the commission within fourteen (14) days of the final decision of the commission. The request for reconsideration shall state the issues to be considered on reconsideration and the legal basis for the relief sought. The commission shall respond in writing to any request for reconsideration at its next scheduled meeting, either modifying its original decision or affirming its prior action. Only following issuance of the commission's written decision regarding reconsideration, may the appeal process proceed before the board. The appeal to the board must also include a copy of the request for reconsideration of the appeal before the commission and the commission's decision on reconsideration. Any appeal to the board for which there is no request for reconsideration before the commission shall be dismissed by the county clerk.

3. A request for appeal to the board shall include the explanation of the basis for appeal and the result sought and must be filed no more than fourteen (14) days after the reconsideration decision of the commission is entered. The issues on appeal shall be limited to those raised in the request for reconsideration submitted to the commission.

4. After considering the written decision of the commission, the decision on reconsideration, the record on appeal and the written appeal submitted by the applicant, the board may determine that the appeal has no legal basis and dismiss it, may rule upon the appeal based upon the written record placed before it or schedule an appeal hearing to allow oral presentation of the issues associated with the appeal. Following conclusion of the procedures it chooses to invoke, the board will render a written decision that will be communicated to the appellant and applicant.

D. Grievance: An aggrieved party may seek judicial review of a decision of the board of any final decision of the board.

E. Final Decision; Reconsideration: A decision of the board is not final until it has been rendered in writing and delivered to the applicant. Also, it is not a final decision, subject to review, until a written request for reconsideration has been submitted to the county clerk within fourteen (14) days of the final decision of the board, stating the issues to be reconsidered and specific legal basis for the relief sought.

1. The board shall respond in writing to any request for reconsideration within fourteen (14) days of its filing, either modifying its original decision or affirming its prior action. The board may determine that the request for reconsideration has no legal basis and dismiss it, may rule upon the request based upon the written record placed before it, or schedule a hearing to allow oral presentation of the issues associated with the request. The board will render a written decision that will be communicated to the appellant and applicant.

2. Failure to request reconsideration is a failure of the appellant to exhaust administrative remedies.

F. Fees: During the process of appeal or of reconsideration, should either the commission or the board determine that new or additional public hearings must be held, requiring new notice of hearing to be sent or published, the cost of such shall be borne by the applicant. The cost of such shall be paid in advance of giving any such notice. Any other fee for filing any request for reconsideration shall be paid in advance in the amount set by board resolution.