

Chapter 110 SUBDIVISIONS*

*State law reference—Plats and Vacations, Idaho Code, § 50-1301 *et seq.*; Local Land Use Planning Act, Idaho Code, § 67-6501 *et seq.* (including “Subdivision Ordinance” Idaho Code, § 67-6513).

ARTICLE I. IN GENERAL

Sec. 110-1. Short title.

This chapter shall be known and may be cited as the "Subdivision Ordinance of Jefferson County, Idaho."

(Ord. of 4-24-2006, § 1(3-2-1))

Sec. 110-2. Authority.

These regulations are authorized by Idaho Code, § 50-1301 *et seq.*, Idaho Code, § 67-6501 *et seq.* and Article 12, Section 2 of the Idaho Constitution. These regulations are intended to act in harmony with and act concurrently with the Jefferson County Planning and Zoning Ordinances as it pertains to subdivisions located in Jefferson County. In the event of a conflict between the two, the more restrictive provision shall apply.

(Ord. of 4-24-2006, § 1(3-2-2))

Sec. 110-3. Purpose.

The purpose of these regulations is to promote the public health, safety, and general welfare and to provide:

- (1) Harmonious development of the County and its areas of city impact;
- (2) Coordination of streets and roads within a subdivision with other existing or planned streets and roads;
- (3) Adequate open space for travel, light, air, and recreation;
- (4) Adequate transportation, water drainage and sanitary facilities;
- (5) Avoidance of scattered subdivision of land that would result in:
 - a. Lack of water supply, sewer service, drainage, transportation, or other public services; and
 - b. Unnecessary imposition of an excessive expenditure of public funds for the supply of such services;
- (6) Additional requirements regarding the location, extent, and the manner in which:
 - a. Applicable roads shall be created, constructed, improved, and maintained; and
 - b. Water, sewer, and other utility mains, piping connections, and other facilities shall be installed;
- (7) Additional requirements for the development and filing of any plats; and
- (8) Administration of these regulations and defining the powers and duties of approving authorities.

(Ord. of 4-24-2006, § 1(3-2-3))

Sec. 110-4. Jurisdiction.

These regulations shall apply to the subdivision of land within the limits of the county, including all property outside the corporate limits of a city, but be subject to those special provisions of any applicable Area of Impact Agreement (hereinafter “AOI Agreement”) between a city and the County entered in accordance with Idaho Code, § 50-1306 and 67-6526.

(Ord. of 4-24-2006, § 1(3-1-4))

Sec.110-5. Interpretation.

All subdivisions as herein defined shall be submitted for approval by the Jefferson County Planning and Zoning Commission (hereinafter "PZC") with ultimate approval authority of the Jefferson County Commissioners (hereinafter "JCC") and shall comply with the provisions of these regulations. These ordinances shall supplement all other regulations, and, where at variance with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall apply, except as may otherwise be prohibited by law or as may be provided for in an applicable AOI agreement with a city.

(Ord. of 4-24-2006, § 1(3-1-5))

Sec. 110-6. Rules and definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The present tense includes the past or future tense; the singular includes the plural; the plural includes the singular; the masculine shall include the feminine; the word "shall" is mandatory; the word "may" is permissive; and the word "should" is preferred.

- (1) Administrator – The Jefferson County Planning and Zoning Administrator of Jefferson County who shall be an official having knowledge in the principles and practices of subdividing and who is appointed by the Jefferson County Commissioners to administer this chapter.
- (2) Alley – A minor street providing secondary access at the back or side of a property otherwise abutting a street.
- (3) Arterial street – A street designated for the purpose of carrying fast and/or heavy traffic.
- (4) Block – A group of lots within well-defined boundaries, usually streets.
- (5) Building – Any structure used or intended for supporting or sheltering any use or occupancy.
- (6) Building setback line – A designated distance established by a zoning ordinance that requires all buildings to be set back from lot lines.
- (7) Building site – An area proposed or provided and improved by grading, filling, excavation or other means for erecting pads for buildings.
- (8) Cemetery – A lot that has been platted for the selling of sites for the burial of animal or human remains.
- (9) City – Incorporated areas within Jefferson County, Idaho in accordance with Idaho Code Title 50.
- (10) Central sewer system – A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.
- (11) Channel – A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
- (12) Clustering – 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.
- (13) County Commissioners ("JCC") – The Jefferson County Commissioners, the governing body.
- (14) Collector Street – A street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.
- (15) Commission ("PZC") – The Jefferson County Planning and Zoning Commission including any applicable commission for an AOI.
- (16) Community well – A collective system providing potable water and septic water services to multiple housing units.

- (17) Comprehensive plan – A documented plan adopted by the JCC in accordance with Idaho Code § 67-6509 that herein may be referred to as a comprehensive plan or comprehensive development plan.
- (18) Conceptual plan review – A review of a conceptual plan consisting of a sketch plat and all other pertinent or required information related to the proposed development.
- (19) Condominium – A building or complex of buildings containing a number of individually owned apartments or houses.
- (20) Construction plan – The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commission as a condition of the approval of the plat.
- (21) County recorder - The office of the Jefferson County Recorder (Jefferson County Clerk).
- (22) Covenant – A written promise or pledge binding upon the subdivision or property.
- (23) Cul-de-sac – A street connected to another street at one end only and provided with a turnaround space at its terminus.
- (24) Culvert – A drain that channels water under a bridge, street, road or driveway.
- (25) Dead-end street – A street connecting to another street at one end only and not having provision for vehicular turn around at its terminus.
- (26) Dedication – The setting apart of land or interests in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat; dedicated land becomes public upon the acceptance by the JCC.
- (27) Developer – Authorized agent of a subdivider or the subdivider himself.
- (28) Ditch – An open channel artificially constructed.
- (29) Drainage – Water that runs off the surfaces of a site or development; the term "drainage" is synonymous with the term "runoff," as used herein.
- (30) Drainage channel – A natural channel, ditch, pipe or other conduit for liquid, naturally or artificially situated to receive storm drainage at an inlet point or multiple inlet points and then convey such storm drainage to an outlet point.
- (31) Drainage facility – An artificially constructed or naturally occurring drainage channel, or a retention facility, or partial retention facility.
- (32) Drainage receiver – A government entity, canal company or special taxing district which maintains a drainage facility adjacent to the development and agrees, as evidenced by a signed and dated public document, to accept a defined quantity of storm drainage from the development. The term "drainage receiver" also applies to the county, with regard to any runoff from any development to any street. Notice is particularly given that the presence of a natural drainage channel does not relieve the developer from the requirement that any drainage must be retained unless it is formally accepted by a drainage receiver.
- (33) Drainageway – A drainage channel or drainage ditch.
- (34) Driveway – A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel which it is located.
- (35) Dwelling unit – Any building or other structure proposed or built for occupancy by people.
- (36) Easement – A grant by a property owner to persons or to the public to use land for specific purposes. Also, a right acquired by prescription.
- (37) Engineer – Any person who is licensed in Idaho to practice professional engineering.
- (38) Expenditure – A sum of money paid out in return for some benefit or to fulfill some obligation. This includes binding contractual commitments, whether by development agreement or otherwise to make future expenditures as well as any other substantial change in position.
- (39) Flexible zoning – Zoning which permits uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated; flexible zoning applications shall include, but not be limited to, all special permit

- and special uses, planned unit developments, group housing projects, community unit projects, and average density or density zoning projects.
- (40) Flood - The temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake drainage, or other source of water.
 - (41) Flood of 100-year frequency – A flood magnitude which has a one percent chance of being equaled or exceeded in any given year.
 - (42) Floodplain – The relatively flat area or low land adjoining the channel of a river, stream, lake or other body of water which has been or may be covered by water of a flood of 100-year frequency. The floodplain includes the channel, floodway or floodway fringe, as established pursuant to engineering practices of the U.S. Army Corps of Engineers.
 - (43) Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
 - (44) Floodway fringe - That part of the floodplain which is beyond the floodway. Such areas include those portions of the floodplain which will be inundated by a flood of 100-year frequency.
 - (45) Frontage street – A minor street, parallel to and adjacent to an arterial street, to provide access to abutting properties.
 - (46) Governing body – The elected Jefferson County Commissioners (“JCC”).
 - (47) Highway – A street designated as a highway by an appropriate state or federal agency.
 - (48) Improvement – Any alteration to the land or other physical construction associated with subdivision and building site developments.
 - (49) JCC – See “County Commissioners” above.
 - (50) Landscaping – Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.
 - (51) Local Land Use Planning Act (LLUPA) – Reference to Idaho Code Title 67, Chapter 65.
 - (52) Loop – A minor street in which both terminal points are on the same street of origin.
 - (53) Lot – Any parcel of real property of suitable size as required in these regulations and existing zoning ordinance, identified on a recorded subdivision plat.
 - (54) Lot area – The area of any lot shall be determined exclusive of street, highway, alley, road, or right-of-way of record.
 - (55) Lot line adjustment – A property line adjustment or correction which does not create an additional parcel of land, is adopted by the Jefferson County Commissioners, and is recorded.
 - (56) Lot split – The division or partition of an original parcel of land into not more than three (3) separate parcels or sites for the purpose of the transferring of ownership or development rights associated with that parcel.
 - (57) Lot types are as follows:
 - a. Corner lot – A lot located at the intersections of two (2) or more streets.
 - b. Interior lot – A lot other than a corner lot with frontage on only one street other than a corner lot.
 - c. Through lot – A lot with frontage on more than one street other than a corner lot.
 - (58) Manufactured or mobile home – A structure, transportable in one or more sections, which in the traveling mode is 8 body feet (2,438 body mm) or more in width of 40 body feet (12,192 body mm) or more in length, or, when erected on site, is 320 square feet (30 m²) or more, and which is built on a permanent chassis and designed to be used as a *dwelling* with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development (HUD) and complies with the

standards established under this title. For mobile homes built prior to June 15, 1976, a *label* certifying compliance to the Standard for Mobile Homes, NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

- (59) Manufactured or mobile home subdivision – A subdivision or park designed and intended for exclusive manufactured home residential use.
- (60) Minor street – A street which has the primary purpose of providing access to abutting properties.
- (61) Mobile home – See “manufactured or mobile home.”
- (62) Money in lieu of land – Payment of money into a municipally earmarked fund to provide for acquisition of facilities off-site in place of dedicating land or providing such facility on site.
- (63) Monument – Any permanent marker either of concrete, galvanized iron pipe or iron or steel rods, used to identify any tract, parcel, lot or street lines, as specified in Idaho Code § 50-1303.
- (64) Open space – A common area platted as a separate lot, or an area dedicated to and accepted by the county, substantially open to the sky, exclusive of streets, buildings, and other covered structures.
- (65) Original parcel of land – An original parcel or tract as recorded on any plat of record on file in the office of the county recorder or any unplatted contiguous parcel of land held in one ownership as of 2008.
- (66) Owner – An individual, firm, association, syndicate, partnership, corporation, or other legal entity having any interest, legal or equitable, in the land to be subdivided.
- (67) Parcel – A plot or tract of land with a metes and bounds legal description (unplatted).
- (68) Partial right-of-way – Means 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.
- (69) Performance bond – An amount of money or other negotiable security paid by the developer or his surety to the planning and zoning administrator which guarantees that the developer will perform all actions required by the governing body regarding an approved plat, and provides that if the developer defaults and fails to comply with the provisions of an approved plat, the developer 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.
- (70) Planned unit development (“PUD”) – A subdivision designed as a combination of residential, commercial and industrial uses or any combination thereof planned for a tract of land to be developed as a unit under single ownership or control, which is developed for the purpose of selling individual lots or estates, fronting on dedicated streets, which may include two (2) or more principal buildings.
- (71) Plat – The drawing, mapping or planning of a subdivision, cemetery, town site or other tract of land or a replatting of such including certifications, descriptions and approvals including the following:
 - a. Preliminary plat – The first formal presentation by drawings of a proposed subdivision.
 - b. Final plat – The final and formal presentation by drawings of an approved subdivision development, the original and one copy of which is filed with the county clerk and recorder.
 - c. Plat amendment – The modification or change to an already approved and recorded plat.
 - d. Administrative Plat – An administrative plat contains three (3) lots or less with at least ninety feet (90’) of frontage and access to an existing county road. It does not include the extension of municipal facilities, or the creation of any public improvements; and not adversely affecting the remainder of the parcel or adjoining property; and not in conflict with any provision or portion of the comprehensive plan, official map, or this title.

- (72) Predevelopment runoff – The runoff quantity that would have been produced during the design storm from the site in its original native soil condition prior to any construction of buildings or of modified surfaces.
- (73) Private street – A right-of-way which provides access to adjacent properties under separate ownership and which is not dedicated to or officially accepted by a public entity but not including a driveway.
- (74) PZC – See “Commission” above.
- (75) Reserve strip – A strip of land between a partial street and an adjacent property which is reserved or held in public ownership for future street extension or widening.
- (76) Retention facility – A constructed basin or constructed underground storage vessel built to retain all of the storm drainage it receives until it is absorbed into the soil strata.
- (77) Right-of-way – A strip of land dedicated or reserved for use as a public way which normally includes streets, sidewalks and other public utilities or service areas.
- (78) Screening means either:
- a. A strip at least ten (10) feet wide of densely planted (or having equivalent natural growth) shrubs or trees at least four feet high at the time of planning, or a type that will form a year-round dense screen at least six (6) feet high;
 - b. An opaque wall or barrier or uniformly painted fence at least six (6) feet high.
- (79) Sketch plat – A preparatory plat to the preliminary plat to enable the subdivider to save time and expense in reaching general agreement with the Planning and Zoning Administrator or designee, as to the form of the plat and the objectives of these regulations.
- (80) Standard specifications – The specifications as specified in this chapter or as officially adopted by the county.
- (81) State – The State of Idaho.
- (82) Storage vessel – An earthen basin or tank or vault structure employed to store liquid; earthen basins used to store storm drainage may be filled with porous media (usually gravel) to attain structural stability, in which case the volume of available storage is taken as the volume of the interstitial voids of the porous media.
- (83) Storm drainage – The water running off the surfaces of a site as a result of precipitation on the site (including rain, hail melt water and snow melt water).
- (84) Street – A right-of-way which provides access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms "highway," "thoroughfare," "parkway," "road," "avenue," "boulevard," "land," "place," and other such terms, but does not include private streets or driveways.
- (85) Subdivider – The individual, firm, corporation, partnership, association, syndicate, trust, or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this chapter. 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.
- (86) Subdivision – The result of an act of dividing any lot, tract, or parcel of land into three (3) or more parts for the purpose of transfer of ownership or development, which shall also include the dedication of a public street and the addition to, or creation of, a cemetery. However, the term "subdivision" shall not apply to any of the following:
- a. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not increase the original number of lots in any block of the recorded plat;
 - b. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property;

- c. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code;
 - d. Widening of existing streets to conform to the comprehensive plan or the requirements of an area of impact agreement;
 - e. Acquisition of street rights-of-way by a public agency in conformance with the comprehensive plan; and
 - f. The exchange of land for the purpose of straightening property boundaries which does not result in the change of present land usage.
- (87) Surveyor – Any person who is licensed in the state as a public land surveyor to do professional surveying.
- (88) Townhouse – A single-family house of no more than two (2) stories that is connected to a similar house by a common sidewall, not to exceed four (4) single family units.
- (89) Utilities – Installations for conducting water, sewage, gas, electricity, television, stormwater, and similar facilities providing service to and used by the public.
- (90) Variance – A modification of the bulk and placement requirements of this chapter as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance is not a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship due to characteristics of the site provided the variance does not in conflict with the public interest nor is authorization otherwise prohibited by law.
- (91) Vicinity map – A means a small-scale map showing the location of a tract of land in relation to a larger area.

(Ord. of 4-24-2006, § 1(3-1-6); Ord. No. 08-03, 7-28-2008; Ord. No. 2014-05, § I, 10-14-2014; altered in 2019 recodification)

Secs. 110-7 -- 110-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 110-31. Administration.

The JCC shall appoint an administrator to carry out the provisions as herein specified and to serve at the pleasure of the JCC. The administrator or his designee shall receive and process all subdivision applications.

(Ord. of 4-24-2006, § 3-6-1)

Sec. 110-32. Vacations and Dedications.

- (a) *Application for vacation or dedication.* Any property owner desiring to vacate an existing subdivision, public right-of-way, or easement shall complete and file an application with the administrator. These provisions shall not apply to the widening of any street which is shown in the comprehensive plan or to the dedication of streets, rights-of-way, or easements to be shown on a recorded subdivision.
- (b) *Administrative action.*
 - (1) *Action by administrator.* Upon receipt of the completed application, the administrator shall affix the date of application acceptance thereon and place the application on the agenda for consideration at the next regular meeting of the PZC.
 - (2) *Recommendation by commission.* Except for good cause, including the gathering of additional information, the PZC shall review the request and all corresponding agency responses and shall

either recommend approval, conditional approval, or denial of the application to the JCC within thirty (30) days of the first meeting the application was presented to the PZC.

(3) *Review by the JCC.*

- a. *Decision.* The JCC shall review the request, all agency responses, and PZC recommendations. Except for good cause, including the gathering of additional information, within thirty (30) days of the meeting at which the issue was last on the JCC agenda, the JCC shall either approve, conditionally or partially approve, or deny the request.
- b. *Dedications.* When considering an application for dedication procedures, the JCC may approve, conditionally or partially approve, or deny the request. 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, unless otherwise specified on the plat, the owner shall furnish to the JCC a deed describing and conveying such lands to be recorded with the county recorder.
- c. *Vacations.* When considering an application for vacation procedures, the JCC shall establish a date for a public hearing and give such public notice as required by law. The JCC may approve, conditionally or partially approve, or deny the request. Whenever public rights-of-way or lands are vacated, the county commissioners shall provide adjacent property owners with a quit claim deed for the vacated rights-of-way in such proportions as are required or prescribed by law.

(c) *Dedication of streets.* Within a proposed subdivision, arterial and collector streets, as shown on the comprehensive plan, shall be dedicated to the public in all cases. In general, all other streets (excepting private streets and driveways) shall also be dedicated to public use.

(Ord. of 4-24-2006, § 3-6-2)

State law reference--Vacation procedure, Idaho Code § 50-1317 *et. seq.*

Sec. 110-33. Variances.

- (a) *Purpose.* The PZC may recommend to the JCC a variance from the provisions of this chapter on a finding that undue hardship results from the strict compliance with specific provisions or requirements hereof or that application of such provisions or requirements is impracticable.
- (b) *Standards for variances.* No variance shall be favorably recommended by the PZC unless it finds, as a result of a public hearing, that all of the following exist:
 - (1) There are such special circumstances or conditions affecting the property that the strict application of the provisions of this chapter would clearly be impracticable or unreasonable. In such cases, the subdivider shall first state his reasons in writing as to the specific provision or requirement involved;
 - (2) Strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions, other such conditions which are not self-inflicted, or that existing conditions would result in inhibiting the achievement of the objectives of this chapter;
 - (3) The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated;
 - (4) Such variance will not violate the provisions of the Idaho Code; and.

- (5) Such variance will not have the effect of nullifying the interest and purpose of this chapter and the comprehensive plan.

(Ord. of 4-24-2006, § 3-6-3)

Sec. 110-34. Amendments.

The JCC may, from time to time, amend, supplement or repeal the regulations and provisions of this chapter upon recommendation from the PZC in the following manner:

- (1) The PZC, prior to recommending an amendment, supplement, or repeal of this chapter, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The notice requirements provided in section 112-28 shall be followed. Following PZC hearing, if the PZC recommends a material change not presented at said hearing, the PZC shall provide further notice and hold such additional hearings as may be required to present such changes for public consideration before the PZC forwards its recommendation to the JCC. A record of the hearings, findings made and actions taken shall be maintained.
- (2) The JCC, prior to adopting an amendment, supplement or repeal of this chapter, the JCC may conduct at least one public hearing using the same notice and hearing procedures as the PZC. The JCC shall not hold a public hearing, give notice of a proposed hearing, nor take action until it has received the PZC's recommendations as previously outlined.

Sec. 110-35. Enforcement and Penalties.

(a) *Enforcement.*

- (1) No subdivision plat required by this chapter 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 of the JCC.
- (2) No public board, agency, commission, official, or other authority shall proceed with the construction of or authorize the construction of any improvements until the final plat has received the approval of the JCC.
- (3) No permits for construction of any structure shall be issued on any parcel or lot until the JCC has determined such parcel or lot meets the requirements of this chapter.
- (4) The Administrator shall forward all evidence of violations of this chapter to the Jefferson County Sheriff for review and recommendation of criminal charges to the prosecuting attorney or to the Jefferson County Prosecuting Attorney for review of appropriate civil action.

(b) *Waiver.* Failure to institute, require, or enforce any provision of these regulations prior to final approval of a subdivision or subdivision phase shall not act a waiver of the right to institute, require, or enforce these provisions in subsequent subdivisions or subdivision phases.

(c) *Violations and penalties.* Violations of any of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor, and be punishable as provided. Each day such violation continues shall be considered a separate offense. The landowner, 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. Nothing herein contained shall prevent the JCC or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this chapter or of the Idaho Code. (Ord. of 4-24-2006, § 3-6-5)

Sec. 110-36. Reconsideration and Appeals.

Motions for reconsideration and appeals are governed by Idaho law and as set forth in the Jefferson County Planning and Zoning Ordinances.

Secs. 110-37--110-58. Reserved.

ARTICLE III. PLATS*

*State law reference--Plats, Idaho Code, § 50-1301 et seq.

Sec. 110-59. Application for subdivision approval generally.

Any person desiring to create a subdivision, as herein defined, shall submit all necessary applications to the administrator.

(Ord. of 4-24-2006, § 2(3-2-1))

Sec. 110-60. Preapplication procedure (Optional).

- (a) *Submission of preapplication.* The subdivider may submit a preapplication to enable the administrator to review and comment on the proposed subdivision. Time limit between phases will start at the point the preliminary plat application is formally accepted and a preliminary plat fee is paid in full.
- (b) *Sketch plan.* The preapplication shall include at least one (1) copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision, in schematic form, and including the following:
 - (1) The general layout and approximate dimension of streets, blocks and lots in sketch form;
 - (2) The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site; and
 - (3) The areas set aside for schools, parks and other public facilities.
- (c) *Action by administrator.* The administrator shall notify the subdivider as to the general conformance of the proposal with this article, provide necessary forms and checklists, and comment on the following:
 - (1) Compliance of the proposed development with existing local or state governmental goals and objectives or comprehensive plans;
 - (2) Determination if additional special permits or ordinance conflicts such as rezone, special development permit, or variance, are needed and the manner of coordinating such permits;
 - (3) Determination of need for studies to verify impacts on infrastructure, traffic, and any other items that may have an impact within the county;
 - (4) Consideration of any unique environmental features or hazardous concerns that may be directly or indirectly associated with the subject property such as areas that have been designated by the state as areas of critical environmental concern, unique plant or animal life, floodplain, airport flight pattern, and the like;
 - (5) Consideration of other local, state, and/or federal governmental agencies that the subdivider should contact before preparing a preliminary plat; and
 - (6) The advisability of scheduling an informal conceptual plan review meeting with the applicant and/or developer.

(Ord. of 4-24-2006, § 2(3-2-2); Ord. No. 08-03, 7-28-2008)

Sec. 110-61. Preliminary plat.

- (a) *Filing of preliminary plat application and data.* The subdivider shall file with the administrator a complete subdivision application form and preliminary plat data as required in this article.

(b) *Required information and data.*

- (1) The contents of the preliminary plat and related information shall be in such a form as stipulated by the JCC; however, any additional maps or data deemed necessary by the administrator may also be required on a case-by-case basis if requested by the administrator for good cause.
- (2) Plat Requirements. The subdivider shall submit to the administrator a proposed plat that contains at least the following:
 - a. The name of the proposed subdivision, which must not conflict with, or duplicate existing subdivision names;
 - b. The legal description of the subdivision;
 - c. Lot lines and blocks showing the dimensions and numbers of each;
 - d. Streets, street names, rights-of-way and roadway widths, including adjoining streets or roadways;
 - e. As required by the appropriate health district, a site report identifying where individual wells or septic tanks are proposed;
 - f. Any dedications to the public and/or easements, together with a statement of location, dimensions, and purpose of such;
 - g. Appropriate information that sufficiently details the proposed development within any special development area such as a hillside, planned unit development, floodplain, cemetery, manufactured/mobile home, hazardous and/or unique areas of development; and
 - h. Any other specifications or requirements of local, state, or federal law, including, but not limited to, I.C. § 50-1301 *et. seq.*
- (3) Additional Requirements: The subdivider shall also submit the following to the administrator with the proposed plat:
 - a. A written application requesting approval of the preliminary plan;
 - b. The applicable fees;
 - c. Proof of current ownership of the real property included in the proposed plat;
 - d. A digital and ten (10) paper copies of the proposed subdivision which shall have the dimensions of eleven inches (11") by seventeen (17") inches of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. Each copy of the preliminary plat shall be on good quality paper. Three (3) copies shall have the dimensions of not less than twenty-four inches (24") by thirty-six inches (36"), and seven (7) copies shall have the dimensions of not less than eleven inches (11") by seventeen (17") inches. Each shall be drawn to a scale of not less than one inch (1") to one-hundred feet (100'), shall show the drafting date, and shall indicate thereon, by arrow, the generally northerly direction; A digital copy is also required;
 - e. Ten (10) sets of preliminary engineering plans (not meant to be cross sections or detailed designs) for streets, water, sewers, sidewalks and other required public improvements; however, such engineering plans shall contain sufficient information and detail to make a determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards;
 - f. A proposed development agreement wherein the subdivider/developer agrees that it and any of its successors in interest shall conform with the development standards of this

ordinance, any applicable standards of an AOI agreement, and any additional conditions for approval;

- g. The name, address, and telephone numbers of the subdivider or subdividers and the engineer or surveyor who prepared the plat;
 - h. The name and address of all adjoining owners of property and residents within one thousand feet (1,000') of the external boundaries of the land being considered, whether or not bisected by a public right-of-way as shown on record in the county assessor's office;
 - i. The statement of the intended use of the proposed subdivision, such as residential single-family, commercial, industrial, recreational or agricultural, and a designation of any sites proposed for parks, playgrounds, schools, churches or other public uses;
 - j. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development. A map shall be submitted showing the location of existing buildings, water bodies or courses and the location of currently dedicated streets at the point where they adjoin and/or are immediately adjacent, provided that actual measured distances shall not be required;
 - k. A vicinity map showing the relationship of the proposed plat to the surrounding area (one-half-mile radius, scale option);
 - l. The land use and existing zoning of the proposed subdivision and the adjacent land;
 - m. Any proposed or existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches, drainages, bridges, culverts, water mains, fire hydrants and their respective profiles;
 - n. Any additional required information for special developments;
 - o. Plans for compliance with applicable AOI requirements such as lighting districts, future utility connections, and corresponding easements;
 - p. A statement as to whether or not a variance will be requested with respect to any provision of this article or other applicable county ordinance describing the particular provision, the variance requested and the reasons therefore;
 - q. Any proposed protective covenants; and
 - r. An irrigation plan that provides at least the following:
 - i. Statement or evidence of surface water rights;
 - ii. Point of diversion;
 - iii. Location of right-of-ways;
 - iv. Recorded canal easements; and
 - v. The intended surface water irrigation supply or delivery system.
- (c) *Combining preliminary and final plat.* The applicant may request that the subdivision application be processed as both a preliminary and final plat. The administrator shall review the proposed plat and its corresponding required submissions and may do any or all of the following:
- a. Notify the applicant of any listed or perceived deficiencies and require completion of the submittal process before addressing the other two options in this section. In so doing, the the administrator may refer the preliminary plat and application to as many governmental agencies or private service providers as the administrator deems necessary which may include the following:

- i If located in an area of impact, the corresponding incorporated municipality.
 - ii Other governing bodies having joint jurisdiction;
 - iii The appropriate utility companies, irrigation companies or districts and drainage districts;
 - iv The superintendent of the school district; and
 - v Other agencies or service providers having an interest in the proposed subdivision.
- b. Recommend the preliminary plat be given a preliminary hearing before the PZC for special consideration of compliance with local and state law and recommended revisions before the PZC provides final review; OR
 - c. Recommend the preliminary plat be considered the final plat submission for review by the PZC and/or the JCC subject to the requirements of the final plat submission below.

(d) *Approval period.*

- (1) Failure to file with and obtain the certification of the acceptance of the final plat application by the administrator within one (1) year after action by the JCC shall cause all approvals of said preliminary plat to be null and void, unless the subdivider applies for and the JCC grants an extension of time.
- (2) In the event the development of the preliminary plat is made in successive, contiguous segments in an orderly and reasonable manner, and conforms such segments, if submitted within successive intervals for one (1) year, it may be considered for final approval without resubmission for preliminary plat approval.

(Ord. of 4-24-2006, § 2(3-2-3))

Sec. 110-62. Final plat.

- a) *Filing of final plat.* After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel 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 administrator the following:
 - (1) Any required revised documentation required for submission of a final plat with corresponding copies as required by the preliminary plat;
 - (2) Any additional documentation requested in the preliminary plat process;

(b) *Procedure for approval of final plat.*

- (1) *Review by administrator.*
 - a. *Acceptance.* Upon receipt of the final plat, and compliance with all other requirements as provided for herein, the administrator shall certify the application as complete and shall affix the date of acceptance thereon.
 - b. *Resubmission of final plat.* The administrator shall review the final plat and corresponding documentation for compliance with the approved or conditionally approved preliminary plat. If the administrator determines that there is substantial difference in the final plat than that which was approved as a preliminary plat or conditions which have not been met, the administrator may require that the final plat be submitted to the PZC and JCC in the same manner as required in the preliminary plat process.
- (2) *Public Hearing.*
 - a. *Agenda Notice.* Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the administrator shall

place the final plat on the PZC agenda for public hearing and consideration of the subdivision application.

- b. *Written Notice and Publication.* The administrator shall provide the required written and published notice of the hearing in accordance with local and state law.
 - c. *PZC's findings.* In determining the acceptance of a proposed subdivision, the PZC shall consider the objectives of this subdivision ordinance and at least the following:
 1. Conformance of the subdivision with the comprehensive plan and zoning ordinances;
 2. Availability of public services to accommodate the proposed development;
 3. Continuity of the proposed development with the capital improvement plan;
 4. Public financial capability of supporting services for the proposed development; and
 5. Other health, safety and environmental problems that may be brought to the PZC's attention.
 - d. *PZC's action.* The PZC may recommend approval, conditional approval, or disapproval to the JCC of the proposed plat. The PZC may also suspend its recommendation for a period not to exceed thirty-five (35) days, unless other circumstances prevail. The PZC's recommendations shall occur within thirty-five (35) days of the date of the regular meeting at which the plat is first considered by the PZC. The action, and the reasons for such action shall be stated in writing by the administrator and forwarded to the applicant. The administrator 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 PZC for its action. Upon granting or denying a preliminary plat, the PZC shall specify:
 1. The ordinance and standards used in evaluating the application;
 2. The reasons for recommending approval, conditional approval or disapproval; and
 3. Any conditions in furtherance of a recommendation for of approval.Compliance with the recommendations, if any, does not relieve the applicant of the duty to comply with any unstated recommendations that were unknown to the PZC at the time due to lack of proper disclosure by the applicant or arose post-issuance of the opinion. If the applicant does not provide pertinent information that would have a bearing on a decision of the PZC, it will be grounds for change of decision of the PZC. The PZC's recommendation for approval, conditional or partial approval, or disapproval shall be forwarded to the JCC.
- (3) *JCC action.* The JCC, at their next meeting following receipt of the administrator's report, receipt of the PZC written recommendation, and receipt of all required signatures on the proposed final plat, shall consider the PZC's finding and comments from concerned persons and agencies to arrive at a decision on the final plat. The JCC may have such additional hearings as it may deem necessary or advisable, which shall be subject to proper notice and publication. The JCC may approve, approve conditionally, disapprove, or table the final plat for additional information. A copy of the approved plat shall be filed with the administrator. Upon granting or denying the final plat, the JCC shall specify:
- a. The ordinance and standards used in evaluating the application;
 - b. The reasons for approval or denial; and
 - c. Any conditions in furtherance of approval.

- (4) *Conditional approval of final plat.* With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:
 - a. The construction of improvements required by this article shall have been completed by the subdivider and approved by the JCC; or
 - b. Surety acceptable to the JCC shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.
- (5) *Approval period.* The final plat shall be filed with the county recorder within one year after written approval by the JCC. Otherwise, such approval shall become null and void unless the subdivider, prior to said expiration date, applies for an extension of time and such extension is granted by the JCC.
- (6) *Required certificates.* The following certifications and signatures shall be included on the final plat prior to recording:
 - a. Certification and signature of the JCC verifying that the subdivision has been approved;
 - b. Certification and signature of the administrator, PZC chairperson, county assessor, county treasurer and county surveyor verifying that the subdivision meets the requirements of the county and has been approved by the JCC; and
 - c. Certification of the sanitation restriction on the face of the plat in accordance with the provisions of Idaho Code § 50-1326.
- (7) *Record of final plat.* Upon the JCC's approval of the final plat, the subdivider's prepayment of recording fees, posting of surety bond or other acceptable guarantee and the inclusion of those certifications and signatures on the final plat as set forth in subsection (c)(6) of this section, the subdivider shall furnish proof to the administrator that the final plat has been recorded.
- (8) Upon the approval of the final plat, the developer shall begin development of capital improvements within two (2) years of the acceptance of the final plat, or the plat shall be subject to re-evaluation, which may require necessary changes to conform with the existing local, state, and federal standards and an additional hearing for the impositions of such requirements.

(Ord. of 4-24-2006, § 2(3-2-4)).

Sec. 110-63. Plat Amendment

- (a) *Filing of plat amendment.* After the approval and recording of the final plat, the subdivider may modify or change the plat through a plat amendment. The subdivider shall submit to the administrator the following:
 - (1) An application for approval of such plat amendment as stipulated by the JCC;
 - (2) Proof of current ownership of the real property included in the proposed plat amendment;
 - (3) Ten (10) 11x17 copies of the proposed amended plat which shall include all requirements and specifications under Idaho Code § 50-1301 *et. seq.*
 - (4) The name and address of all adjoining owners of property and residents within three hundred (300) feet of the external boundaries of the land being considered, whether or not bisected by a public right-of-way as shown on record in the county assessor's office; and
 - (5) Such other information as the administrator or JCC may deem necessary to establish whether or not all proper parties have signed and/or approved said plat amendment.
- (b) *Procedure for approval of a plat amendment.*
 - (1) *Certification by administrator and public hearing.* Upon receipt of the plat amendment and all other required data as provided for herein, the administrator shall certify the application as

complete and shall affix the date of application acceptance thereon. The administrator shall schedule a public hearing before the PZC.

- (2) *Public notice.* The administrator shall provide notice of a public hearing in accordance with the requirements of state statute.
- (3) *Action by PZC.*
 - a. *PZC's findings.* In determining the acceptance of a proposed plat amendment, the PZC shall consider the objectives and requirements of this subdivision ordinance and at least the following:
 1. The conformance of the plat amendment with the comprehensive plan and zoning ordinances;
 2. The continuity of the proposed development with the capital improvement plan;
 3. The public financial capability of supporting services for the proposed development; and
 4. The other health, safety and environmental problems that may be brought to the PZC's attention.
 - b. *Action on plat amendment.* The PZC may recommend approval, conditional approval, disapproval or tabling of the proposed plat amendment. Upon approving, conditionally approving, or disapproving a plat amendment, the PZC shall specify:
 1. The ordinance and standards used in evaluating the application;
 2. The reasons for recommending approval or denial; and
 3. Any conditions in furtherance of approval.The action, and the reasons for such action shall be stated in writing and forwarded to the applicant.

JCC action. The JCC, at their next meeting following receipt of the administrator's report, shall consider the PZC's finding and comments from concerned persons and agencies to arrive at a decision on the plat amendment. The JCC shall approve, approve conditionally, disapprove, or table the plat amendment for additional information.

Sec. 110-64. Administrative plat.

- a) An administrative plat may be filed as a final plat.
 - b) *Filing of administrative plat.* The subdivider shall submit to the administrator the following:
 1. All submission requirements of a preliminary and final plat;
 2. Five (5) copies of the proposed final plat instead of ten (10);
 3. Such other information as the administrator or JCC may deem necessary to establish whether or not all proper parties have signed and/or approved said plat.
- (c) *Procedure for approval of administrative plat.*
- (1) *Review by administrator.*
 - a. *Acceptance.* Upon receipt of the administrative plat, and compliance with all other requirements as provided for herein, the administrator shall certify the application as complete and shall affix the date of acceptance thereon.
 - b. The Administrator shall prepare and distribute a Notice of Decision as follows:

- 1) Mailing notice to the applicant or applicant's representative, and the owner of the property;
 - 2) Mailing notice to property owners within one thousand feet (1,000') of the property, and to any incorporated municipality should the proposed property be located within a city area of impact, of intent to grant approval. Notification shall be made by delivery by first class mail by the US Postal Services;
 - 3) Publication of the notice in the official County newspaper of general circulation;
 - 4) Distribution of the notice to the County Assessor's Office;
 - 5) Provided the forgoing requirements are met to the satisfaction of the administrator, final approval will be granted unless a request for a public hearing is filed with the Planning and Zoning Administrator within fifteen (15) days of the date of the notice. If a public hearing is requested, the procedures shall be pursuant to § 110-62 for a hearing to be held before the PZC; and
 - 6) A statement describing the procedure for an appeal.
- c. *Submission to the JCC.* Upon the determination that the administrative plat is in compliance the administrator shall place the administrative plat on the JCC agenda.
- (2) *JCC action.* The JCC, at their next meeting following receipt of the administrator's report, shall consider the administrator's or PZC's findings (if applicable) to arrive at a decision on the final plat. The JCC shall approve, approve conditionally, disapprove, or table the final plat for additional information. A copy of the approved plat shall be submitted to the administrator. Upon granting or denying the administrative plat, the JCC shall specify:
- a. The ordinance and standards used in evaluating the application;
 - b. The reasons for approval, conditional approval or disapproval; and
 - c. Any conditions in furtherance of approval.
- (3) *Conditional approval of administrative plat.* With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:
- a. The construction of improvements required by this article shall have been completed by the subdivider and approved by the JCC; or
 - b. A surety bond in the amount deemed sufficient by the JCC shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.
- (4) *Approval period.* The administrative plat shall be recorded within one (1) year after written approval by the JCC. Otherwise, such approval shall become null and void unless the subdivider, applies for and the JCC grants an extension of time.
- (5) *Required certificates.* The following certifications and signatures shall be included on the administrative plat prior to recording:
- a. Certification and signature of the JCC verifying that the subdivision has been approved;
 - b. Certification and signature of the administrator, county assessor, county treasurer and county surveyor verifying the subdivision meets the requirements of the county; and
 - c. Certification of the sanitation restriction on the face of the plat in accordance with the provisions of Idaho Code § 50-1326.
- (6) *Record of administrative plat.* Upon approval of the administrative plat by the JCC, the subdivider's prepayment of recording fees, posting of surety bond or other acceptable guarantee and the inclusion of those certifications and signatures on the final plat as set forth in subsection

(c)(6) of this section, the subdivider shall furnish proof to the administrator that the final plat has been recorded.

- (7) Upon the approval of the final plat, the developer shall begin development of capital improvements within two (2) years of the acceptance of the final plat; otherwise the plat shall be re-evaluated by the administrator who may identify necessary changes to the plat due to existing local, state, and federal law and require a rehearing.

Sec. 110-65. Fees.

At the time of submission of an application for a plat, a fee, as established in the official fee schedule of the county, shall be paid. There shall be no additional fee for the combining of the preliminary and final plats and there shall be no fee for a preapplication or a conceptual plan review. No application shall be approved or approval deemed effective until the applicant has paid the applicable fee in full.

(Ord. of 4-24-2006, § 2(3-2-5))

Sec. 110-66. Record of lot, plat approval.

No final plat shall be filed with the county recorder or improvements made on the property until the plat has been approved by the JCC.

(Ord. of 4-24-2006, § 2(3-2-6))

Sec. 110-67. Sale of lot, plat to be recorded.

No lots shall be sold until the plat has been recorded in the office of the county recorder.

(Ord. of 4-24-2006, § 2(3-2-7))

Sec. 110-68. Lot (parcel) splits.

Any time an original subdivided parcel of land is divided or partitioned into not more than three (3) parcels, or sites for the purpose of transfer of ownership or development, an application for parcel split shall be submitted on an approved form to the administrator which shall contain, at a minimum, the following information:

- (1) Name, address, and telephone number of the applicant;
- (2) Legal description of property and proof of ownership or agency, most recent recorded deed;
- (3) Description of existing use;
- (4) Zoning district;
- (5) Legal description of parcels after proposed parcel split;
- (6) Description of proposed use;
- (7) Documentation of the permission of the owner of the parcel to be split.

(Ord. of 4-24-2006, § 2(3-2-8); Ord. No. 2014-05, § II, 10-14-2014)

Secs. 110-69--110-90. Reserved.

ARTICLE IV. DESIGN STANDARDS

Sec. 110-91. Minimum standards required.

All plats submitted pursuant to the provisions of this article, and all subdivisions, improvements and facilities done, constructed or made in accordance with said provisions, shall comply with the minimum design standards set forth in this section; provided, however, that any higher standards adopted by the Jefferson County Public Works Department, the Idaho Transportation Department (if subdivision accesses

a road maintained by the State of Idaho), health agency, or other agency governing health, water, or land use shall prevail over those set forth herein.

(Ord. of 4-24-2006, § 3-3-1)

Sec. 110-92. Community well and septic requirements.

All subdivisions that contain a lot which is three (3) acres in size or less, with the exception of administrative plats, shall be connected to a community well and septic system; community wells and septic systems located in an AOI shall be located and designed to connect to future municipal services. All subdivisions located in an AOI shall require each lot to locate and design its potable water and septic/sewer systems in a manner that will allow future connection to municipal services. The requirements of this section are further set forth by Article V, Section 110-127 herein.

(Ord. of 4-24-2006, § 3-3-2)

Sec. 110-93. Streets and alleys.

- (a) *Location.* Street and road location shall conform to the following standards:
- (1) *Street location and arrangements.* When an official street plan or comprehensive plan has been adopted, subdivision streets shall conform to such plans.
 - (2) *Minor streets.* Minor streets shall be so arranged as to discourage their use by through traffic.
 - (3) *Stub streets.* Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas, and shall have a cul-de-sac or temporary cul-de-sac. A reserve street may be required and held in public ownership.
 - (4) *Relation to topography.* Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.
 - (5) *Public alleys.* Public 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 public alleys shall be prohibited in all cases.
 - (6) *Frontage roads.* Where a subdivision abuts or contains an arterial street, it shall be required that there be frontage roads approximately parallel to and on each side of such arterial street, or such other treatment as is necessary for the adequate protection of residential properties and to separate through traffic from local traffic.
 - (7) *Cul-de-sac streets (turn arounds).* Cul-de-sac streets shall be designed and constructed in accordance with applicable state laws and regulations, in accordance with applicable local ordinances, and shall further be approved by the Jefferson County Public Works Administrator and applicable fire district.
 - (8) *Half streets.* Half streets shall be prohibited except where unusual circumstances make such necessary to the reasonable development of a tract in conformance with this article and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract.
 - (9) *Private streets.* Private streets shall be prohibited in developments of more than three (3) lots. Private streets shall have a thirty (30') foot easement so that they be readily expanded to meet the public street requirements.
 - (10) *Driveways.* Driveways providing access to no more than two (2) dwelling units shall be allowed within any subdivision.

(b) *Street widths.*

(1) *Width of pavement.* All streets shall be centered on a sixty foot (60') wide easement which shall be dedicated as a public right of way and utility easement. Streets shall be paved to a width of not less than thirty feet (30') centered in said easement. Said paving shall be completed to each lot before it is sold, and shall meet minimum county standards for the quality and type of paving.

(c) *Intersections.* Intersections shall conform to the following standards:

(1) *Angle of intersection.* Angles of street and driveway intersections shall be approved by the Jefferson County Public Works Administrator.

(2) *Sight triangles.* Minimum clear sight distance at all street and driveway intersections shall be approved by the Jefferson County Public Works Administrator.

(3) *Number of streets.* No more than two streets shall cross at any one intersection.

(4) *Existing streets.* Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than one hundred fifty (150') feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. All intersecting streets shall have continuous alignment. Intersection of major streets shall be at least eight hundred (800') feet apart.

(d) *Street names.* The naming of streets shall conform to the following standards:

(1) A street name shall not duplicate any existing street name within the county 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 street names shall not be used.

(2) All new streets shall be named as follows:

a. Streets having a predominately north-south direction shall be named "avenue," except for section line streets which shall be named "road."

b. Streets having a predominately east-west direction shall be named "street," except for section line streets which shall be named "road."

c. Meandering streets having a predominately north-south direction shall be named "way."

d. Meandering streets having a predominately east-west direction shall be named "drive."

e. Cul-de-sacs having a predominately north-south direction shall be named "place."

f. Cul-de-sacs having a predominately east-west direction shall be named "court."

(e) *Private roads.* From the effective date of the ordinance from which this article is derived, private roads are prohibited in the county unless the private road accesses three (3) dwellings or less. Private roads shall have a thirty foot (30') easement.

(f) *Transitional traffic lanes.* Transitional traffic lanes may be required to be installed, after review by the Jefferson County Public Works Director, and/or other road and bridge entity, with design approval right and authority, for safety and traffic concerns. Transitional traffic lanes shall be designed and constructed in accordance with applicable state laws and regulations, in accordance with applicable local ordinances, and shall further be approved by the Jefferson County Public Works Administrator.

(Ord. of 4-24-2006, § 3-3-3)

Sec. 110-96. Pedestrian walkways.

Rights-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 pedestrian easement shall be at least ten feet (10') wide with a hard surface of either asphalt, concrete, or other hard compacted surface. Engineering designs shall be submitted with the preliminary plat.

(Ord. of 4-24-2006, § 3-3-4)

Sec. 110-97. Blocks.

Every block shall be so designed as to provide two tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary. Blocks should not be less than five hundred feet (500') long in all cases that allow that design, with the exception of administrative plats. (Ord. of 4-24-2006, § 3-3-5)

Sec. 110-98. Lots.

Lots shall conform to the following standards:

- (1) *Zoning.* Lots within any subdivision shall comply in all respects with the official dimension and area regulations as set forth by the zone designation.
- (2) *Future arrangements.* Where parcels of land are subdivided into unusually large lots (such as when large lots are approved for septic tanks), the parcels shall be divided, where feasible, so as to allow for future subdivisions 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 JCC prior to taking of such action.
- (3) *Sufficient area for septic tank.* Where individual septic tanks have been authorized, sufficient area shall be provided for a replacement sewage disposal system as determined by Eastern Idaho District 7 Public Health. (Ord. of 4-24-2006, § 3-3-6)

Sec. 110-99. Easements.

(a) Unobstructed utility easements shall be provided along front lot lines, rear lot lines and side lot lines when deemed necessary. Total easement width shall not be less than fifteen feet (15').

(b) Unobstructed drainageway easements shall be provided as required by the county, state of Idaho or any area of impact agreement requirements.

(c) All natural drainageways shall be left undisturbed which will improve the hydraulics and ease of maintenance of the drainage channel.

(d) Unobstructed utility easements shall be provided along front lot lines for water systems and connections, rear lot lines for sewer and septic systems, and side lot lines when deemed necessary. Total easement width shall not be less than ten feet (10').

Sec. 110-100. Landscaping /planting strips and reserve strips.

Planting strips and reserve strips shall be provided by the developer and shall conform to the following standards:

- (1) *Planting strips/buffer areas.* Landscape/planting strips/buffer areas 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 and to provide nuisance mitigation for those residents. Such planting strips/buffer areas shall be a minimum of ten feet (10') wide unless a greater width is required within this section of the Code.
- (2) *Reserve strip.*

- a. *Private reserve strips.* Privately held reserve strip access to public streets shall be prohibited.
 - b. *Public reserve strips.* A one foot (1') reserve may be required to be placed along half streets which are within the subdivision boundaries and shall be deeded in "fee simple" to the county for future street widening.
- (3) *Prohibited materials and landscaping.* All construction, landscaping, and design shall not interfere with and shall comply with all requirements for county easements and rights of way (including the clear vision triangle).
- (4) Installation and minimum standards shall be included in each development agreement for any new developments.
- (5) *Irrigation required.* Adequate irrigation is required for all common areas in the development.
- a. Irrigation water shall be provided by an irrigation delivery system identified in Article V, Section 110-127.
 - b. All required landscaped areas must be provided with an automatic underground irrigation system, provide an appropriate backflow prevention device, and provide full coverage of the landscaped area.
 - c. All irrigation systems must be maintained to ensure proper operation and water conservation.
- (6) *Buffer areas/common lots.*
- a. *Definition.* A transition zone or buffer area consists of horizontal space (land) and vertical elements (plants, berms, fences, or walls). The purpose of such buffer space is to physically separate and visually screen adjacent land uses which are not fully compatible due to differing facilities, activities, or different intensities of use, such as townhouses and a convenience store, or a major roadways and residential dwellings.
 - b. *Minimum requirements.*
 - 1. When a commercial or industrial use abuts a residential use, a minimum of a ten-foot-wide by six-foot-high landscaped buffer is required.
 - 2. When a parking lot abuts a residential activity, a minimum of a five-foot-wide by six-foot-high landscaped buffer is required.
 - 3. To conceal outdoor storage areas, trash receptacles, exposed equipment associated with any commercial or industrial activity, and off-street loading when adjacent to or in view from a residential activity or public street right-of-way, a minimum of a five-foot-wide by six-foot-high landscaped buffer is required.
 - 4. Additional requirements may be necessary as may be noted in other adopted ordinances (i.e. cell towers, confined animal feeding operations).
 - c. *Materials.*
 - 1. All buffer areas shall be comprised of, but not limited to, a mix of coniferous and deciduous trees, shrubs, and ground cover in which evergreen plant materials comprise a minimum of sixty percent (60%) of the total plant material used.
 - 2. Height requirements shall be accomplished with plant material, with a fence, or decorative wall.

3. The required buffer area shall result in an effective barrier within three (3) years and be maintained such that sixty percent (60%) or more of the vertical surface is closed and prevents the passage of vision through it.
 4. Chain link fencing, with slats or otherwise, and cedar fencing is prohibited for screening purposes in residential subdivisions.
- a. *Major roadways.* New residential developments/subdivisions shall be buffered from streets classified as arterials, highways, or freeways, to protect residential communities from noisy, potentially dangerous, high-speed roads. The term "buffer area" means the distance from the outside wall of the lowest story of any single-family attached or detached dwelling to the right-of-way line of the roadway. The lowest story must be screened from the view of any street classified as an arterial, highway, or freeway. This buffer is required either on individual lots or as an easement, or as part of the common open space owned and maintained by a homeowners' association. Any landscaping proposed to be within the public right-of-way shall not be included as a part of the buffer area required below. The height for berming/fencing, as noted below, shall be measured from the elevation of the final grade of the adjacent roadway (measured at the centerline) to the top of the proposed berming/fencing.
1. A minimum thirty-five-foot (35') buffer area (not including right-of-way) shall be provided with the following plants per one hundred (100) linear feet of right-of-way: four (4) shade trees, five (5) evergreen trees, and twenty-four (24) shrubs. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than fifty percent (50%) of the shade trees are substituted.
 2. A minimum five-foot-high, maximum eight-foot-high, berm, decorative block wall, cultured stone, decorative rock, or similarly designed concrete wall, or combination thereof shall be provided within the buffer area. The maximum slope for any berm shall be three feet (3') horizontal distance to one foot (1') vertical distance. If a decorative block wall, cultured stone, decorative rock, or similarly designed concrete wall is to be provided in combination with the berm, a four-foot-wide flat area shall be provided for the placement of the decorative wall chain-link, cedar, and similar high maintenance and/or unsightly fencing shall not be permitted.
- b. *Common area landscapes.* In addition to adequate irrigation defined herein, new residential subdivision common area landscapes shall be comprised of the following:
1. Lawn, either seed or sod; and
 2. A minimum of one (1) deciduous shade tree per one thousand square feet (1,000 ft²).
- c. *Design considerations for residential developments.*
1. For design flexibility, half of the required shade trees may be substituted on a two to one (2:1) basis with ornamental and evergreen trees.
 2. Buffer areas should include a variety of species, arranged to create varied and attractive views. Fences, walls, and berms may be used. Height changes, offset angles, different materials, and other design techniques are required so as to create variety.
- (7) *Parking lot landscaping (commercial and industrial subdivisions).*
- a. *Visual impact.* Landscaping shall be provided to minimize the visual impact of off-street parking. Parking should be located to the side and rear of buildings and shall be screened so that it does not dominate the streetscape. Fences, hedges, berms, and landscaping may

be used to screen parking areas (chain-link fencing shall not be permitted for screening purposes). In the design of large parking areas, bays of parking spaces shall be arranged to be separated by landscaping. When parking lots occur on sloping terrain, parking lots shall maintain a set appearance to follow the terrain rather than allowing the lot surface to extend above natural grade.

- b. *Parking lot landscape strip.* A landscape strip shall be provided between a parking lot and a public right-of-way when a parking lot is located adjacent to a public right-of-way. The landscaped strip shall serve to shield views of parked cars to passing motorists and pedestrians, and to establish coordination among architecturally diverse buildings, which creates a pleasing, harmonious appearance along the roadway. Four (4) options are provided for fulfilling this requirement:
1. Provide a ten-foot-wide landscaped strip between the right-of-way and the parking lot, and plant with a minimum of one (1) shade tree and ten (10) shrubs per thirty-five (35) linear feet of frontage, excluding driveway openings.
 2. Provide an earth berm of thirty inches (30") minimum height which shall not exceed a three-to-one (3:1 slope) within a ten foot (10') wide landscaped strip between the right-of-way and the parking lot, and plant with a minimum of one (1) shade tree and five (5) shrubs per thirty-five (35) linear feet of frontage, excluding driveway openings.
 3. Provide a six foot (6') landscaped strip with a minimum thirty inch (30") grade drop from the right-of-way to the parking lot, and plant with a minimum of one (1) shade tree and five (5) shrubs per thirty-five (35) linear feet of frontage, excluding driveway openings.
 4. Provide a three foot (3') high fence of wood, brick, stone, or decorative block or concrete along with a four foot (4') wide landscaped strip between the right-of-way and the parking lot, and plant a minimum of one (1) shade tree and five (5) shrubs per thirty-five (35) linear feet of frontage, excluding driveway openings. The JCC may waive the requirement for a wood, brick, stone, decorative block or concrete fence if the JCC finds the following:
 - (i) The applicant must design, document, and obtain county approval representing that the overall planting design, at the time of planting, results in an effective barrier such that the landscape strip shields the view of parked cars from passing pedestrians and motorists; and
 - (ii) Any such proposed design alternative is compatible with the overall site design of the entire project and is compatible with the surrounding area.
- c. *Parking lot perimeter landscaping.* Perimeter landscaping requirements define parking areas and prevent two adjacent lots from becoming one large expanse of paving. This requirement does not hinder the ability to provide vehicular access between lots. A minimum five foot (5') wide perimeter landscaped strip shall be provided between the property lines and the parking lot with a minimum of one (1) shade tree and five (5) shrubs per thirty-five (35) linear feet of perimeter.
- d. *Parking lot interior landscaping.*
1. *Calculated amount.* Interior parking lot landscaping shall be required on any parking lot with ten (10) spaces and above. The required amount of landscaping is based on a sliding scale, as follows:

<i>Percent Of Total Area Of</i>	
<i>Total Number of Spaces</i>	<i>Parking Lot <u>Landscape Percentage Requirement</u></i>
10-20 spaces	5 percent (5%)
21-50 spaces	8 percent (8%)
51+ spaces	10 percent (10%)

2. *Additional requirements.*

- (i) No interior planter shall be less than five feet (5') in any dimension.
- (ii) No parking space shall be more than sixty feet (60') from an interior landscaped area.
- (iii) Parking islands are to be as evenly spaced as feasible throughout the lot to consistently reduce the visual impact of long rows of parked cars.
- (iv) Deciduous shade trees and ground covers or low shrubs are recommended as primary plantings in interior landscaped areas. Deciduous shade trees are to be clear branched to a height of six feet (6').
- (v) A terminal island for a single row of parking spaces shall be landscaped with at least one (1) tree and shrubs, ground cover, or grass. A terminal island for a double row of parking spaces shall contain not less than two (2) trees and shrubs, ground cover, or grass.

(8) *Alternative methods of compliance.*

a. *Project conditions.* It is not the intent of these landscape requirements to inhibit creative solutions to land use problems. Under certain site conditions, a strict interpretation of requirements may be either physically impossible or impractical. Alternative compliance is a procedure that allows certain modifications to existing regulations within this section. Requests for use of alternative landscaping schemes are justified only when one or more of the following conditions apply:

- 1. The sites involve space limitations or unusually shaped parcels;
- 2. Irrigation, topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
- 3. Due to a change of use of an existing site, the required buffer yard is larger than can be provided; and/or
- 4. Safety considerations are involved.

b. *Request for alternative method of compliance.* The applicant must provide the county with a written request if an alternative method of compliance is proposed. The request shall state which requirement set forth within this section is to be modified and how the proposed alternative equals or exceeds said requirements.

(Ord. of 4-24-2006, § 3-3-7)

Secs. 110-100--110-126. Reserved.

ARTICLE V. REQUIRED IMPROVEMENTS

Sec. 110-127. Improvements required.

(a) Every subdivider shall be required to install any of the following improvements in accordance with the conditions and specifications herein.

(b) *Monuments.* Monuments shall be set in accordance with Idaho Code § 50-1303.

(c) *Streets and alleys.* All streets and alleys shall be constructed in accordance with applicable local, state, and federal standards and specifications.

(d) *Street signs.* Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local, state or federal standards. A per street sign fee shall be paid by the subdivider.

(e) *Streetlights.* All subdividers shall comply with existing AOI agreements at subdivider's expense, including with any streetlight requirement in accordance with city specifications and standards at locations designated by the administrator or his representative. After installation and acceptance by the administrator, the subdivider shall be responsible for the cost of the county's creation of a lighting district through which the subdivision property owners shall bear the cost of maintenance and power of said streetlights.

(f) *Pedestrian/bicycle pathway and Sidewalk Regulations.*

(1) *Intent.* The placement of pathways is intended to encourage nonmotorized forms of travel, and to provide safe, convenient and aesthetic alternative travel routes to common destinations such as schools, parks, shopping centers, etc. The following factors will be considered in the placement of any pathway: any applicable AOI agreement, the utility and need for a given pathway, impacts to existing neighborhoods, compliance with the transportation/pathway network maps within the comprehensive plan, pathway design as it relates to both crime prevention and function, and the responsibilities of ownership, maintenance, and liability. All subdivisions, with the exception of administrative subdivisions, may be required to have a pedestrian walk path, bicycle pathway, or sidewalks to connect common or interior areas of the subdivision. Each category will be required to meet the requirements of this section. These requirements will be addressed in the development agreement for each new development.

(2) *Location.*

a. Pathways shall be created, except in cases where deemed inappropriate, to provide access to adjacent:

1. Schools;
2. Public parks;
3. Adopted pathway elements within the comprehensive plan and pathway plan;
4. Neighborhoods;
5. Shopping areas;
6. Public lands;
7. Transportation or other community facilities, and vacant parcels, held either publicly or privately which could provide future neighborhood connection to the above noted sites; and
8. In similar cases where deemed appropriate.

- (3) *Existing neighborhoods.* The placement of a path will be based upon consideration of current residents of a neighborhood as well as future residents. Based upon the following, a pathway in existing neighborhoods may be required when:
- a. The pathway would provide access to a major pathway element such as Jefferson County Lake;
 - b. The pathway would provide access to a nearby school or park;
 - c. A substantial lack of motorized access exists in the given area;
 - d. No alternative pathway is provided; or
 - e. It connects to adjacent subdivision pathways.
- (4) *Responsibility.* The following provisions are intended to provide guidance to those entities that are responsible for construction, maintenance and/or liability for a pathway. Installation costs, which may include construction of the paved path, are the responsibility of the developer.
- a. Pathway systems within a proposed subdivision providing access to private common space and/or other amenities that are used solely by the residents of a subdivision shall be the responsibility of the homeowners' association.
 - b. Where the residents of a subdivision will be the primary beneficiaries of a pathway and travel from adjoining neighborhoods will be minimal, a homeowners' association may be required to take responsibility for that path.
- (5) *Sidewalk design.* If sidewalks or other infrastructure such as curb and gutter are required, the following requirements shall apply:
- a. Sidewalks, a minimum five feet (5') wide, shall be required on both sides of the street, except, that where the average width of lots, as measured at the street frontage line or at the building setback line, is over one hundred feet (100'), sidewalks on only one side of the street may be allowed.
 - b. Sidewalks and crosswalks shall be constructed and maintained in accordance with local, state, or federal standards and specifications.
 - c. If sidewalk is required on one side of each street only, as provided for, then the trees on the side of the street with no sidewalk shall not be placed within five feet (5') of the edge of roadway.
 - d. In zoning districts which prohibit densities greater than one (1) dwelling unit per two (2) acres and at the PZC discretion, a four foot (4') wide striped path (with pedestrian designation markings such as diamonds or pedestrian/bicycle symbols) on both edges of all internal roadways may be permitted in lieu of constructing sidewalks. Trees shall not be placed within five feet (5') of the edge of roadway.
- (h) *Underground utilities.* Underground utilities are required with necessary easements.
- (i) *Potable water supply, sewer systems, and irrigation water supply.* Community wells, community sewer systems, and irrigation water shall be designed, located, and constructed as follows:
- (1) *Design, construction and location.* Community potable water supply systems (community wells) and community sewer systems shall be designed, located, and constructed in accordance with all local, state, and federal requirements and specifications and shall be approved by the requisite agencies including, but not limited to, the Idaho Department of Public Health and the Idaho Department of Water Resources (IDWR). These systems shall be located and constructed in a manner that allows for connection to future public potable

water and sewer systems; a subdivider may request an exception to this connection requirement only upon a showing satisfactory to the PZC and JCC that this requirement is not feasible nor is it in the best interest of the public (administrative plats and subdivisions comprised of lots greater than three acres shall be deemed exempt this community well and community sewer requirement). In such cases of non-feasibility, the developer shall provide that potable water and septic services be located in a manner that will allow connection to public systems as such services become available.

- (2) *Approval of plans.* All water and sewer plans shall be submitted to the state department of health and welfare or its authorized agent for approval in accordance with the provisions of Idaho Code §§ 50-1326 and 67-6537.
 - (3) *Irrigation water supply and facilities.* For any new subdivision and/or PUD containing three (3) lots or more, all residential dwelling units within such subdivision shall be provided with sufficient surface water rights and a sufficiently designed, located, constructed, and pressurized delivery system of said surface water to each lot in order to provide irrigation water to each lot. Exception to provide a surface water irrigation delivery system made be made for those developers who reserve these surface water rights to the subdivision and applicable homeowners association to be used exclusively and in perpetuity for aquifer recharge.
 - a. The county may adopt supplemental standards and regulations pertaining to the design, construction and maintenance of irrigation systems. These standards shall supplement all other regulations, and where at variance with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall apply. The JCC may determine revisions to the supplemental standards are warranted and make such revisions by resolution.
 - b. The developer shall submit plans and documents reflecting the required standards and regulations with the application for a preliminary plat including the following:
 - (i) The irrigation supply system to the individual lots shall be designed by a licensed professional engineer registered in the State of Idaho, and the construction plans for the system shall be reviewed and approved by the county appointed engineer.
 - (ii) Any irrigation supply system shall have an approval letter from the Idaho Department of Water Resources (IDWR) to the extent the IDWR requires review.
 - (iii) The irrigation system shall also have an approval letter from the canal company in which surface water rights are associated.
 - (iv) The plat shall note and meet any and all local and state requirements for setbacks from all canals and irrigation systems.
- (j) *Storm drainage, flood controls.*
- (1) *Adequate storm drainage system.* An adequate storm drainage system to accommodate storm water runoff from the public rights-of-way shall be required in development agreements for all new subdivisions.
 - (2) *Interceptor ditches.* Interceptor ditches shall be established above all cut/fill slopes, and the intercepted water conveyed to a stable channel or natural drainage way with adequate capacity.
 - (3) *Pavement design.* Pavement design shall be such that water on roadways is prevented from flowing off the roadway onto private property and will be directed to either curb and gutter or the borrow pit for drainage.

- (4) *Natural drainage way treatment.* Natural drainage ways shall be riprapped or otherwise stabilized below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
- (5) *Runoff from impervious cover.* Runoff from areas of concentrated impervious cover (for example, roofs, driveways and roads) shall be collected and transported to a natural drainage way with sufficient capacity to accept the discharge without undue erosion.
- (6) *Deposit of waste material prohibited.* Waste material from construction, including soil and other solid materials, shall not be deposited within the 100-year floodplain.
- (7) *Drainage ways or hydraulic structures in major waterways.* Drainage ways or hydraulic structures in major waterways (defined as draining a basin area of ten (10) acres or more) shall be designed for the 100-year floodplain or to accommodate the runoff front, whichever is greater. In minor waterways (defined as draining a basin area of less than ten acres), such structures shall be designed for the 50-year floodplain.
- (8) *Storm drainage retention facilities.* On site retention or partial on site retention of storm drainage from new developments is required in any case where, due to development activity, such drainage would be increased either in peak flow rate or in total quantity from that previously discharged from the land or property being developed. Complete retention is required in all cases except those where:
 - a. Runoff flows directly, without crossing intervening property, into an existing drain ditch or other drainage facility that is operated and maintained by a drainage receiver; and
 - b. Such drainage receiver agrees, as evidenced by valid and binding public document, to receive a certain definite quantity of storm drainage from the development.Retention on site of any drainage not so accepted by a drainage receiver or of any drainage in excess of the quantity accepted by a drainage receiver is a duty of the current property owner at any time.

Retention or partial retention facilities shall be provided as an essential part of such development. Design and construction of such retention facilities shall conform to standards, titled Design Standards For Storm Drainage Retention Facilities, adopted by resolution of the JCC, and which standards may, from time to time, be amended by subsequent resolution of the JCC. All facilities shall be maintained on an ongoing basis in order to perform as designed. Should any of the provisions of the supplemental standards conflict with the standards set forth herein, the higher standard shall apply.
- (9) *Sediment catchment ponds.* Sediment catchment ponds shall be constructed and maintained downstream from each development, unless sediment retention facilities are otherwise provided. Any facility used shall provide for the removal of surface debris and contaminants, as well as sediment retention.
- (10) *Completion and operation deadline.* The overall drainage system shall be completed and made operational prior to any other construction.
- (11) *Alterations of major drainage ways.* Alterations of major drainage ways shall be prohibited except for approved road crossings and drainage structures.
- (12) *Natural or improved open channel drainage ways.* Natural or improved open channel drainage ways shall be preserved or provided for in major waterways, except that at road crossings, conduits may be permitted. Minor waterways shall be permitted to be enclosed in conduits.

(13) *Reservation of right to require.* The county reserves the right to require installation of hydrologic measuring devices in drainage ways within any development at public expense.

(14) *Drainage system plans.* Drainage system plans shall show how lots will be graded so that all runoff runs either over the curb or to a drainage easement, and that no runoff shall cross any lot line onto another lot except within a drainage easement.

(k) *Fire hydrants and water mains.* Adequate fire protection may be required in accordance with the appropriate fire district standards, if available through public or private infrastructure.

(Ord. of 4-24-2006, § 3-4-2-1)

Sec. 110-129. Guarantee of improvements.

(a) The JCC may, at any time, require the subdivider to provide a surety/financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement:

- (1) *Performance bond, cash deposit, certified check, certificate of deposit, or irrevocable bank letter of credit.* A performance or maintenance bond, cash deposit, certified check, certificate of deposit, or an irrevocable bank letter of credit (from a financial institution approved by the administrator), in the amount equal to one hundred fifty percent (150%) of the estimated construction costs of public improvements shall be provided by the owner/developer and held by the county until said construction is complete. Construction cost estimates shall be reviewed and approved by the administrator prior to county acceptance of said surety. The surety initiation and extension fees shall be established by resolution of the JCC. In the case of cash deposits or certified checks, an agreement between the JCC and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.
- (2) *Completion time.* All public improvements shall be completed within two years from the date of acceptance of the surety/financial guarantee of performance by the county. The zoning administrator may authorize a delay in the completion of public improvements during the months of November, December, January, February, and March due to weather conditions, if, at a minimum, the surety is extended.

(b) No final occupancy permit will be issued for any residence or business, whichever is applicable, until the development agreement requirements, conditions of approval, AOI agreement requirements, and other local, state, and federal requirements have been completed and approved.

Sec. 110-130. Inspections.

Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the JCC shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans, by the permitting authority or its designee.

(Ord. of 4-24-2006, § 3-4-2-3)

Sec. 110-131. Failure to complete public improvement construction.

In the event the subdivider shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements, and where the developer posted a guarantee as may be required by Section 110-129, the JCC may proceed to have such work completed. Using said guarantee, the JCC shall reimburse itself for the cost and expense thereof

(including the cost of administration) by appropriating the performance bond, cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company to do so, and as included in a written agreement between the JCC and the subdivider.

(Ord. of 4-24-2006, § 3-4-2-4)

Sec. 110-132. Fire protection

- (1) Any subdivision containing twenty-five (25) lots or more shall be required to have two (2) accesses to a connector road, minor or major arterials.
- (2) Adequate water storage or fire hydrants shall be provided according to the recommendations of the applicable fire district chief and the agent or public entity required to maintain and operate the system.
- (3) The developer shall comply with any other provisions required by the applicable fire district chief and with local, state, and federal fire codes and regulations.

Secs. 110-133--110-160. Reserved.

ARTICLE VI. SPECIAL DEVELOPMENT SUBDIVISIONS

DIVISION 1. GENERALLY

Sec. 110-161. Purpose and summary of provisions.

The purpose of this article is to identify various types of developments that normally pose special concerns to the regulating jurisdiction then reviewing and acting upon subdivision requests. This article outlines the plan submittal requirements and design standards that shall be taken into consideration when acting on special developments. (Ord. of 4-24-2006, § 3-5-1)

Sec. 110-162. Supplementary provisions.

The provisions of this article are in addition to the plan requirements, design standards and improvement standards that are required by this chapter.

(Ord. of 4-24-2006, § 3-5-2)

Sec. 110-163. Cemetery subdivisions.

(a) *Submission of proposed function.* The developer of any cemetery subdivision shall provide written documentation that will sufficiently explain the functions of the proposed cemetery for either human or animal remains.

(b) *Compliance with state law.* The developer of any cemetery subdivision shall submit a written statement that has been prepared by an attorney that adequately ensures compliance of the proposed cemetery with the procedural management requirements that are outlined in Idaho Code, Title 27.

(Ord. of 4-24-2006, § 3-5-6)

Sec. 110-164. Subdivision within a floodplain.

In addition to the provisions of this article, any subdivision within the designated floodplain of the county shall comply with all applicable provisions of the floodplain regulations of the county as now in effect or as may hereafter be amended.

(Ord. of 4-24-2006, § 3-5-7)

Sec. 110-165. Subdivision within an area of critical concern.

(a) *Designation of areas of critical concern.* Hazardous or unique areas may be designated as an area of critical concern by the JCC or by the state. Special consideration shall be given to any proposed development within an area of critical concern to ensure that the development is necessary and desirable and in the public interest in view of the existing unique conditions. Hazardous or unique areas that may be designated as areas of critical concern are as follows:

- (1) Earthquake location;
- (2) Unstable soils;
- (3) Unique animal life;
- (4) Unique plant life;
- (5) Scenic areas;
- (6) Historical significance;
- (7) Floodplain;
- (8) Areas located near incompatible uses, that include but are not limited to Confined Animal Feeding Operations, industrial uses, etc.
- (9) Areas within the area of county impact zone but outside county boundaries; and
- (10) Other areas of critical concern including but not limited to areas with high sub-surface water.

(b) *Environmental assessment plan.* The developer shall prepare and submit an environmental assessment along with the preliminary plat application for any development that is proposed within an area of critical concern. The content of the environmental assessment shall be prepared by an interdisciplinary team of professionals that shall provide answers to the following questions:

- (1) What changes will occur to the area of environmental concern as a result of the proposed development?
- (2) What corrective action or alternative development plans could occur so as not to significantly change the area of environmental concern?
- (3) What changes in the area of environmental concern are unavoidable?
- (4) What beneficial or detrimental effect would the development have on the environment including, but not limited to, animal life, plant life, social concerns, economic, nuisances available farm land and other?

(Ord. of 4-24-2006, § 3-5-8)

Secs. 110-166--110-185. Reserved.

Secs. 110-186--110-211. Reserved.

DIVISION 2. PLANNED UNIT AND CONDOMINIUM SUBDIVISIONS

Sec. 110-212. Scope.

Planned Unit Development and Condominium Subdivisions (hereinafter “PUD”) shall only be allowed in areas of city impacts of Jefferson County, recreational zones, recorded town sites, or areas supported by public infrastructure (i.e. water and sewer).

Sec. 110-213. Purpose.

The purpose of PUD regulations is to encourage and allow more creative and imaginative design of land developments than is possible under strict application of zoning ordinances. A PUD is intended to allow substantial flexibility in planning and designing a proposal. This flexibility often accrues in the form of relief from compliance with conventional zoning ordinance site and design requirements. Ideally, this flexibility results in a better planned development with more amenities. While greater density or more lenient siting requirements may be granted, a PUD usually contain features not normally required of traditional developments requiring in-depth scrutiny of the proposed PUD. Hence, to enable thorough analysis of a PUD, more information is demanded about the proposal than would be required if development were being pursued under conventional zoning requirements.

(Ord. of 4-24-2006, § 3-5-4-0)

Sec. 110-214. Objectives.

Through proper planning and design, each PUD should include features which further, and are in compliance with, the following objectives:

- (1) To allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning and subdivision controls.
- (2) To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affective flooding, soil, drainage, and other natural ecologic conditions.
- (3) To combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.
- (4) To provide for abundant, accessible, and property located public open and recreation space, private open and recreation space, schools, and other public and private facilities.
- (5) To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.
- (6) To enable land developments to be completely compatible and congruous with adjacent and nearby land developments.
- (7) To ensure that development occurs at proper locations, away from environmentally sensitive areas, and on land physically suited to construction.
- (8) To allow unique and unusual land uses to be planned for and located in a manner that ensures harmony with the surrounding community.
- (9) To create a method for the permanent preservation of historic buildings and/or landmarks.

(Ord. of 4-24-2006, § 3-5-4-1)

Sec. 110-215. Standards for PUDs.

The PUD must meet the following standards:

- (1) *Comprehensive plan.* A PUD must conform to the objectives of the Jefferson County Comprehensive Plan.
- (2) *Site and ownership.* The site of the PUD must be under single ownership and/or unified control.
- (3) *Compatibility.*
 - a. The uses permitted in a PUD must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties.

- b. In addition, the PUD shall not endanger the public health, welfare, or safety, nor shall it substantially diminish or impair property values in the neighborhood in which it is to be located.
- (4) *Need.* The PUD must be of a character and contain such uses that are needed in the area of the proposed project
- (5) *Density.* The net density of a PUD (either in dwelling units or residential uses or in floor area for all other uses) shall generally correspond to the net density regulations imposed by the underlying zoning district. The net density of the PUD is not necessarily required to precisely correspond with the normal net density of the underlying zoning district, but instead should reflect that district's character through complementary building types and architectural design. It is required that a zoning amendment request accompany the PUD application if the net density of the proposed development substantially exceeds the net density permitted in the underlying zoning district.
- (6) *Space between buildings.* The minimum horizontal distance between the buildings shall be:
 - a. Fifteen feet (15') between clustered or "zero lot line" single-family detached buildings.
 - b. Twenty feet (20') between single-family detached dwellings.
 - c. Thirty feet (30') between buildings, other than single-family detached dwellings, of one or 2 1/2 stories in elevation.
 - d. Equal to the height of the taller building in the case of free-standing buildings greater than 2 1/2 stories in elevation.
- (7) *Yards.* The required yards along the periphery of the PUD shall be at least equal in width or depth to that of the adjacent zoning district. Buildings of more than twenty-four feet (24') in height shall provide a setback from any property line of not less than equal to the height of such buildings. In circumstances where the JCC, acting upon the recommendation of the PZC, in reviewing a particular preliminary PUD plat, may upon ample evidence of exceptional design or construction features, which are deemed both architecturally and environmentally superior, include the provision of an inordinate amount of amenities, are in strict compliance with county building, fire health, and other application codes, and/or contribute to the increased health, safety, and welfare of existing and future residents of the county, may lower the required yards along the periphery of the PUD from the standard required in the adjacent zoning district to the extent deemed appropriate in direct relationship to the exceptional architecture and environmental design and construction features.
- (8) *Parking requirements.*
 - a. Adequate parking shall be provided and shall be in general conformance with the parking regulations provided for in other sections of this ordinance unless changes are warranted by the particular characteristics of the proposed PUD. Such characteristics that may be considered include but are not limited to size of the PUD and/or number of bedrooms.
 - b. Additional parking space for guests, customers, the handicapped, recreational vehicles, and other common storage and/or parking uses in a PUD, shall be required by the JCC, acting upon the recommendation of the PZC, if warranted by the particular characteristics of the proposed PUD.
- (9) *Traffic.* Adequate provision shall be made to provide ingress and egress so designed as to minimize both internal and external traffic hazards and congestion.
- (10) *Design standards.* The provisions of the zoning regulations, as amended, shall be adhered to, unless a waiver is sought and granted by the JCC.

- (11) *Performance standards.* The performance standards for the underlying zoning district of the PUD shall, in all instances, be met.
- (12) *Departure from standards.* The PUD may depart from strict conformance with the required density, dimension, area, height, bulk, use and specific content regulations of this division to the extent specified in the preliminary plat and documents authorizing the PUD so long as the PUD provides tangible benefits to the neighborhood or community in which it is located. These benefits shall be in the form of provisions of exceptional amenities, design excellence, etc. The waiver of any requirement shall be the direct cause of accrual of positive benefits to the residents of the development as well as to the general community (e.g., waiver of yard requirements might result in more usable open space). Departure from any requirement specified in this division or other county ordinances and regulations is a privilege, and shall be granted only upon recommendation of the PZC and approval by the JCC. (Ord. of 4-24-2006, § 3-4-5-2)
- (13) *Community wells and sewer systems.* A PUD shall be required to have community water systems a community sewer system subject to location and design standards otherwise identified in this ordinance; a PUD shall also be subject to irrigation water supply requirements.

Sec. 110-216. Procedure for a PUD.

The unique character of a PUD requires administrative processing as a special use and shall be permitted only upon the satisfaction of the following procedural requirements:

- (1) *Step 1: Pre-application procedure.*
 - a. *Intent.* The intent of the pre-application process is to obtain a general awareness of the county's adopted zoning, the compatibility of the proposed PUD with existing and anticipated land uses in the vicinity, and a familiarity with the county's PUD requirements and procedures.
 - b. *Pre-application conference.* Prior to the filing of an application for approval of a PUD, the applicant may request of the PZC one informal meeting to discuss the development of the proposed PUD site in conjunction with the county's adopted zoning and its compatibility with existing and anticipated land uses in the vicinity. The pre-application conference is not mandatory nor does it require formal application fee, or filing of a PUD plat.
 - c. *Pre-application document review.* Prior to the filing of an application for approval of a PUD, either before, after, or in lieu of the pre-application conference, the applicant shall review copies of the land use plan, the zoning map, and the PUD sections of this division, which are available for inspection at the planning and zoning office and shall provide written verification of this review at the time the PUD application is submitted for approval.
- (2) *Step 2: Preliminary plat procedure.*
 - a. *Intent.* The preliminary plat submission is to obtain recommendations from the PZC for the plans, design, and compliance. Any parcel of property may be eligible for consideration as a PUD using the preliminary plat procedure.
 - b. *Procedure.* A request for approval of a preliminary plat, as a step in the PUD procedure, shall be submitted to the administrator who shall refer same to the PZC for public hearing, review and recommendation.
 - c. Submission of the items required of a preliminary plat petitioner as identified under the section 110-217 shall be required. Said submission requirements fall into two general categories:

1. Submission of data required at the time application is made for preliminary plat approval;
 2. Submission of data required at the time of the first public hearing pertaining to the specific preliminary plat.
- d. The PZC shall hold a public hearing on the application for a PUD preliminary plat in accord with the procedures established for special uses in this division.
 - e. Following the public hearing and review of the preliminary plat submission, the PZC shall, recommend approval, modification, or disapproval of the preliminary plat, and the reasons therefore, or indicate why a report and recommendation cannot be rendered to the JCC. In its communication to the JCC, the PZC shall set forth findings of fact, in accordance with the findings of Section 110-221, on which the recommendation is based and describing how the preliminary plat meets the standards and objectives stated in this division.
 - f. The JCC, after receipt of the preliminary plat from the PZC, shall approve, modify, or disapprove the plat. In the case of approval, or approval with modification, the JCC shall authorize the preliminary plat. If the preliminary plat is the first submission made as part of the PUD procedure, the JCC shall pass an ordinance for a change in the official county zoning map indicating that the subject site is approved for a PUD and further allowing for any approved zoning amendments, variations, and/or special uses as may be permitted by law. The applicant must submit subsequent final plat data in accordance with the schedule set forth in section 110-219. All untimely map changes authorized by the JCC shall revert back to the original zoning designation affixed to the subject property in accordance with section 110-219. The JCC may require such special conditions as it may deem necessary to ensure conformance with the objectives and standards established in this division.

No building or construction, excluding public improvements, may take place within the proposed PUD, and no permits may be issued, until the final plat and accompanying data has been submitted, approved, and recorded. Several projects or stages may compose the overall PUD. If this is the case, the final plat may be submitted and approved in several stages in accordance with the agreed development schedule processed with preliminary plat data. Permits shall be issued pursuant to the processing, approval, and recording of each separate stage of the overall final plat. Approval of a preliminary PUD plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat and as a guide to the preparation of the final plat, which will be submitted for approval of the county and subsequent recording, upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any. The final plat shall be approved if it conforms to the preliminary plat. The preliminary and final plats may be filed and approved simultaneously.

(3) *Step 3: Final plat procedure.*

- a. *Intent.* The final plat designates with particularity the land subdivided into conventional lots as well as the division of other lands, not so subdivided, into common open space and building sites and shall be recorded once complete. The final plat shows exact locations of facilities such as irrigation, access, curb and gutter, wells, etc., whereas a preliminary plat shows general locations of the same facilities.
- b. *Procedure.* The final PUD plat shall conform substantially to the preliminary plat and, if desired by the applicant, may be submitted in stages with each stage reflecting the approved preliminary plat which is proposed to be recorded and developed; provided, however, that each stage submitted conforms to all requirements of these regulations and no more than

one year has lapsed between the approval of the stages or approval of phased divisions. If more than one (1) year occurs between the preliminary approval and phases of the final plat approvals, the final plat approval will be null and void and the developer must start again at step 1 of this article. The required procedure for approval of a final plat shall be:

1. Applicant shall submit to the administrator the items required of a final plat set forth in section 110-217, for certification that the final plat is in conformance with PUD regulations and consistent with the approved preliminary plat.
2. The PZC shall review the final plat data to the administrator. After review of the final plat, the plan PZC shall, recommend approval or disapproval, and the reasons therefor to the JCC.
3. The JCC, after receipt of the final plat from the PZC, shall approve, or disapprove the final plat. In the case of approval, the JCC shall sign the final plat. Permits are issued only after the final PUD plat and any required supporting data have been recorded, and shall be issued in full conformance with the PUD. The construction authorized by the building permit shall be in full compliance with the final PUD plat, as recorded.

(Ord. of 4-24-2006, § 3-5-4-3)

Sec. 110-217. Submission requirements.

(b) *Preliminary plat stage.*

- (1) At the time application is made for preliminary plat approval, the developer shall submit all regular requirements of a preliminary plat, all relevant information regarding required improvements, and all PUD requirements identified herein.
- (2) At the time of the public hearing on the preliminary plat, twelve (12) copies of all subsequent listed information shall be submitted (with the exception of non-reproducible exhibits). Failure to submit any of the required information, without a specific written waiver from the PZC, shall constitute grounds for dismissal of the PUD petition. Waiver of specific submission elements may be requested by the PZC, in writing, at the time the PUD preliminary plat application is made. The PZC will decide upon the waiver request at its next regularly scheduled meeting; the applicant will be notified of the decision, and the public hearing will then be scheduled. Specific grounds for waiver must be stated by the applicant. The preliminary plat submission shall include the following:
 - a. *Detailed plan.* A drawing of the PUD shall be prepared at a scale of not less than one inch (1") equals fifty feet (50') unless approved at another scale by the county appointed surveyor and shall show such designations as proposed streets (public and private), all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawing, and must include:
 1. Boundary lines and dimensions of the subject site.
 2. Existing and proposed easements; general purpose and width.
 3. Streets on, adjacent, or proposed for the tract.
 4. Utility extensions of water lines, sanitary sewers, and storm sewers.
 5. Land use designations for the subject site.
 6. Retention and detention areas.
 7. Residential lots (average lot size and minimum lot size shall be specified).

8. General location, purpose and height, in feet or stories, of each building other than single family residences.
 9. Map data (Name of development, name of site planner, north point, scale, date of preparation).
- c. *Architectural plans.* Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings, and the number, size and type of dwelling units. Also provide floor area of building types and total ground coverage of buildings.
 - d. *Adjacent property information.* Topography of property within two hundred fifty (250') feet of the subject site, at a minimum of five (5) contour intervals, with natural drainage patterns indicated and with the subject site's topography and drainage patterns depicted. The location, size, and invert elevation of adjacent, or the closest sanitary sewer, storm sewer, and water main, as well as documentation of these facilities' points of origin.
 - e. *Community benefit statement.* A written statement comparing the relative benefits that will accrue to the community as a result of this site being developed under PUD provisions as opposed to conventional zoning. Specific mention should be made of open space, natural features, and architectural design. This statement supplements the objectives statement that may be required with the submission of the conceptual plan or the preliminary plat. The objectives statement differs from this statement, in that each of the objectives listed in section 110-214(1) must be specifically addressed. In contrast, the community benefit statement, which accompanies a detailed site plan, provides a developer the opportunity to define with particularity why his proposal merits approval and how it will serve the community better than a conventional development.
- a. *Final plat stage.* At the time the final plat is filed with the PZC for review and recommendation, the following items must be submitted:
 - (1) *Final detailed plan.* A final PUD plat, suitable for recording with the county recorder of deeds, shall be prepared. The purpose of the final plat is to designate with particularity the land subdivided into conventional lots as well as the division of other land, not so treated, into common open areas and building areas. The final plat shall include:
 - a. An accurate legal description of the entire area under immediate development within the planned development.
 - b. A PUD plat of all lands which are a part of the final plat being submitted, and meeting all the requirement for a final plat. If lands which are a subject of the final plat are to be subdivided, that subdivision plat is also required.
 - c. An accurate legal description of each separate unsubdivided use area, including common open space.
 - d. Designation of the location of the building pads, or areas, or setback lines or setback standards for all buildings to be constructed.
 - e. Certificates, seals, and signatures required for the dedication of lands, and recording the document.
 - f. Tabulation of separate unsubdivided use area, including land area, number of buildings, number of dwelling units, number of bedrooms, and dwelling units per acre.
 - (2) *Common open space documents.* All common open space shall be either conveyed to a municipal or public corporation, conveyed to a not-for-profit corporation or entity established for the

purpose of benefiting the owners and residents of the PUD, or retained by the developer with legally binding guarantees, in a form approved by the county attorney, verifying that the common open space will permanently be preserved as open area. All land conveyed to a not-for-profit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space area.

- (3) *Final systems plans.* Final plans, with all required detail, shall be submitted, including:
- a. Engineering plans showing how the site is to be serviced with sewer, water, well, and/or septic systems (as agreed to during the preliminary plat stage).
 - b. Lighting plans.
 - c. Drainage and storm water retention and detention plans.
 - d. Road plans, including curbs and gutters, on-site/off-site signalization, acceleration, deceleration lanes, etc.
 - e. Sidewalk, paths, and cycle trails.
 - f. Landscape plans showing the type and location of plant material, berms, and other aesthetic treatments.
- b. *Public facilities.* All on-site and/or off-site public facilities and improvements made necessary as a result of the PUD shall be either constructed in advance of the approval of the final plat or subdivider's bond or approved letters of credit posted to guarantee construction of the required improvements. The subdivider's bond or approved letters of credit, payable to the county, shall be sufficient to cover the full cost of the improvements plus fifty percent (50%). Detailed construction plans shall be submitted for all public facilities to be built.
- c. *Construction plans.* Detailed plans shall be submitted for the design, construction, or installation of site amenities; including buildings, landscaping, lakes, and other site improvements.
- d. *Construction schedule.* A final construction schedule shall be submitted for that portion of the PUD for which approval is being requested.
- e. *Guarantee deposit.* A deposit shall be made to the county in cash, letter of credit approved by the JCC in a form acceptable to the county attorney, or performance or maintenance bond in an amount equal to up to one hundred fifty (150%) percent of the estimated cost of public facility installations. The deposit shall be a guarantee of satisfactory performance of the facilities constructed within the PUD and shall be held by the county until construction is complete or as otherwise agreed by the JCC.
- f. *Delinquent Taxes.* A certificate shall be furnished from the appropriate county official that no delinquent taxes exist and that all special assessments constituting a lien on the whole or any part of the property of the PUD have been paid.
- g. *Covenants.* Final agreements, provisions, or covenants which will govern the use, maintenance and continued protection of the PUD shall be approved by the county and recorded at the same time as the final PUD plat. (Ord. of 4-24-2006, § 3-5-4-4)

Sec. 110-218. Changes in the PUD.

(a) The PUD shall be developed only according to the approved and recorded final plat and all supporting data. The recorded final plat and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the PUD project as set forth therein.

(b) Changes to the recorded PUD may be approved by the JCC as follows:

(1) *Major changes are defined and addressed as follows.*

- a. Changes which alter the concept or intent of the PUD, including increases in density, changes in the height of buildings, reductions of proposed open space, changes in total bedroom counts of more than five (5%) percent, changes in bedroom mixes of more than five (5%) percent, changes in the development schedule, changes in road standards, or changes in the final governing agreements, provisions, or covenants, may be approved only by submission and reconsideration of a new preliminary and/or final PUD plat, or relevant portion thereof, and supporting data and following the preliminary or final plat procedure.
- b. If the major change alters data or evidence submitted during the preliminary plan or preliminary plat stage, then the resubmission must begin at the preliminary plat stage. If only final plat evidence or data is altered as a result of the major change, then the resubmission shall begin at the final plat stage.
- c. If major changes are proposed, a new public hearing shall be required during resubmission of the preliminary or final plat.
- d. All approved changes to the original final plat shall be recorded with the county recorder of deeds as amendments to the final plat or reflected in the recording of a new corrected final plat.

(3) *Minor changes.* The JCC may, in accordance with procedures established in their rules, approve minor changes in the PUD which do not change the concept or intent of the development.

(Ord. of 4-24-2006, § 3-5-4-5)

Sec. 110-219. Revocation and extension.

(a) A PUD special use shall become null and void and the subject property shall thereupon be rezoned to its most appropriate district classification, as deemed suitable by the JCC acting upon the recommendation of the PZC, in any case where said PUD has:

- (1) Received conceptual plan approval and where the preliminary plat of said PUD, or the first phase of the preliminary plat if construction is to take place in phases, has not been submitted for approval within two (2) years after the date of approval of said conceptual plan;
- (2) Received preliminary plat approval and where the final plat of said PUD, or the first phase of the final plat if construction is to take place in phases, has not been submitted for approval within one (1) year after the date of approval of said preliminary plat; or
- (3) Received final plat approval and where the construction of said PUD, as authorized by the issuance of a building permit, has not begun within one (1) year after the date of approval of said final plat dealing with such construction.

(b) Further, if construction of a PUD falls more than two (2) years behind the building schedule filed with the final plat of said PUD, the JCC, acting upon the recommendation of the PZC, shall either extend said schedule or initiate action to revoke the PUD special use. In doing so, one (1) year extensions in the building schedule filed with the final plat of a PUD may be granted by the JCC acting upon the recommendation of the PZC. If the county so stipulates when acting favorably on a PUD, the PZC may grant the authority to grant one (1) year extensions in said building schedule of said PUD. (Ord. of 4-24-2006, § 3-5-4-6)

Sec. 110-220. Application of other provisions.

In addition to the requirements of this section, planned unit and condominium developments shall also be subject to requirements set forth in chapter 112.

(Ord. of 4-24-2006, § 3-5-4-7)

Sec. 110-221. Findings of fact.

The PZC shall, after the public hearing, set forth to the JCC the reasons for the recommendation, and said recommendation shall set forth with particularity what respects the proposal would be in the public interest, including, but not limited to, findings of fact on the following:

- (1) Is the proposed plan consistent with the stated purpose of the PUD regulations and with the objectives thereof-
- (2) The extent to which the proposed plan meets the standards of the PUD with regard to county ordinances, Idaho Code, or any additional regulatory requirements.
- (3) The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, density, dimension, area, bulk, and use, and the reasons why such departures are deemed to be in the public interest.
- (4) The method by which the proposed plan makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light and air, recreation and visual enjoyment.
- (5) The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
- (6) The desirability of the proposed plan with regard to physical development, tax base and economic well-being of the county.
- (7) The conformity with county objectives including the Jefferson County Comprehensive Plan, and other regulatory requirements or ordinances in place at the time of the application

(Ord. of 4-24-2006, § 3-5-4-8)

Sec. 110-222. Conditions and guarantees.

Prior to the granting of any PUD, the PZC may recommend, and the JCC may stipulate, such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation, and other elements of the PUD as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area and to secure compliance with the standards of these ordinances. In all cases in which a PUD is granted, the JCC may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the approval of the PUD are being, and will be, complied with the LLUPA and applicable county land use ordinances.

(Ord. of 4-24-2006, § 3-5-4-9)

Sec. 110-223. Control during development, time limit.

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.

(Ord. of 4-24-2006, § 3-5-4-10)

Secs. 110-224--110-254. Reserved.

DIVISION 4. TOWNHOUSES WITHIN PLANNED UNIT DEVELOPMENTS

Sec. 110-255. Requirements for townhouses in PUD.

When including townhouses within a PUD, the following items will be a requirement of approval. The development must be associated with a recreational use or be located within one (1) mile of a city limit boundary or area of city impact. The density will be no greater than four (4) townhouse single family units per acre unless located in an AOI and connected to central water and sewer system that is located and designed to allow for future connection to municipal utilities. A central water system and/or central sewer system must be included, with the plan for the management of each system. An operation plan must be submitted with the application to demonstrate that the septic system will perform to the required standards and that it will be maintained while in use. Utility specification shall be required at the time of the application to show the location and proposed system will meet specification of the applicable regulatory agency and applicable AOI municipality. The PZC may require additional conditions not described above. The following items are a requirement to be submitted with the application:

- (1) *Site plan review.* The PZC shall review the application when it is submitted for a building permit for any multi-family building or development with four (4) or more units. the commission shall approve or disapprove the application as being in compliance with the provisions of this section. If disapproved, the PZC shall enumerate the provisions of this division which have not been met by the application.
- (2). *Detailed design.* All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least three (3) of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
 - a. Dormers.
 - b. Gables.
 - c. Recessed entries.
 - d. Covered porch entries.
 - e. Pillars or posts.
 - f. Off-sets in building face or roof (minimum sixteen (16”) inches).
 - g. Window trim (minimum four (4”) inches wide).
 - h. Bay windows.
 - i. Balconies.
 - j. Decorative patterns on exterior finish.
 - k. Decorative cornices and roof lines
 - l. An alternative feature providing visual relief, similar to previous options.