

## **CHAPTER 8 SUBDIVISION**

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### **SECTION I**

- 8-1 INTENT

This Chapter regulates and controls the orderly Subdivision of land pursuant to Title 50, Chapter 13, and Title 67, Chapter 65, of the Idaho Code, as amended.
- 8-2 APPLICABILITY

Unless otherwise stated in this Ordinance, proposed Subdivisions, Cluster Subdivisions, Minor Subdivisions, Minor Final Plat Amendments including Lot Divisions, and Lot Line Adjustments, shall comply with the terms of this Chapter. Additional regulations regarding Subdivisions in the Area of City Impact are located in Chapter 10. This Chapter shall not apply to Original Lots as defined herein.

8-3 ADMINISTRATION

The Jerome County Planning and Zoning Administrator shall have the primary responsibility of administering all areas of this Chapter and related matters thereto that are not specifically designated to the Board, the Commission or others. The Administrator may designate/delegate these duties to other Staff members of his office.

8-4 DEFINITIONS

BLOCK

A group or cluster of Contiguous Lots having defined boundaries.

EASEMENT

That portion of land reserved for present or future Use by a Person or Agency other than the legal owner(s) of the property. The Easement may be for use under, on or above the Lot(s).

LAND DIVISION, REGULATED

A Land Division that results in at least one of the two Resulting Parcels being smaller than forty (40) acres.

LOT

A unit of land that is located in a platted Subdivision and is identified by a number or letter.

LOT, BUILDING

A Lot within a Subdivision that meets all the minimum requirements set forth by this Chapter for the authorized construction of at least one Building/structure.

LOT DIVISION

The division of a Lot within a platted Subdivision into two or more Lots.

LOT LINE ADJUSTMENT

The adjusting of common Property Line(s) or boundaries between adjacent Lots, where an equal or lesser number of Lots are created in a platted Subdivision.

LOT, OPEN

Lots within the Subdivision not considered or intended as a BUILDING LOT (the Lot(s) may be intended for green space, parking, recreational areas, roadways, Utilities or other common uses in the community design)

LOT, ORIGINAL

- A. Any Lot that is part of a recorded platted Subdivision that has undergone a Lot Line Adjustment prior to March 04, 2003, shall be considered an Original Lot.
- B. Any Lot that is part of a recorded platted Subdivision that has been divided prior to March 04, 2003, the Resulting Parcels therefrom shall each be considered an Original Lot.

METES and BOUNDS

A series of lines around the perimeter of an area; metes means bearing and distances and bounds refers to monuments both physical and legal.

#### MINOR FINAL PLAT AMENDMENT

Any amendment to a recorded Plat that does not bring it out of substantial conformance with its corresponding Preliminary Plat. Minor Plat Amendments may include, but not be limited to Lot Line Adjustments, language corrections, Easements, reduction in the number of Lots or Lot Divisions.

#### OPEN SPACES

An area substantially open to the sky and 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. Streets, parking areas, residential structures, and the like shall not be included.

#### PARCEL, ORIGINAL

A Parcel as it was legally described on or before March 11, 1985 or Resulting Parcels of Non-Regulated Land Divisions or those Parcels identified in 14-4.01 (F).

#### PARCEL, RESULTING

One of two separate and distinct Parcels, that together had previously comprised all or a part of the Original Parcel.

#### PLAT

The drawing, map or plan of a Subdivision, Cemetery, townsite or other tract of land, or a replatting of such.

#### PLAT, FINAL

The final and formal Subdivision drawing(s), certifications, descriptions and approvals prepared in accordance with Idaho Code.

#### PLAT, PRELIMINARY

A tentative Plat prepared by a qualified professional indicating a proposed Subdivision design that is to a large extent the precise depiction of the Final Plat.

#### PLAT, SKETCH

A sketch of a Plat that the Subdivider will present to the Administrator showing characteristics of the proposed Subdivision to identify requirements before presenting the Preliminary Plat to the Commission.

#### RIGHT-OF-WAY

A strip of land taken or dedicated for Use as a public way. In addition to a Street, it normally incorporates any drainage facilities, curb and gutters, and may include special features such as canals and bridges or other Public Utility or service areas.

#### STREET

Any vehicular way, including avenue, boulevard, court, cul-de-sac, drive, highway, lane, place, road, and any other thoroughfare that affords the principal means of access to abutting property.

#### STREET, COLLECTOR

A Street designed for the primary purpose of carrying traffic to or from local Streets to other collectors or arterials.

#### STREET, CUL-DE-SAC

A Street which has only one open end and typically has a turnaround at the closed end.

#### STREET, FRONTAGE

A local Street which is parallel and adjacent to an arterial and which provides access to abutting properties.

#### STREET, LOCAL

A Street whose primary purpose is access to abutting properties.

#### STREET, MAJOR ARTERIAL

A Street having two or more lanes of traffic going in the same direction.

#### STREET, MINOR ARTERIAL

A Street having a single lane of direction for each direction of travel.

#### STREET, PRIVATE

A Street that may be open for public use but is not part of a public highway system nor under the jurisdiction of a public highway district or Agency.

#### STREET, PUBLIC

A Street that is open for public use and is under the jurisdiction of a public highway district or Agency.

#### SUBDIVIDER

The Person or entity with ownership, or their agent, of the Property that is being Subdivided.

#### SUBDIVISION

A Regulated Land Division that: produces one or more Resulting Parcel(s) smaller than one (1) acre; or is the final in a series of such Land Divisions that culminates in the Original Parcel having been separated into five or more Resulting Parcels.

#### SUBDIVISION, CLUSTER

A technique which allows Lots to be reduced in size and Buildings sited closer together provided the total development density does not exceed that which could be constructed on the site under conventional zoning and the remaining land is utilized for open space or public purpose.

#### SUBDIVISION, MINOR:

Any new Subdivision containing not more than ten (10) Lots fronting on an existing Street, which does not involve a new Street, the extension of municipal facilities or the creation of any public improvements, and does not adversely affect the remainder of the parcel or adjoining properties.

## SURVEYOR

A person authorized by the state of Idaho to practice the profession of land surveying.

## SURVEYOR, COUNTY

A Surveyor who is an employee or contracted agent of Jerome County.

### 8-5 PERMITS

#### 8-5.01 SUBDIVISION PERMIT

- A. Subdivision Permit shall be required for all:
  - 1. Subdivisions;
  - 2. Minor Subdivision;
  - 3. Cluster Subdivisions; and
  - 4. Any permitted Subdivision identified in this subsection that is being amended in a manner not amounting to a Minor Final Plat Amendment.
- B. A Subdivision shall obtain a Subdivision Permit prior to any Lot thereof being sold.
- C. No Building Permit shall be issued for any Lot of a Subdivision that has not been issued a Subdivision Permit.

#### 8-5.02 AMENDED SUBDIVISION PERMIT

An Amended Subdivision Permit shall be required for all Minor Final Plat Amendments, which shall be issued by the Board in accordance with the provisions of this Chapter.

### 8-6 GENERAL STANDARDS

#### 8-6.01 LAND DIVISIONS

No division of land that establishes a Subdivision shall be allowed without first having been authorized by the issuance of either a Subdivision or Minor Subdivision Permit.

#### 8-6.02 ZONING

Subdivisions, Cluster Subdivisions and Minor Subdivisions, shall be permitted in all zones, except: (A-1) Agriculture; (PR) Preservation; and (AR) Airport. Minor Final Plat Amendments are allowed in all zones.

#### 8-6.03 DESIGN STANDARDS

SEE SECTION II (8-12)

#### 8-6.04 LOTS

##### A. TO BE INCLUDED IN RECORDED PLAT

All Resulting Lots of a subdivided Original Parcel shall be included in the same recorded Plat, unless:

- 1. When the Original Parcel was the subject of a Regulated Land Division Permit, and the Owner of the Resulting Parcel being excluded from the Plat is not the same person who is Subdividing and platting one or more of the remaining Resulting Parcels; and

2. The proposed platted Subdivision does not eliminate or amend any Easements or maintenance agreements provided in the original Land Division Permit, unless written consent to do so has been obtained from all affected parties.

B. USE NOT REGULATED BY THIS CHAPTER

The proposed Use of any given Lot is not regulated by this Chapter. A certain type of Zoning Permit for a proposed Lot Use may be required as indicated by Chapter 5 of the JCZO.

8-7 PROCEDURE FOR ACQUIRING A SUBDIVISION PERMIT

8-7.01 PRE-APPLICATION MEETING

- A. A Pre-Application Meeting between the Subdivider and Administrator shall occur prior to the filing of Preliminary Plat Application. At the Meeting, the Subdivider shall submit a Pre-Application to enable the Administrator to review and comment on the proposed Subdivision. The Pre-Application shall include a Sketch Plat that shows the entire developmental scheme of the proposed Subdivision, which shall include:
1. The general layout and approximate dimension of Streets, Blocks, and Lots.
  2. The existing conditions and characteristics of the land on and adjacent to the proposed Subdivision site.
  3. Current storm water run on and run off conditions of the Property and preliminary drainage development plan.
  4. The location of existing utilities and preliminary utility development plan if possible.
  5. The location and description of existing and proposed Easements.
  6. The location for canal, ditches and drainage within the proposed Subdivision and adjacent properties.
  7. Location and types of domestic water and sewage systems.
  8. Postal delivery location(s).
  9. School bus stop location(s).
  10. Signage, lighting and parking location(s).
  11. A statement of the intended uses of the various Lots of the proposed Subdivision.
- B. The Administrator shall notify the Subdivider as to the general conformance or non-conformance of the proposed Subdivision with the JCZO. Specifically, the Administrator should comment on:
1. The compliance of the proposed Development with local and state laws.
  2. The identity of all affected agencies.
  3. Any unique environmental features or hazardous concerns that may be directly or indirectly associated with the proposed site, such as areas that have been designated by the State as areas of critical environmental concern, unique plant or animal life, Flood Plain, Airport flight patterns and the like.
  4. The need or requirement for additional reviews, approvals and/or permits from affected or other public agencies and whether any of those agencies should be contacted by the Subdivider prior to the Applications and/or Preliminary Plat being prepared.

5. Any planned or permitted land Use yet to be built that is within a one quarter ( $\frac{1}{4}$ ) mile of the proposed Subdivision and known to the Administrator.

#### 8-7.02 APPLICATION FOR PRELIMINARY PLAT

After completion of the Pre-Application meeting, the Subdivider shall next complete the Preliminary Plat Application form available at the office of the Administrator. The completed Application shall be lodged and filed with the office of the Administrator.

- A. The Preliminary Plat Application shall include the following items:
  1. The name of the proposed Subdivision.
  2. The names, addresses and telephone number of the Subdivider(s) and the engineer and/or Surveyor who prepared the Plat.
  3. The present zoning designation(s) of the Property.
  4. Legal description and commonly known address or coordinates of the site.
  5. A Real Property Summary Sheet and Parcel Map.
  6. Document(s) to show title and legal description (Property Deed).
  7. A map of the Parcel or Parcels of the entire area scheduled for development if the proposed Subdivision is a portion of a larger holding that will be developed at a later date.
  8. A Vicinity Map on an aerial photograph showing the area within the proposed Preliminary Plat and all properties outside the Plat that are within a one-quarter ( $\frac{1}{4}$ ) mile radius of the Plat's outer boundaries. The Vicinity Map shall not be less than 8  $\frac{1}{2}$ " x 11" in size, nor larger than 18" x 27". The map shall show and identify the following that either exist or are approved within the parameters of the described one-quarter ( $\frac{1}{4}$ ) mile radius:
    - a. The outer boundaries of the Preliminary Plat.
    - b. Residences and public thoroughfares.
    - c. Subdivisions.
    - d. Livestock Confinement Operations (LCOs) and the location of windbreaks or berms on the proposed Plat when required per section 13-6.04, Chapter 13 of the JCZO.
    - e. Flood Plain, Irrigation canals, drainage ditches and laterals, rivers, designated wetlands, streams, springs, and reservoirs.
    - f. Municipal services.
    - g. Utilities.
  9. A topographical map of the Preliminary Plat, which shall not be less than 8  $\frac{1}{2}$ " x 11" in size, nor larger than 18" x 27".
  10. The proposed on and offsite improvements pertaining to Streets, culinary and irrigation water supply, sanitary sewer systems, storm water systems, fire protection facilities and proposed utilities and Easements.
  11. Verification that the following public agencies received a copy of the proposed Preliminary Plat and were requested to submit written comment on the Application:
    - a. Health Authority for the State of Idaho
    - b. Idaho Department of Water Resources
    - c. Appropriate Fire District
    - d. Appropriate Highway District
    - e. Appropriate Irrigation District

- f. Appropriate School District
  - g. Utility Departments
  - h. Idaho Department of Fish and Game
  - i. Appropriate City if the Final Plat is located within an Area of City Impact Zone
  - j. Appropriate Postmaster
  - k. Other agencies identified by the Administrator during the Pre-Application Meeting
12. Written comment(s) obtained by the Applicant from the above identified public agencies
  13. A Preliminary Plat produced under the direction of an Idaho licensed Surveyor by computer aided drafting methods showing the following:
    - a. The Subdivision name.
    - b. The name, location, width or centerline and Right-Of-Way of all existing and proposed public Streets.
    - c. Adjacent Subdivisions and any Streets within those Subdivisions providing for continuation into the proposed Subdivision.
    - d. The Lot layout, Lot and block numbers, Lot dimensions, and Lot areas in square feet or acreage.
    - e. The location and description of existing and proposed Easements.
    - f. The location of any ditches, canals, laterals or pipelines located within the proposed Subdivision.
    - g. Topography and Current storm water run on and run off conditions of the Property and preliminary drainage development plan.
    - h. Location and types of domestic water and sewage systems.
    - i. The source of any irrigation water and the points of delivery through those Lots entitled to receive surface water delivery or municipal water delivery.
    - j. The location of existing utilities and preliminary utility development plan (if possible).
    - k. Existing Structures.
    - l. Postal delivery location(s).
    - m. School bus-stop location(s).
    - n. Signage, lighting and parking location(s).
  14. A non-refundable fee, in an amount set by the Board, must be included with each Application for a Preliminary Plat.

**B. LODGING AND FILING OF APPLICATION**

1. The Administrator shall review all Applications lodged with his office for the purpose of assuring that the information and documentation required by the above section has been included in or with the Application. The Administrator shall notify the Applicant of any missing information or documentation and shall notify the Applicant that no further action on the Application will be taken until the missing information or documentation has been provided. Any Application that has consistently remained inactive for the ninety (90) days immediately following the above notice shall be returned to the Applicant without refund of

the Application fee unless otherwise authorized by the Board. A new fee shall be required for resubmitted Applications.

2. Upon finding the Application complete, the Administrator shall forward a copy of the proposed Preliminary Plat to:
  - a. The Jerome County Assessor, with a request the assessor authenticates the various legal descriptions of the Plat.
  - b. The Agency responsible for the dispatch of Emergency Services for verification of Street names.
3. The Administrator shall notify the Applicant of any inaccuracies or omissions on the proposed Preliminary Plat discovered by the Assessor's Office or Emergency Services. The inaccuracies shall be submitted in the Administrator's report to the Commission to determine if this information will be a condition of approval for the Final Plat or must be corrected and returned for review at the Commission's next available meeting.
4. After review of the Preliminary Plat by the assessor and dispatch, and upon the Administrator's satisfaction that the Application contains all the necessary information and documentation, he shall notify the Applicant of such determination and shall date and mark the Application with the word "Filed". Although such determination shall create a presumption that the Application is complete, the Commission and/or Board shall be free to examine the issue on their own accord. The Board shall be responsible for making the ultimate determination on the Application's "completeness".
5. Applications shall be considered and determined based upon the provisions of the JCZO in effect on the date the Application was filed.

C. SUBMISSION TO THE PLANNING AND ZONING COMMISSION

1. SETTING A REVIEW AND PROVIDING NOTICE
  - a. Upon the filing of an Application, the Administrator shall set the matter for review before the Commission.
  - b. The Administrator shall notify all Property Owners within one quarter ( $\frac{1}{4}$ ) of a mile and the Owner of any LCO located within one (1) mile of the proposed Plat by way of written notification, which shall be mailed at least ten (10) days prior to the Commission's scheduled review. Such notice shall explain that the purpose of the review is to receive comment as to whether or not the Application and Preliminary Plat complies with the requirements of this Chapter.
2. COMMISSION REVIEW  
At the scheduled time, the Commission shall review the Application and Administrator's report, and consider any comments from concerned persons and agencies.
3. RECOMMENDATIONS  
Upon conclusion of its review, the Commission shall render a recommendation to the Board on whether:
  - a. The Application is complete.
  - b. The Application is in compliance with the standards of this Chapter and the JCZO as a whole.
  - c. The Application should be approved or denied by the Board.

- d. The intended Use of the various Lots in the proposed Subdivision will comply with the relevant standards of the JCZO.
- e. Any conditions that should be imposed on the Application in the event that it is approved.
- f. Any specific information or persons to be heard and/or considered by the Board in deciding the matter.

D. SUBMISSION TO THE BOARD

1. SETTING A REVIEW; PROVIDING NOTICE; AND APPLICATION INSPECTION

- a. Upon receipt of the Commission's recommendations, the Administrator shall set the matter for review before the Board.
- b. The Administrator shall notify all Property Owners within one quarter ( $\frac{1}{4}$ ) of a mile and the Owner of any LCO located within one (1) mile of the proposed Plat by way of written notification, which shall be mailed at least ten (10) days prior to the Board's review. Such notice shall explain that the purpose of the review is to receive comment as to whether or not the Application and Preliminary Plat complies with the requirements of this Chapter.

2. REVIEW

At the scheduled time, the Board shall review the Application, Administrator's report and Commission's recommendations, and consider any comments from concerned persons and agencies.

3. DECISION

- a. The Board shall approve an Application and its proposed Preliminary Plat if the Application is complete and complies with the standards of this Chapter and the JCZO as a whole.
- b. The Board shall conditionally approve an Application and the proposed Preliminary Plat if it finds it necessary to change or amend portions of the Plat in order to bring it into compliance with the standards of this Chapter or other applicable provisions of the JCZO. Imposed conditions shall be made and shown on the Final Plat.
- c. The Board shall deny an Application and the Preliminary Plat if either is incomplete, or if either fails to comply with the standards of this Chapter or other applicable provisions of the JCZO and such noncompliance cannot be conditionally remedied.
- d. The Board shall provide a written explanation of all final decisions. In the event the Board decides upon a conditional approval, its written explanation shall include an outline of all imposed conditions.

4. DURATION

- a. An approval or conditional approval of a Preliminary Plat by the Board shall be valid for a period of one (1) year. Within thirty (30) days of expiration of the one (1) year period, the Board may approve a written request to extend such time period up to an additional two (2) years. These time frames shall not apply to any Preliminary Plat approved prior to 08-07-2015, which instead may be extended upon a single request for a period not to exceed three (3) years. Failure to record a Final Plat during the one (1) year period, or during an allotted extension period,

shall cause the approved or conditionally approved Preliminary Plat to be null and void and the matter shall not proceed forward without the filing of a subsequent Preliminary Plat Application.

- b. In the event that a Final Plat is recorded for only part of an approved Preliminary Plat as a result of the Subdivision developing in incremental phases, the Final Plats for the remaining phases may be considered for approval without resubmission of a Preliminary Plat provided prior Agency approval is maintained.

#### 8-7.03 APPLICATION FOR FINAL PLAT

- A. Upon approval or conditional approval of the Preliminary Plat, and completion of the requirements and conditions (if any) contained therein, the Subdivider may cause the Subdivision to be surveyed and a Final Plat prepared in accordance with the Idaho Code, JCZO, and approved or conditionally approved Preliminary Plat.
- B. A Subdivider may proceed forward with a Final Plat for each planned phase or completed portion of the underlying Preliminary Plat when the requirements of the respective phase or portion have been achieved.
- C. Procurement of a Final Plat shall be initiated by a completed Final Plat Application being filed with the office of the Administrator. Such Applications shall be available at the Administrator's office.
- D. The Final Plat Application shall include the following items:
  1. Subdivision name.
  2. The names, addresses and telephone number of the Applicant, Subdivider (if different), engineer (if applicable), and Surveyor who prepared the Final Plat.
  3. Legal description and commonly known address or coordinates of the site.
  4. A Real Property Summary Sheet and Parcel Map.
  5. Document(s) to show title and legal description of Final Plat site (Property Deed).
  6. A statement as to whether the proposed Final Plat pertains to the entire area covered by the approved or conditionally approved Preliminary Plat, or only certain portions or phases thereof.
  7. Verification that the public agencies identified under section 8-7.02(A) (11) have received a copy of the proposed Final Plat and were requested to submit written comment thereon.
  8. Written statements from supporting agencies, qualified engineers or other responsible parties as to whether all the improvements and conditions required by the applicable portions of the Preliminary Plat have been constructed and finalized, or if not, an explanation as to why the Final Plat is being sought prior to such completion.
  9. A projected cost analysis for each and every outstanding improvement from the entity contracted to complete the improvement or a qualified expert in the field.
  10. A description of how the proposed Final Plat differs, if at all, from the portions of the approved or conditionally approved Preliminary Plat to which it applies. Such differences may include, but not be limited to, changes to: Street location; Easements; boundary lines; number or sizes of Lots; etc.

11. A copy of all Easements, covenants and maintenance agreements imposed and having authority within the Final Plat site.
12. The final engineering construction drawings for Streets, water, sewers, irrigation and other public improvements.
13. Statement of marking with monuments by Surveyor of Record, or verification of compliance with Idaho Code Sections 50-1331 through 50-1333, as amended.
14. The Final Plat, that fully complies and conforms to the requirements of Chapter 13, title 50, of the Idaho Code, as amended, except that the Plat will not be less than 18" x 27" in size and shall additionally include:
  - a. The name, location, width, centerline and Right-Of-Way of all existing and proposed public Streets.
  - b. The Lot layout, Lot and block numbers, Lot dimensions, and Lot areas in square feet or acreage.
  - c. This note: Maintenance and weed control pursuant to Idaho Code Section 22-2407 for all Lots shall be the responsibility of the Subdivider until the Lots are sold and thereafter is the responsibility of the individual Lot Owner(s).
  - d. Curve data within at least a minimum of three functions.
  - e. The certification identified in Idaho Code Section 50-1333, as amended, when the Plat is to be recorded with only the exterior monuments set thereon.
  - f. The water system certification described by Idaho Code Section 50-1334, as amended.
  - g. When a Subdivision utilizes a surface water delivery system or municipal delivery system the Final Plat shall show the source of the irrigation water and the points of delivery through those Lots entitled to receive water. The location of any ditches, canals, laterals or pipelines located within the subdivision shall be identified.
  - h. Any additional information that may have been required at the proceedings involving the Preliminary Plat before the Commission or the Board.
15. Non-refundable Application and pass through fees, in the amounts set by the Board, must be included with each Application for a Final Plat.

E. LODGING AND FILING OF FINAL PLAT APPLICATION

1. Upon lodging of an Application, the Administrator shall:
  - a. Review the Application for the purpose of assuring that all available information and documentation required by the above section has been included in or with the Application. The Administrator shall notify the Applicant of any information or documentation that is missing without good cause. The Applicant shall further be notified that no action on the Application will be taken until such missing information or documentation has been provided. Any Application that has remained inactive for a consecutive ninety (90) day period following such notice shall be returned to the Applicant without refund of the Application fee, unless otherwise authorized by the Board. A new fee shall be required for resubmitted Applications.

- b. Verify there is substantial compliance between the proposed Final Plat and approved or conditionally approved Preliminary Plat. If substantial compliance is not found, the Administrator may require the matter be submitted to the Commission for its determination on the issue. If the Commission agrees that substantial compliance has not been achieved, the Final Plat Application shall be deemed an Application for an Amended Preliminary Plat and subjected to the procedures of this Chapter for approving a Preliminary Plat Application. If proper notice has been given and all other requirements met, the Commission may proceed forward with considering the amended Application at the same meeting where it reviewed the Administrator's finding. If the Commission finds substantial compliance does exist, the Application shall proceed forward pursuant to the procedures of this Chapter.
  - c. Verify the improvements proposed or shown in the approved or conditionally approved Preliminary Plat have been constructed to the point of being substantially complete and all conditions imposed in the Preliminary Plat have been satisfied. If the Administrator finds such improvements have not been substantially completed, or finds one or more of the conditions of the approved Preliminary Plat to be unsatisfied, he shall then determine if good cause has been demonstrated to explain the deficiency and which would justify the Final Plat Application proceeding forward despite the deficiency. If good cause is found by the Administrator, he shall allow the Final Plat Application to proceed forward per the procedures of this Chapter. Although the Administrator's finding of good cause shall create a presumption of its presence, the Board shall examine the issue on its own accord and make the ultimate determination. If good cause is not found by the Administrator, he shall notify the Applicant of the deficiency and the need to correct it. The Applicant shall be notified that no further action on the Application will be taken until the correction is made. Any Application that has remained inactive for a consecutive ninety (90) day period following such notice shall be returned to the Applicant without refund of the Application fee, unless otherwise authorized by the Board. A new fee shall be required for resubmitted Applications.
- 2. Upon the satisfactory review by the Administrator, he shall then forward a copy of the proposed Final Plat to the Jerome County Assessor and the County Surveyor, requesting the Surveyor verifies the Plat to be in compliance with Idaho Code. Any inaccuracies or omissions in the proposed Final Plat discovered by either entity shall be remedied by the Applicant before further processing of the Application. The Administrator shall notify the Applicant of those findings and the fact that no further action on the Application will be taken until the necessary corrections are made. Any Application that has remained inactive for a consecutive ninety (90) day period following such notice shall be returned to the Applicant without refund of the Application fee, unless otherwise authorized by the Board. A new fee shall be required for resubmitted Applications.
  - 3. Upon the satisfactory review of the Final Plat by the County Surveyor, the Administrator shall deem the Application filed with his office by dating and

marking the Application with the word "Filed". The Applicant shall be notified of such determination. Although such classification shall create a presumption that the proposed Final Plat is legally correct, the Board shall be free to examine the issues on its own accord and make the ultimate and final determination.

4. Applications and their proposed Final Plats shall be considered and determined based upon the provisions of the JCZO in effect on the date the Final Plat Application was filed.

#### F. SUBMISSION TO THE BOARD

##### 1. SETTING A REVIEW AND PROVIDING NOTICE

- a. Upon the filing of an Application, the Administrator shall set the matter for review before the Board.
- b. The Administrator shall notify all Property Owners within one quarter ( $\frac{1}{4}$ ) of a mile and the Owner of any LCO located within one (1) mile of the proposed Final Plat by way of written notification, which shall be mailed at least ten (10) days prior to the Board's scheduled review. Such notice shall explain that the purpose of the review is to receive comment as to whether or not the Application and Final Plat complies with the requirements of this Chapter.

##### 2. REVIEW

At the scheduled time, the Board shall review the Application and Administrator's report, and consider any comments from concerned persons and agencies.

##### 3. DECISION

- a. The Board shall approve an Application and Final Plat if:
  - i. The Application is complete and complies with the standards of this Chapter and the JCZO as a whole; and
  - ii. The Final Plat is in substantial compliance with the approved or conditionally approved Preliminary Plat; and
  - iii. The improvements proposed in the approved or conditionally approved Preliminary Plat, and the conditions stated therein, have been substantially completed and satisfied; or if not, good cause has been demonstrated that justifies the Application's approval despite the incomplete improvements and/or unsatisfied conditions; and
  - iv. The Final Plat contains signatures of approval from the following:
    - Health Authority
    - Surveyor for Jerome County
    - Appropriate Irrigation District
    - Appropriate Highway District
    - Appropriate Fire District
    - Jerome County Treasurer
- b. The Board shall deny an Application and the Final Plat if:
  - i. The Application and/or Final Plat is not complete; or
  - ii. The Final Plat is not in substantial compliance with the approved or conditionally approved Preliminary Plat; or

- iii. The improvements proposed in the approved or conditionally approved Preliminary Plat have not been constructed to the point of substantial completion and/or one or more of the conditions imposed on the Preliminary Plat remain unsatisfied, and good cause for such deficiencies has not been demonstrated.
    - iv. The Final Plat does not have on it one or more of the signatures from the entities listed under section 8-7.03(F)(3)(a)(iv), JCZO.
  - c. If the Board denies a Final Plat, or if its decision approving a Final Plat involves a “good cause” analysis and determination, it shall provide a written explanation of its decision. If the Board approves a Final Plat without the necessity of making a “good cause” analysis and determination, it may offer its written explanation approving or conditionally approving the Preliminary Plat as the basis for approval of the Final Plat.
- 4. RECORDING AND SUBDIVISION PERMIT ISSUANCE
  - a. A Subdivision Permit shall be issued upon:
    - i. Approval of the Final Plat Application;
    - ii. Verification the Final Plat has been recorded;
    - iii. Submission of a Final Plat without bearings and calls reduced to eight and one half by eleven inches (8½” x 11”) for addressing purposes; and
    - iv. Submission of any funds required by the Board to guarantee completion of any infrastructures the Board found to be incomplete when approving the Final Plat Application.

#### 8-8 PROCEDURE FOR ACQUIRING A MINOR SUBDIVISION PERMIT

The Applicant of a Minor Subdivision Permit may request the Preliminary and Final Plat Applications be processed simultaneously if all relevant information required for both a Preliminary and Final Plat, as outlined in the respective sections above, is submitted with the Application, and the proposed Subdivision qualifies as a Minor Subdivision as such is defined in this Chapter. Minor Subdivision Applications shall be processed and determined pursuant to the procedures established above for acquiring a Subdivision Permit.

#### 8-9 PROCEDURE FOR ACQUIRING A MINOR FINAL PLAT AMENDMENT

##### 8-9.01 PRE-APPLICATION MEETING

- A. A Pre-Application Meeting between the Subdivider and Administrator shall occur prior to the filing of Minor Final Plat Amendment Application. At the meeting, the Subdivider shall submit a narrative describing in detail the proposed amendment(s) to enable the Administrator to review and comment on the proposed Amendment. The pre-information submitted shall include a Sketch Plat that shows the entire developmental scheme of the proposed Amendment and which shall also include:
  - 1. The general layout and approximate dimension of Streets, Blocks, and Lots.
  - 2. The location of Utilities.
  - 3. Existing and proposed Easements.
  - 4. The location for canal, ditches and drainage within the proposed Subdivision and adjacent properties.

5. Location and types of domestic water and sewage systems.
  6. Postal Delivery Location(s).
- B. Upon receipt, the Administrator shall review the information submitted for the Minor Final Plat Amendment. If the Administrator determines the proposal is beyond the scope of a minor amendment, he shall notify the Applicant that the proposal requires a new Subdivision Permit per the parameters of this Chapter.

If the Administrator determines the proposal qualifies as a Minor Final Plat Amendment, he shall notify the Subdivider accordingly.

#### 8-9.02 APPLICATION FOR MINOR FINAL PLAT AMENDMENT

- A. Upon notification by the Administrator that the proposal is proper, the Applicant shall submit a Final Plat Application as described in Section 8-7.03(D)(1-15) of this Chapter.
- B. Upon submission of the Application, the Administrator shall forward a copy of the proposed amended Final Plat to:
  1. The Jerome County Assessor, with a request the assessor authenticates the various legal descriptions of the amended Plat.
  2. The Agency responsible for the dispatch of emergency services for verification of Street names if applicable.
- C. The Administrator shall notify the Applicant of any inaccuracies or omissions on the proposed amended Plat discovered by the Assessor's Office or Emergency Services.
- D. An Application for a Minor Final Plat Amendment shall be reviewed, heard and determined pursuant to the procedures set forth under sections 8-7.03(E) and (F) of this Chapter.

#### 8-10 PURPOSE AND PROCEDURE FOR A CLUSTER SUBDIVISION

The purpose of a Cluster Subdivision Permit is to allow for a procedure of development that results in improved living and working environments; promotes or encourages a variety of Commercial Buildings and/or Residential Dwelling types; encourages ingenuity and originality in total Subdivision and individual site design; preserves open space so as to preserve or create recreational, scenic, agricultural, and public service purposes. To achieve these goals, variations in Lot areas are permitted; deviations of Setback requirements may be allowed; procedures are established to assure adequate maintenance and restricted Use of open space areas for the benefit of the inhabitants of the Subdivisions or for dedication to the public use or for the purpose of agricultural use; and procedures are established to assure adequate protection of existing and potential developments adjoining the proposed Subdivision. A Cluster Subdivision Permit shall be obtained per the procedures of a Subdivision Permit as outlined under section 8-7 of this Chapter.

#### 8-11 VACATION OF PLATS

Regulations and procedures for vacation of a Plat shall comply with the provisions of the Idaho Code Section 50-1306A as amended.

## SECTION II

#### 8-12 DESIGN AND IMPROVEMENT STANDARDS

The standards provided herein are minimum standards. Higher standards may be imposed on a Development if recommended by a participating Public Agency. Subdivisions within the Area of City Impact are subject to additional requirements outlined in Chapter 10 of the JCZO.

#### 8-12.01 LOT DESIGN

- A. Lot Arrangement. The Lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in providing driveway access to Buildings on the Lots from an approved Street and in securing Building Permits to build on all Lots in compliance with the JCZO and Health Authority Regulations.
- B. Lot Placement. No single Lot shall be divided by a section line, municipal or county boundary line, Street or Right-Of-Way.
- C. Lot Dimensions. Depth and width of properties reserved or laid out for Commercial or Industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of Use and development contemplated, as established in applicable chapters of the JCZO.
- D. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all Buildings, and individual Lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm water run-off to and from each adjacent Lot.
- E. Lot Size. All Lots shall be a minimum of one (1) acre with the following exceptions:
  - 1. Lots in a Cluster Subdivision.
    - a. A Cluster Subdivision shall consist of as many acres as there are planned for open space, Commercial Buildings or Residential Dwellings, although each structure is not required to occupy its own separate acre. For example, an eight acre Subdivision may have eight homes clustered on two acres, with the remaining six acres left for public or open space purpose.
  - 2. Lots in a Subdivision with Public or Private Water and Sewer services.
  - 3. Lots for Utilities or open space not intended for residential or commercial Development.

#### 8-12.02 PUBLIC IMPROVEMENTS

- A. REQUIRED PUBLIC IMPROVEMENTS
  - 1. Post Office Cluster Box Units (CBU) must be installed for mail delivery within a Subdivision. Subdivider will provide a CBU of a certain size and in a specific location as directed by the Postmaster responsible for delivery to the Subdivision. The CBU requirement may only be waived by obtaining a written statement from the Postmaster.
  - 2. Street name signs shall be installed at appropriate locations at each Street intersection.
  - 3. Adequate storm drainage shall be required in all Subdivisions.

4. For all Subdivisions any irrigation delivery system must be approved by the irrigation entity charged with delivery of water to said lands. Such approval shall be limited to the compatibility of proposed irrigation systems with the irrigation entity's facilities and future maintenance of irrigation systems.
5. Wells and Septic systems shall be installed in conformance with all regulations of the Idaho Department of Water Resources and the Health Authority for the State of Idaho (South Central Public Health District).
6. If a proposed Subdivision is to be serviced by a central water supply or a central sewer system in lieu of individual wells and septic systems, the Subdivider shall provide documentation from the governmental entity responsible for approval of such systems. The Subdivider shall create an instrument recorded with the Jerome County Recorder delegating responsibility to those Owners receiving services to assure continued maintenance of said system.

**B. STANDARDS ON STREET NAMES**

1. Street names shall not duplicate any existing Street name within the County unless the new Street is a continuation of an existing Street. Street names that sound the same but are spelled differently shall not be used.
2. Streets which are predominantly north south in direction shall be denominated as avenues or roads; Streets which are predominantly east-west in direction shall be denominated as Streets or Ways; meandering Streets shall be named drives, lanes, paths, or trails.

**C. PRIVATE STREET STANDARDS**

Private Street construction shall be the responsibility of the Subdivider. Prior to approval of the Final Plat, validation of completion and adherence to Street standards included herein shall be required to be submitted to the Administrator by a licensed engineer.

1. Clearing and Grubbing shall consist of the removal and disposal of all organic and other deleterious material from the roadway. All material removed under clearing shall be disposed of off the roadway and drainage ditches.
2. Subgrade
  - a. The subgrade shall consist of the natural materials remaining after all topsoil and duff (organic material) have been removed and good construction material is remaining.
  - b. In solid rock excavation, the solid rock shall be excavated 6" below the finished subgrade and backfilled with a good granular material.
  - c. Unstable subgrade conditions shall be remedied by sub-excavation and backfilling with good granular material.
  - d. Subgrade shall be compacted to a density no less than 95% of an American Association of State Highway and Transportation Officials (AASHTO) T99 Proctor Density.
3. Subbase of Ballast (If needed)
  - a. Approved pit run material may be used for the ballast course or subbase course (if needed). The material shall be durable, have a sand equivalent not less than 30, and shall meet the following gradations:

<u>Sieve Size</u>	<u>% Passing</u>
4"	100

3"	98-100
2"	75-100
1"	40-80
#4	25-60
#200	5-12

- b. The ballast or subbase material shall be constructed in layers not to exceed 8" in thickness and shall be compacted using mechanical methods to at least 95% of the (AASHTO) T99 Proctor Density.

4. Base Material

- a. The minimum crushed aggregate that can be used for the base course shall be ½" gradation and shall be 6" in depth after it has been compacted and shall comply with the following gradations:

<u>Sieve Size</u>	<u>% Passing</u>
¾"	100
½"	90-100
#4	45-70
#8	30-55
#200	3-10

- b. The material shall be laid in 1 or more layers to develop the specified compacted depth. Material shall be mechanically compacted by rolling to 95% of the (AASHTO) T99 Proctor Density. Care shall be taken to see that the aggregate is placed in such a manner that it will have a uniform mixture throughout.

- 5. Fire Apparatus Access Roads shall meet the standards of the currently adopted International Fire Code as it may be amended from time to time.
- 6. A Road Maintenance Agreement shall be recorded in Jerome County as a separate agreement or the maintenance responsibilities may be addressed in the Recorded Covenants, Conditions and Restrictions (CC&R's) of an Owners Association for the Subdivision.

D. PUBLIC STREET STANDARDS

- 1. Streets appearing on any Plat submitted for approval shall be dedicated to the public in writing on said Plat. Subdivisions proposed and developed with private Streets authorized by Idaho Code 50-1309, will remain as such. A Private Street may become a Public Street provided it has been found to have been constructed in accordance with the standards set forth herein and appropriate Right-Of-Way is dedicated to the Highway District by acceptable deed or Easement.
- 2. All Streets shall conform to any County-adopted plan.
- 3. Streets shall be arranged to conform to the topography, thereby promoting usable residential Lots, reasonable gradients, and safe vehicular and pedestrian traffic.

4. If a Subdivision abuts on, or contains, an arterial Street, a frontage road paralleling each side of said arterial may be required for safe and adequate access to residential properties as well as to provide for separation of local and through traffic.
5. Streets shall provide for continuation of existing and adjacent Streets unless this requirement is waived by the Board. If adjoining areas are not Subdivided, Streets contained in the Subdivision shall extend to tract boundary lines to facilitate future extensions.
6. Street Right-Of-Way widths shall conform to the following standards
  - a. Major arterial - 120 feet
  - b. Minor arterial - 80 feet
  - c. Collector Street - 60 feet
  - d. Local Street - 50 feet
7. No local or collector Streets shall exceed seven (7) percent grade and shall not be less than one-half (1/2) of one (1) percent grade. Cross slope gradients shall not be less than one (1) percent.
8. Street lines deflecting from each other being more than twenty (20) degrees in alignment shall have their center lines connected by a curve with a minimum radius of five hundred (500) feet for arterial Streets, three hundred (300) feet for collector Streets, and one hundred fifty (150) feet for local or minor Streets. Between reverse curves on arterial and collector Streets there shall be a minimum tangent distance of two hundred (200) feet.
9. Minimum Sight Distance shall be two hundred fifty (250) feet for minor Streets and five hundred fifty (550) feet for collector and other Streets.
10. Cul-de-sacs will generally not be allowed. Cul-de-sacs of a temporary nature may be allowed, providing each Right-Of-Way is shown on the Plat and approved by the Highway District. If buses are expected to use the cul-de-sac, the minimum Right-Of-Way shall be a 70 foot radius. Loop roads shall have a minimum outside radius of 180 feet.
11. Drainage culverts, where required, shall connect at the bottoms of adjacent borrow pits. Transport pipes installed in connection therewith shall extend the full width of the Right-Of-Way. All culvert, cross-drain, or irrigation pipes within the Right-Of-Way shall be in accordance with the appropriate Highway District current specifications. Such pipe shall be of sufficient capacity to drain or transport the water where installed, and it shall be subject to approval by the appropriate Highway District before installation.
12. All driveways or approaches from any public Street shall have either a sufficient pipe culvert or depressed section at the roadway ditch line to permit the free flow of roadway drainage.

#### E. ROADWAY CROSS SECTION

1. Curb, gutter and storm water drainage, when required by the appropriate Highway District, shall have a cross section extending the full width of the Street Right-Of-Way.
2. Roadside ditches shall be a minimum of one (1) foot deep and have fore slopes not to exceed 2/1 slope.
3. The area between the ditch line and the Right-Of-Way shall be contour graded.

4. Any dedicated Streets shall be constructed to the minimum standards of the applicable Highway District prior to acceptance by the Highway District for long term maintenance.
5. The maintenance of all Streets shall be the responsibility of the Subdivider until such time as the applicable Highway District accepts the Street for long-term maintenance.

F. INTERSECTIONS

1. Streets shall intersect at an angle as near to ninety (90) degrees as possible; no angle of intersection shall be less than seventy (70) degrees.
2. Minimum clear site distance at all intersections shall permit vehicles to be mutually visible when each is at least one hundred (100) feet from the center of the intersection.
3. No more than two (2) Streets shall intersect at any point.
4. The centerlines of Streets shall be offset by a distance of at least one hundred twenty five (125) feet except where a frontage road is required by the JCZO; in which case, centerlines may offset each other by a minimum distance of eighty (80) feet.
5. Intersections shall be designed so that the grade is as nearly flat as possible, and consideration shall be given to an appropriate drainage slope. The flat section shall extend in a circular pattern a distance of one hundred (100) feet from the point of intersection. A maximum grade of two percent (2%) shall be allowed in rolling terrain; a maximum of four percent (4%) grade shall be allowed in hilly terrain.

8-12.03 OPTIONAL PUBLIC IMPROVEMENTS

- A. Driveways, curbs, gutters, storm water drainage and sidewalks may be constructed on any Street in the Subdivision with the approval of the responsible Highway District.
- B. Monuments and/or signs must comply with applicable chapters of the JCZO.
- C. Parking/loading/lighting must comply with the applicable chapters of the JCZO.
- D. All School Bus Stops planned for a Subdivision, whether required by a public agency or being placed at the option of the Subdivider, shall be approved by the responsible School District or Bus Company.

8-12.04 COMMUNITY FACILITY PROVISIONS WITHIN SUBDIVISIONS

- A. This section identifies the responsibilities of public agencies, of the landowner (individual or an Association of Homeowners), and of the Subdivider for the dedication of land, the construction of public improvements, the maintenance of those improvements, and the ownership of those improvements. The following chart shows the proposed division and assignment of those responsibilities. This division of responsibilities is derived from the following policies:
  1. Those facilities that are required primarily to serve residents or the Users of the Subdivision are the responsibilities of the Subdivider and/or Owner.

2. Those facilities that primarily serve the entire urban area are the responsibilities of local government.

PROVISIONS FOR COMMUNITY FACILITIES WITHIN SUBDIVISIONS				
COMMUNITY FACILITIES	OPEN SPACE	IMPROVEMENTS	MAINTENANCE	OWNERSHIP
Curb, Gutter and Storm Water Drainage	Subdivider	Subdivider	Owners*	Owners*
Irrigation	Subdivider	Subdivider	Owners	Owners
Lighting (Street, Open Space, Monument)	Subdivider	Subdivider	Owners	Owners
Mail box (CBU)	Subdivider	Subdivider	Owners	Owners
Mail box (individual)		Owners	Owners	Owners
Open Space **	Subdivider	Subdivider	Owners	Owners
Parking/Loading/Lighting	Subdivider	Subdivider/Owner	Owners	Owners
Power-Telephone-Cable	Subdivider	Subdivider	Others	Others
Sanitary Sewer Lines	Subdivider	Subdivider	Owners*	Owners*
Septic (Individual)	Owners	Owners	Owners	Owners
Sidewalks	Subdivider	Subdivider	Owners	Owners
Signs/Monuments	Subdivider	Subdivider/Owner	Owners	Owners
Storm Drainage	Subdivider	Subdivider	Owners	Owners
Streets	Subdivider	Subdivider	Public*	Public*
Street Landscaping	Owners	Owners	Owners	Owners
Street Signs	Subdivider	Subdivider	Owners*	Owners*
Treatment Plants	Subdivider	Subdivider	Owners*	Owners*
Water Systems	Subdivider	Subdivider	Owners*	Owners*
Well (Individual)	Owners	Owners	Owners	Owners

\* Upon acceptance by the responsible Highway District, City or State Agency.

\*\* Land furnished by Subdivider

8-12.05 SPECIAL LOCATION SCENIC OR HISTORIC AREAS

- A. Existing Features such as watercourses, falls, historic spots and similar irreplaceable assets, shall be preserved in the design of the Subdivision.
- B. Interference in wildlife migratory corridors or raptor habitats shall be mitigated in the design of the Subdivision.