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**THE SUBDIVISION ORDINANCE OF BANNOCK COUNTY, ID
ORDINANCE NO. 1997-4 AS AMENDED**

AN ORDINANCE ESTABLISHING DEVELOPMENT AND LAND DIVISION REGULATIONS FOR THE UNINCORPORATED AREAS OF BANNOCK COUNTY AND REPEALING APPENDIX D OF THE 1984 INTERIM BANNOCK COUNTY LAND USE ORDINANCE NO. 1984-3; PROVIDING FOR TITLE, PURPOSE, CONSISTENCY WITH THE COMPREHENSIVE PLAN, APPLICABILITY, RESOLUTION OF CONFLICTS WITH OTHER ORDINANCES, CODES OR PRIVATE AGREEMENTS AND SEVERABILITY OF EACH PROVISION; DEFINING TERMS; PROVIDING A PROCESS FOR THE DIVISION OF LAND FOR THE PURPOSE OF DEVELOPMENT; SETTING STANDARDS FOR THE RECORDING OF PLATS; SETTING STANDARDS FOR DESIGN, DEVELOPMENT AND LAND DIVISION; PROVIDING FOR ENFORCEMENT, AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BANNOCK COUNTY, IDAHO, AS FOLLOWS:

SECTION 100: BASIC PROVISIONS:

101 TITLE: This Ordinance shall be known as the Subdivision Ordinance of Bannock County.

102 PURPOSE:

102.A. To promote and protect the health, safety, comfort, and general welfare of the public.

102.B. To support and implement the stated goals of the County as expressed in the Comprehensive Plan Ordinance, Idaho Code, and the Zoning Ordinance of Bannock County.

102.C. To protect agricultural lands, surface and ground water, air quality, and sensitive natural resource areas.

102.D. To preserve and enhance the value of land and buildings throughout the County.

102.E. To provide minimum design standards for development.

102.F. To provide application and processing procedures for the division and development of land.

103 APPLICABILITY:

103.A. AREA: The Subdivision Ordinance shall apply to all unincorporated areas of the County.

103.B. SCOPE: The dividing of all land described in 103.A. above for the purpose of development as defined herein.

103.C. EXEMPTIONS: The following divisions of land are exempt from the requirements of this Ordinance:

1. Divisions of property resulting from the conveyance, lease or rental of land for agricultural use only, not including agriculturally related residential, commercial or industrial use.
2. Divisions of property resulting from the creation of an interest in gas, oil, mineral or water rights served from surface ownership.
3. Divisions of property resulting from exercise of eminent domain as defined in Section 7-701, Idaho Code.
4. Divisions of property resulting from the reservation of a life estate.
5. Divisions of property resulting from the expansion or acquisition of a public agency.
6. Divisions of land that can be described wholly by reference to aliquot part(s) of a section consisting of not less than one complete quarter of a quarter section.

104 CONFLICTING PROVISIONS: The Subdivision Ordinance shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not the intent of these regulations to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When these regulations impose a greater restriction upon the division and development of land than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of these regulations shall control. Requirements may be increased if necessary to promote public health, safety, comfort, convenience and general welfare.

105 SEVERABILITY OF PROVISIONS: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these regulations, it being hereby expressly declared that this Ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespectively of the fact that anyone or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

106 ENFORCEMENT: The County Engineer or his or her designee, shall be the enforcement officer of this Ordinance. Any person, firm, or corporation who fails to comply with, or violates any of the provisions of this Ordinance may be charged with a misdemeanor violation, and upon conviction thereof shall be subject to a fine of not more than three hundred dollars, or imprisonment for a period not exceeding six months, or both. Each day on which the violation occurs may be deemed a separate offence.

107 PENALTY FOR NONCOMPLIANCE:

107.A. Civil Enforcement: Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful land division, to recover damages, to restrain, correct, or abate a violation, to prevent illegal divisions of land for development purposes and these remedies may be in place of or in addition to the other penalties described in this section.

107.B. Permits: No permits, including but not necessarily limited to, Building Permits and/or Development Permits shall be issued on a parcel of land subject to the requirements of this Section until compliance with this Ordinance has been established.

108 ILLEGALLY CREATED SUBDIVISIONS: To provide safe and adequate development, the County will require all land divisions to be designed, and the improvements constructed thereon, to the standards of this Ordinance.

108.A. DISCOVERY: Upon the discovery by the Engineer, Assessor, planning department personnel, or other responsible party, that land has been divided, or development has occurred, without the process set forth in this Ordinance, that party shall notify the Enforcement Officer of this Ordinance and the Board, providing names of owners, addresses, if known, and a legal description of the original parcel and of the illegally created parcels.

1. Building permits shall not be issued until the plat is recorded.

108.B. NOTIFICATION PROCESS: The enforcement officer shall notify the subdivider and property owners by certified mail and shall demand the filing, recordation of a plat and the necessary improvements according to state and local codes. Notification will require the property owners to respond within 30 days, providing:

1. Engineering and a construction schedule for improvements, including roads.
2. A Preliminary Plat prepared by a licensed surveyor or engineer, accompanied by the applications required by Section 303 of this Ordinance.
3. Fees for the Concept and Preliminary Plat phase as prescribed by the Board.

108.C. VIOLATION: A violation of this Ordinance occurs if the developer or property owners fail to

SECTION 100 Basic Provisions

submit written acknowledgment or fail to agree to comply with the requirements of this Ordinance within 30 days of the certified notice. Each day such violation exists shall be a separate offense. Said violation is in addition to violation which occurs upon discovery of illegally subdivided land, Section 108.A.

108.D. PLATTING PROCESS BY COUNTY: If it is determined that the subdivider and/or property owners have not returned the written notice or that the 30-day compliance time has lapsed, the Enforcement Officer may call for written proposals from a licensed land surveyor or engineer.

1. The proposals shall include all surveying, platting, and anticipated costs of the improvements required by this Ordinance.
2. By certified mail, the Enforcement Officer shall notify the subdivider and property owners of the proposed costs. Such notification shall be a 15-day warning notice that if the application and plat are not received by the County by the close of work on the 15th day, the County shall select a qualified bidder to proceed with the platting.

108.E COST ALLOCATION: All costs incurred from the forcing of the plat and improvements shall be assessed to the subdivider or property owners as follows:

1. After proper notice and after all requests for platting have failed, the Clerk shall proceed to assess the costs to the subdivider's property or estate.
2. If the original subdivider is deceased and if there is not an estate, or if the County cannot locate the subdivider, the assessments shall be made against the property owners of record. Assessments shall be made as per Section 50-1300 of Idaho Code.
3. After the assessments have been paid, the Enforcement Officer shall direct the surveyor or engineer chosen (see 108.D.2 above) to prepare the plat and have improvements built, as required by this Ordinance, Idaho Code, and the Zoning Ordinance of Bannock County, and any and all other applicable Ordinances.

109 VACATION OF A PLAT OR PART THEREOF:

109.A. GENERAL: Any plat may be vacated, in whole or in part, as provided in Idaho Code, Sec. 50-1301, and the Bannock County Subdivision Ordinance process.

109.B. CITY IMPACT AREA: A vacation will be accomplished according to Idaho Code 50-1306.A.

109.C. Examples of situations for which replatting would be necessary include realignments, rearrangements and/or redesigns of roads, Homeowners' Association Codes, Covenants and Restrictions, easements and lots within a recorded subdivision.

END OF SECTION

SECTION 200: DEFINITIONS:

ACCESS: The right to enter or leave a tract of land from a public way. (2) The way, road, street or private road, used to approach or leave specific real property.

ARTERIAL, roads or streets: A functional classification of a road or street; usually a major throughway, such as a highway, designed to move traffic at high speed, as designated on Functional Classification Map. (See map Appendix A)

BLOCK: Part of a plat, a group of lots; an area bounded but not transversed by streets or other physical barriers on all sides.

BOARD: Bannock County Board of Commissioners.

BOUNDARY: A property line, or other line of demarcation such as a zoning district boundary.

CENTRAL SEWER: A sewage and effluent pre-treatment facility serving more than one structure, and owned privately or in common; by other than a governmental entity.

COLLECTOR ROADS: A functional classification of a road or street; usually a primary road in a subdivision which connects to a larger collector or to an arterial road. (See map in Appendix A)

COMMON SPACE: A lot or portion of a platted subdivision on which development is prohibited or restricted, and ownership is held in common by all the lot owners in the subdivision.

COMMUNITY IMPACT ANALYSIS: A study performed to quantify the effect of a planned development or subdivision. Such a study addresses provision of service to the development, taxes generated, resources consumed, output of sewage, dust, traffic and the like.

COMMUNITY WATER SYSTEM: A public community culinary water system which serves at least 15 service connections.

COMPREHENSIVE PLAN: A community's official statement of its plans, policies and goals for long-term development, enacted by the governing body.

CONCEPT PLAN: The initial proposal presented by a developer to the Planning and Development Council; a general sketch of a proposed development, showing total area, proposed areas for development, transportation routes, other improvements and landscaping. See Section 302.

CONDITIONS: A provision that if a certain event occurs, a reciprocal event may occur.

COUNCIL: Bannock County Planning and Development Council, appointed by the Board of

Commissioners.

COUNTY: Bannock County, Idaho

COVENANT: A rule or restriction having the power of law; imposed privately, not by government, and pertaining to a particular area of land.

CUL-DE-SAC: An internal subdivision road or street ending in a turnaround.

CULINARY WATER: Water for human consumption.

DEED RESTRICTIONS: A limitation placed on real property with a deed, as used in this Ordinance, usually prohibiting a specific type of development or use, and pertaining to a particular area of land.

DENSITY: The number of dwelling units per acre.

DEPARTMENT: Office of Planning and Development Services.

DEVELOP, DEVELOPMENT: To divide land for purposes other than agriculture; to prepare land for division, building, or improvements, including grading, fencing for planned residential lots, road building, or utility placement; to place structures or utilities, fencing for other than agriculture, or roads. Also includes a change in the use of an existing structure or on land; mining or excavation; a material change in the external appearance of a structure or land; placement of accessory buildings; demolition of a structure; deposit of waste or fill on a parcel of land; alteration of a shore, or flood plain of a body of water or riparian area. "Development" does not include maintenance and repair within a right-of-way, external maintenance or improvement of an existing structure, or the use of land for growing plants, crops, trees, and other agricultural or forestry products. See the County Zoning Ordinance for other regulations on agricultural activities.

DEVELOPMENT PERMIT: Authorization to develop; issued by Office of Planning and Development Services, formerly called a zoning certificate, or zoning permit; required for all development as defined by this Ordinance; does not include interior modification of existing structure where usage does not change. A development permit considers zoning requirements, plat or deed restrictions and performance standards among other issues.

DITCH (IRRIGATION) COMPANY: The owner of a man-made water system. Examples include Fort Hall Irrigation Company and the McCammon Ditch Company.

DIVIDE, or subdivide: See Subdivide, subdivision.

DOWNEY-SWAN LAKE HIGHWAY DEPT: An independent highway district covering the south portion of Bannock County. (See map in Appendix A)

DRAINAGE OR DRAINAGE WAY: The natural path surface water flow above ground.

DRAINAGE SYSTEM: a system drainage ways, ditches, basins, pipes, or drains to remove surface water.

DRIVEWAY: A private roadway for the use of vehicles or pedestrians, connecting a structure or use to a public road. Driveways OVER 150 feet in length are fire accesses.

DWELLING UNIT: A building or portion of a building, such as an apartment, designed for occupancy by one household.

EASEMENT: A property right short of ownership; permanent or limited right to use the land of another.

EGRESS: The path or opening by means of which one goes out; exit.

ENCUMBER: To place a lien, liability, or requirement upon a title of ownership.

ENGINEER, COUNTY: A licensed engineer, who is an employee of the County. In the absence of a County employed engineer, the Planning Director shall act as enforcement officer of the Ordinance and shall oversee engineering services performed by contracted engineers appointed by the Board of County Commissioners. **(Amendment No. 3 Ordinance #2015-6)**

ENGINEER: A person licensed by the State of Idaho to practice engineering. In the context of this Ordinance, "Engineer" shall mean an Idaho Licensed Civil Engineer.

ENVIRONMENTAL PROTECTION AGENCY: An agency of the federal government which was created to assure protection of the environment by abatement and control of pollution.

ENVIRONMENTAL IMPACT ASSESSMENT: A written report provided by the applicant which describes potential impacts to natural resource values such as soils, ground or surface water, air quality, wildlife, archaeological significance or other concerns specified by the County Engineer, which would result from a planned development.

FARMLAND: Land used for farming including crop production, grazing, timbering, or other agricultural product, without respect to soils type, zoning district, or jurisdictional boundaries.

FISH & GAME DEPARTMENT, IDAHO [IF&G]: An agency of the State of Idaho charged with protection and management of wildlife in the State of Idaho.

HEALTH DEPARTMENT (DISTRICT): Southeastern Idaho District Health Department.

HOMEOWNERS' ASSOCIATION: An association of homeowners and lot owners having responsibilities for the management and upkeep of common property and improvements in a specific

subdivision. Such associations may also be formed to include a specific area or combination of subdivisions.

HOMEOWNERS' ASSOCIATION CODES, COVENANTS AND RESTRICTIONS: Privately imposed codes, rules and restrictions placed on a subdivision and enforced by the Homeowners' Association. Such restrictions are not enforced by the County.

IMPORTANT AGRICULTURAL SOILS (OR LANDS): "Prime Agricultural Lands" as defined by NRCS, page 99 of soil survey issued September, 1987, plus those soils in Table 5 of the same survey which produce above the median for each category. See Appendix B.

IMPORTANT WILDLIFE HABITAT: As determined by Idaho Fish and Game. Habitat changes with development, agricultural activities and other land use changes; therefore, important wildlife habitat is relative and changes over time. Table 11 of the Soils Survey (see Appendix B), evaluates the potential of soils for habitat and will also be considered by Staff and Council.

IMPROVEMENTS: Any structure, road, utility, or man-made modification to land for development.

INGRESS: The right or permission to enter; a means or place of entering.

LAND DIVISIONS: See "Subdivision"

LANDSCAPING: To alter the natural grade of land; to alter the appearance of land by planting or by placing non-plant materials such as rock, structures, water, cement or wood.

LEGAL DESCRIPTION: A surveyor's identification of property adequate for transferring title. A subdivision which has been platted results in parcels which are called lots, and which are legally described by lot number, block number and name of the subdivision. Land not included in a plat is described by metes and bounds which gives measurements relative to survey lines of sections, townships and ranges. A third type of legal description is a Government Lot, those pieces of land which were not included in original surveyed sections. Another type of legal description is by aliquot parts; that is, a division by halves or fourths of a section of land such as "West Half of the NW quarter of the NW quarter of Section 3, Township 9 South Range 37 East".

LICENSED SURVEYOR: A surveyor licensed by the State of Idaho to practice land surveying.

LICENSED ENGINEER: An engineer licensed by the State of Idaho to practice engineering. In the context of this Ordinance, it shall mean civil engineering.

LIFE ESTATE: A grant or reservation of the right of use, occupancy, and ownership for the life of an individual, or other as decreed by agreement or court.

LOCAL street or road: A roadway used primarily as land access, connecting driveway access to

collector or arterial roads. Local roads may be designed for slower traffic, short travel distances and low traffic volumes. Local roads are designed to discourage through traffic. See example in Appendix A.

LOT: See Plat

LOT OF RECORD: A lot or parcel described by metes and bounds, the description of which has been so recorded or notarized to complete a contract of sale prior to April 1, 2015. Does not include a subdivided lot, for purposes of further subdivision. **(Amendment No. 3 Ordinance #2015-6)**

MASTER PLAN: The Concept Plan or sketch for a subdivision of two or more phases.

MINOR LAND DIVISION: A division of a Lot of Record into 4 lots or less.

NATURAL RESOURCE CONSERVATION SERVICE: formerly known as Soil Conservation Service.

NORTH ARROW or NORTH POINT: A symbol on a map indicating true north.

NRCS: Natural Resource Conservation Service

OCCUPANCY PERMIT: Permission to occupy or use a structure, or to begin a new use, issued by County Building Official.

OPEN SPACE: Land restricted from development. See Section 401.

PARCEL: An area of land described as a unit by the County Assessor's office.

PHASE: To develop a subdivision in several individual plats, each of which is recorded as a separate plat. A plat developed in phases is governed by its Master Plan and improvements are made prior to the recording of each phase by plat.

PLANNING AND DEVELOPMENT COUNCIL: Bannock County's planning and zoning, citizen planning body, which is appointed by the Board to make land use decisions and recommendations.

PLAT: See "Subdivision Plat"

RECORD OF SURVEY: A survey made in conformance with Idaho Code Title 55 by a licensed surveyor or engineer, and recorded in the office of the County Clerk and Recorder.

RIPARIAN AREA: All lands within and adjacent to areas of groundwater discharge, or standing and flowing surface waters where the vegetation community is significantly affected by the temporary, seasonal, or permanent presence of water. Examples include springs, seeps, creeks, streams, rivers, ponds and lakes and their margins.

RIPARIAN CORRIDOR: A riparian area serving as a movement route for fish and wildlife species.

REVERSE FRONTAGE: The requirement for a lot, one side of which abuts a collector or arterial road, to front on the interior subdivision road.

SKETCH PLAN: See Concept Plan.

STAFF: County Engineer and Planner.

SUBDIVIDE OR SUBDIVISION: (1) The division of land into parcels less than, or configured differently from, a quarter-quarter section of land, for purposes of development other than agriculture, OR (2) To make one parcel into two or more separate parcels by survey, deed, or other transference.

SUBDIVISION PLAT: A map prepared to comply with Idaho Code Chapter 13, Title 50 representing land divided into lots. A plat shows roads, streets and improvements required to record the plat and sell lots. Lots in a plat are described by lot and block number, along with the subdivision's (plat) name.

TRACT (OF LAND) : An area of land which can be described or referred to as one unit; may contain more than one parcel or ownerships.

VACATION OF PLAT: To remove lot lines, rights of way or other elements of a plat.

WETLAND: as defined by U.S. Army Corps of Engineers: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

WILDLIFE: Any form of animal life, living in a natural state and under the authority of Idaho Fish and Game or U.S. Fish and Wildlife Service.

ZONING DISTRICT: Land delineated on the Zoning Map, Appendix A of the Zoning Ordinance, in which requirements for the use of land and building and development standards are prescribed by the Zoning Ordinance of Bannock County and the Bannock County Subdivision Ordinance.

ZONING CERTIFICATE: see Development Permit.

END OF SECTION

SECTION 300: PROCESS FOR LAND DIVISION:

301 PRE-DEVELOPMENT CONFERENCE:

Prior to a plat or other land division being presented to the Planning and Development Council for consideration, the developer shall have met with the Staff of the County Engineer's office and obtained a check list of items required in order to be placed on the Council's agenda. This checklist will include a list of reviewing agencies to be contacted by the applicant, requirements for the sketch [for concept approval] or the Preliminary Plat, and other items deemed necessary by the Engineer or Planner. Because all tracts of land in the County vary in geography and geology, this list may vary from area to area.

Concerning an application for a MINOR LAND DIVISION, Staff will review the application and if the application meets the criteria for a MINOR DIVISION the applicant will be issued a written determination and requirements to complete the division. Appeal of the decision may be made to the Planning and Development Council.

301.A. SUBMITTAL REQUIREMENTS: The applicant shall provide to the County Engineer, at least five business days prior to the on-site meeting:

1. A legal description of the proposed subdivision to the quarter-quarter section.
2. A map of the proposal on USGS Quad Map.
3. A narrative indicating the basic concept of the proposed project.
4. A Natural Resource Conservation Service soils information map and analysis.
5. A completed Application to Subdivide Land, available in the Department.
6. The point from which power and other utilities must be extended (distances and locations).
7. Approximate location of accesses to a collector or arterial road.
8. A report from SIXTH DISTRICT HEALTH DEPARTMENT, This agency will review its requirements with the developer. The developer must have the Health Department's review and comments prior to submitting the application to the County for its review. Note: this agency's signature is a requirement for recording the plat.

301.B. SPECIAL REVIEWS: Depending on the location and extent of the development, the developer may need to contact other special agencies not listed above. For example, The Environmental Protection Agency, the Idaho Transportation Department, and the like.

301.C. ON-SITE REVIEW: County personnel, including Engineer, Road and Bridge Supervisor, and Planner, and others as deemed necessary by the Engineer, will meet applicant on the site to review road access placements and connection to existing roads or streets, public access to public lands, and potential problem lot locations. Staff will send written comments to applicant within two weeks of the on-site meeting concerning the site's ability to meet the Ordinance standards and listing possible areas of concern.

301.D. REVIEWING AGENCIES: Applicant shall contact and obtain comments from the following agencies:

1. SCHOOL DISTRICTS: To establish the location of existing school bus stops or routes, the possible need for additional stops, and availability of classroom space.
2. IDAHO FISH AND GAME DEPARTMENT: This Agency will review the site for its natural wildlife habitat values, indicating areas of important wildlife habitat.
3. IDAHO DEPARTMENT OF WATER RESOURCES: This Agency will be asked to provide well logs and information regarding water rights.
4. BANNOCK COUNTY HIGHWAY DEPARTMENT, THE DOWNEY-SWAN LAKE INDEPENDENT HIGHWAY DISTRICT, STATE TRANSPORTATION DEPARTMENT, as appropriate, to obtain:
 - a. Current maintenance status of roads, right-of-way width and other physical characteristics and traffic counts if available.
 - b. If roads not presently maintained and are proposed for maintenance, an assessment of the Highway Department's ability to provide maintenance assuming current level manpower and equipment.
 - c. Any additional comments or concerns the agency may have.
5. FIRE SUPPRESSION PROVIDER As a minimum, the following information shall be requested:
 - a. An assessment of the general impact the proposed development will have on the agency's ability to provide service.
 - b. A listing of the on-site facilities recommended to facilitate fire suppression service.
 - c. An estimate of the agency's cost to provide service, per incident.
 - d. An estimate of response time to the proposed development.

e. Any other fire suppression or prevention measures the fire district may wish to address.

6. UTILITIES: Shall be asked to comment as to the location and size of rights of way needed in the development; landscaping in public areas; availability to the site, and any anticipated public costs. Agencies may offer comment on topics not listed above, but the County requests, at a minimum, comments on those topics. Agencies to be contacted:

a. The electric power provider (Utah Power or Light or Idaho Power Co.).

b. Intermountain Gas.

c. Telephone: U.S. West Engineering Department.

d. Ditch or irrigation company when present or within ½ mile.

e. Cable company - fiber optic or television.

f. Pipelines, if any.

g. Any other subdivision of government or private utility as applicable.

7. ARMY CORPS OF ENGINEERS: for determination of (1) wetlands or riparian areas (2) stream crossing needs, or (3) any additional issues the Corps may address.

8. PUBLIC LAND AGENCIES: such as Fort Hall Reservation, Forest Service, BLM, or State, without regard to location of proposed subdivision.

Applicant shall include all comments with application. In the absence of comments, evidence of contact at least twice by applicant may be submitted.

301.E PLAT NAME: A subdivision name shall be reviewed by the County Planner or Engineer. A name shall not duplicate or resemble the name of any other subdivision in Bannock County. The County shall maintain a permanent record of all subdivisions. When a name has been accepted by the County for the subdivision of a particular tract of land, the subdivider shall place that name upon each submittal of the proposed subdivision. Neither the name nor the area of land for which the name was issued shall thereafter be changed or altered in any manner unless and until a new name has been accepted by the County.

302 CONCEPTUAL OR MASTER PLAN REVIEW:

302.A. SUBMITTAL REQUIREMENTS: Developer shall submit review fees as established by the Board, the report from District Health and the following items at least 30 days prior to the hearing:

1. A list of all property owner(s) and the property tax parcel number(s), located within 300 feet

of the proposed development's boundary including street or road rights-of-way and bodies of water.

2. The list described in item #1 above on mailing labels equal to Avery 5160, 2.63" by 1", on a sheet 8.5" by 11", or as approved by County Engineer, formatted:

Name
Street Address or Mail Box
City, State and Zip

3. A sketch, accurate to plus or minus 5 percent, showing:
 - a. Proposed uses of the property and present zoning, if applicable.
 - b. Proposed and/or existing deed restrictions, if any, including easements and rights-of-way.
 - c. Description of the improvements proposed to be made or installed, the time such improvements are proposed to be made or completed, and the procedures the subdivider wishes to use.
 - d. Statement describing proposed water supply, sewage disposal, and drainage.
 - e. Approximate location of blocks and number of lots in each.
 - f. Legal description to quarter-quarter section, township and range.
 - g. North arrow.
 - h. Landscaping locations and general type of vegetation.
 - i. Ownership and land use of subject development and within 300' beyond plat boundaries.
 - j. Road names - subject to County Addressing Ordinance
 - k. Road design deviations if open space subdivision is proposed.
4. Comments from Reviewing Agencies, 301.D.
 - a. If an agency does not comment, and applicant has proof of contact, staff will contact; if no response is forthcoming, the agency may testify at Concept phase. If no testimony nor written comments are presented at the public hearing, Council may proceed to review application without the agency's comments.

302.B. COMMUNITY IMPACT ANALYSIS: Staff will prepare a Community Impact Analysis for all developments, to include:

1. Total population at build out;
2. Population five to 17 years of age;
3. Water usage per unit and total for project;
4. Sewage produced per unit and total for project;
5. Tax generated for average size lot and dwelling of 2000 sq. Ft.;
6. Cost to provide services by: Sheriff's Department; Road and Bridge; School District, for transportation and per student cost, if known; Fire District; ambulance service provider and any other affected agency as determined by County.

302.C. ENVIRONMENTAL IMPACT ASSESSMENT: County Engineer may require an environmental impact assessment prepared by an environmental engineer, licensed in the State of Idaho, when any of the following conditions apply: inclusion of wetlands, streams or floodplains; land which may have been used previously as an industrial site or has a history of pollution; land which may be subject to sliding, slumping, or movement of any sort; land identified as important wildlife habitat; land which may have historical or anthropological artifacts, or other land deemed by the County to be sensitive to development. Said assessment shall address, but is not limited to, the items listed above, without regard to size of proposed subdivision.

302.D. PUBLIC HEARING: The Council will consider the Concept or Master Plan as a Public Hearing item, according to procedures established in the Zoning Ordinance. In phased subdivisions, each phase is considered a Preliminary Plat for the purpose of this section. Concept approval may be based upon a sketch and narrative describing the development and its improvements. Standards (criteria) in 302.E. shall be applied to:

1. Density - average lot size and range of lot sizes.
2. Utilities - water, power, natural gas, cable TV, telephone; type and placement underground or overhead.
3. Uses and zoning.
4. Fire suppression and prevention measures.
5. Transportation routes - internal and existing arterial or collector routes.
6. Conformance to Comprehensive Plan.
7. Conformance to applicable transportation plans.

8. Suitability of soil and topography for development.
9. Wildlife considerations.

Plats which will be phased are called Master Plans and the following additional items will need approval as a part of the public hearing for Concept approval. Additional issues to be addressed are:

10. Timing of the total project and intervals between phases.
11. Schedule for construction of improvements in each phase.
12. Sequence of phases.
13. A Master Plan map of total project, showing phases, approximate location of lots, streets and other improvements at build-out.

302.E. REVIEW CRITERIA: The CONCEPT Plan for a subdivision may be approved only if the reviewing authority shall find that it satisfies the following criteria:

1. The proposed tentative plan is in conformance with the Bannock County Comprehensive Plan; is in conformance with all applicable provisions of this Ordinance, other County Ordinances, and Idaho Code.
2. The proposed roads and bridges will be designed and constructed according to Section 402 of this Ordinance. If a design deviation is requested, it shall equal or exceed those standards for its purpose.
3. The proposed partitioning of land does not prohibit the extension of dedicated streets or roads.
4. The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partition.
5. The blocks of lots are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities.
6. The proposed property is physically suitable for the type and proposed density of development and conforms to existing zone standards.

302.F. CONDITIONS: The Council may place conditions upon the proposed plat to bring it into compliance with the comprehensive plan. If the developer accepts those conditions, the developer may then proceed to Preliminary Plat review.

302.G. DIVISIONS OF LAND INTO FOUR OR FEWER PARCELS: A one time division into four or

fewer parcels if it meets the following criteria:

- access for each lot is from maintained county road or is suitable for a private shared driveway
- utilities are available
- re-dividing a platted lot must be compatible with existing Subdivision
- a public hearing is not required
- all other Zoning and Subdivision requirements apply

1. Such divisions may be filed as Records of Survey, and shall be prepared in accordance with Chapter 19, Title 55 of Idaho Code. All other standards, requirements, processes and criteria of this Ordinance shall be met. Survey notes and or other conditions may be required.

302.H. TIME LIMITS: Approval of the Concept Plan is valid for one year from the date of approval by the Council. Concept or Master Plans not advanced to Preliminary Plat review by the Council within one year of Concept approval by the Council must be resubmitted for a new Concept/Master Plan approval.

303 PRELIMINARY PLAT REVIEW:

303.A. SUBMITTAL REQUIREMENTS: Preliminary Plat review will be considered by the Council as a business item at subsequent, regularly scheduled meetings of the Council. The following items must be submitted to the County Engineer and Planning Department at least 30 days prior to the Council's regular monthly meeting:

1. PLAT: The Preliminary Plat shall be drawn up to a scale of one inch equals 100 feet or one inch equals 200 feet, prepared by a land surveyor or engineer licensed to practice in Idaho. The scale may be increased or decreased provided such deviations obtain approval by the County. A copy, reduced to 11" x 17" shall be provided also. Map shall show:
 - a. TITLE BLOCK: Date of submittal; north arrow; scale of drawing; tax parcel number(s); legal description sufficient to define the location and boundaries of the proposed subdivision by Section, Township, and Range; identification clearly stating that the map is a Preliminary Plat; plat name; engineering or surveying firm and license number of the surveyor or engineer.
 - b. The location, width, and names of all existing or platted streets, ways, or public ways in the proposed subdivision or within 660 feet of the proposed subdivision; easements; railroad rights-of-way; and other important survey features, such as section lines and corners, found monument, and city boundary lines.
 - c. Contour lines of existing grade shall be shown at the following minimum intervals, and shall be related to some established bench mark or other datum as approved by the County Engineer: (1) Five foot contour intervals for ground slopes between five and ten percent; (2) Ten foot contour intervals for ground slopes exceeding ten percent; and (3) For a rural area, contour lines shall be at intervals necessary to properly indicate the ground contour and to design the street pattern and lot layout, and shall be related to some established bench mark

or other datum as required by the County Engineer.

- d. The location and direction of all water courses including a delineation of the high water mark.
 - e. Natural features, such as rock outcroppings, marsh lands, wooded areas, bodies of water, preservable trees.
 - f. Existing uses of the property, including the location of all existing structures or fences on the proposed plat and within 660' of its boundary, and proposal for use or removal of the structures and fences on the proposed plat.
 - g. Proposed streets showing the location, widths, names, approximate grades, and approximate radii of curves and the relationship of all streets to any projecting streets.
 - h. The location and width of all existing and proposed easements, including the purpose of such easement.
 - i. Lot layout showing approximate (to within 10') dimensions, lot sizes within 5% of actual at Final submittal, and proposed lot and block numbers.
 - j. All land proposed to be reserved by the subdivider for all public purposes, showing the location, size, and proposed uses.
 - k. Any other information on plat requested by Council, Engineer or Planner during Concept review and approval.
2. Drainage Plan in same detail as contour for existing grade described above.
3. Other engineering or study data required by Council or County Engineer.

303.B. REVIEW: The Council will review the Preliminary Plat as a business item, considering the plat for:

- 1. Conformance to concept approval. Preliminary Plats which:
 - a. alter water sources or delivery systems, or other utilities including sewage treatment, as approved in concept;
 - b. increases the total number of lots by 10 percent or more, or
 - c. change access points to existing collector or arterial roads or streets by a distance greater than 50' and not recommended by Staff or Council during concept approval, shall require a new concept review and a new review fee as established by the Board.

2. Utility easements and facilities.
3. Open space if required in concept approval: amount of land, location, use, ownership and management plan.
4. Homeowners' Association Codes, Covenants and Restrictions which carry out conditions imposed by the Council or the goals of the Ordinance and Comprehensive Plan. After approval by Council, County Legal staff will also review prior to recording of plat and codes.

(a) **Maintenance** of facilities. The developer shall fund the Homeowners' Association as follows:

- \$5.00 per lot for the water system, if any
- \$5.00 per lot for the sewage treatment facility, if any
- \$15.00 per lot for road maintenance and snow removal.

The number of lots in the total Master Plan shall be used to determine the funding. Funds may be held in an interest bearing account. At recordation of the plat or record of survey, the facilities will be transferred to the Homeowners' Association for maintenance. The Homeowners' Association will begin collecting an annual fee from all lot owners to add to initial funding. This fund will be used to repair and maintain utility systems and roads. Thereafter, all improvements shall be maintained by the Homeowners' Association in perpetuity or until connection to a municipal system.

All conditions imposed by the Council will be printed on the plat. All codes, covenants and restrictions applying to infrastructure or public facilities to be provided by the developer will be printed on the plat. A change of such conditions, codes, covenants or restrictions is deemed a replat and must be submitted and processed according to this Ordinance.

(b) **Membership** of Homeowner' Association: All lot owners shall be voting members of the Association. Owners of multiple lots shall have one vote.

5. Street names. A street name must not duplicate an existing street name in the County or its cities; it must not be derogatory to any person or group.
6. Water Users Association organization and function.
7. A Maintenance and Operation Plan for all commonly-owned improvements.

303.C. CRITERIA FOR APPROVAL: The Preliminary Plat may be approved only if the reviewing authority finds that it satisfies the following criteria:

1. The Preliminary Plat is in conformance with the Bannock County Planning and Development Council's approved Concept Plan, all applicable provisions of this Ordinance, other County

Codes and Ordinances, and Idaho Code.

2. The street plan for the proposed subdivision will permit its development in accordance with this Code.
3. The street plan for the proposed subdivision will permit the development of adjoining land by providing access to that land by right of way dedicated to the County, or a developed street to the property boundary.
4. Lot lines and roads relate to land shapes and existing development.

303.D. CONDITIONS ON PRELIMINARY PLAT: The Council may place conditions on the Preliminary Plat which enable the plat to meet criteria for approval. If the applicant accepts the conditions, he or she may proceed to Final Plat review.

303.E. TIME LIMITS ON APPROVAL: Preliminary Plats not recorded as a final plat in accordance with Section 304 within two years of the date of approval by the Council as evidenced by the Council's written decision shall become null and void unless a time extension is granted. Developer may apply to the Council for up to two time extensions of one calendar year each. The developer of any valid Preliminary Plat approved prior to the Subdivision Ordinance Amendment effective date may apply for up to two time extensions of one calendar year each from the date of Preliminary Plat approval.

Extension requests will only be granted if 100 percent of the engineering plans are submitted or upon a showing of "good cause." The Council has the sole discretion to determine whether a showing of good cause has been made. The maximum number of extensions shall not exceed two (2) requests, or two years total. The maximum time from Preliminary Plat approval to the recording of the Final Plat shall not exceed four years total except for valid Preliminary Plats approved prior to the Subdivision Ordinance amendment effective date. Council shall consider the request for an extension of time as a business item.

304 FINAL PLAT: The County Engineer and Planner shall review the proposal to insure that any conditions the Council placed on the plat have been complied with, and that the performance standards of this Ordinance, and requirements of Idaho Code have been complied with. The Engineer will compare the submitted plat to the approved Preliminary Plat, and if it conforms, applicant and staff shall proceed as follows:

304.A. SUBMITTAL REQUIREMENTS: In addition to the items required for the Preliminary Plat approval, the following must be submitted and approved by the County Engineer. See Section 400 also.

1. As built engineering details for water delivery systems, both culinary and irrigation.
2. Landscaping detail and fence cross sections, if applicable.

3. Bridge, road and street cross sections and profiles, weight capacity calculations.
4. Engineering for any other improvements on plat.
5. Final Codes, Covenants and Restrictions.
6. Maintenance and Operation Plans for commonly owned utilities and open space.
7. Homeowner' Association incorporation documents; codes, covenants and restrictions.
8. A copy of the subdivision plat as approved with conditions, if any, will be submitted with a number assigned to every lot corner, and at all angle points and points of curvature compromising the boundary lines of said lots or the centerline of streets, roads and special easements.
9. A computer printout, calculator tape or standard letter size sheets of paper will be submitted with the Y/X coordinates for every point number on said plat. All coordinates will be from the same datum.
10. The bearing and distance, or two parts of curve (radius, length of curve, delta, etc.) in the case of curved lines will be down between coordinate pairs which traverse lot boundary lines or street centerline.
11. Dedication statements on the plat.
12. Plans and engineering detail for all work required by design standards found elsewhere in this ordinance.

304.B. SIGNATURES and CERTIFICATIONS REQUIRED: County Engineer will have example dedication statements required on plat.

1. District Health Department.
2. County Engineer certifying that Idaho Code and this Ordinance have been complied with, and that improvements are complete and accepted.
3. Board of Bannock County Commissioners.
4. County Treasurer - certifying that taxes have been paid.
5. County Recorder - certifying that the plat has been recorded.
6. Surveyor or Engineer certification that markers have been set and the plans are correct.

7. Owner, dedicating roads, easements, common area if applicable, and any other lands dedicated to County or others.
8. Plat shall reference other recorded documents relating to the plat, including but not limited to: Homeowners' Association documents, codes, covenants and restrictions.

304.C. BONDING FOR IMPROVEMENTS: Prior to the recording of any approved plat, the developer shall have completed the improvements on the plat, or posted bond as required in an amount sufficient to complete the unfinished work. Developer shall also submit proposed agreements, work schedule and estimated completion times to accomplish the improvements approved in Final Plat stage. Off-site improvements, if required, are not bondable items.

1. TYPE OF BOND: The County will accept only the following types of bonds:
 - a. Certified check, or
 - b. Cashier's check, or
 - c. Certificate of deposit made to, or irrevocably assigned to the Bannock County Board of Commissioners, or
 - d. Any negotiable securities or irrevocable letter of credit or performance bond.
2. AMOUNT: The bond, if approved by the County, shall be for 110 percent of the estimated improvements. A higher percent may be required if, in the opinion of the County Engineer, Council, or Board, the improvements may take over six months to complete.
3. DOCUMENTATION/AGREEMENTS: The developer shall provide detailed plans, e.g., drainage areas, cross sections, sizes of culverts, costs per each, revegetation costs, etc., that are needed to determine the total dollar amounts required to ensure that the improvements will be completed.
4. COUNTY REVIEW: All documents, plans, estimates, and bond proposals shall be submitted to the County Engineer, who will coordinate the reviews with the appropriate County office. If the proposal meets the requirements of the Ordinance, the developer shall be notified by the staff who will forward the proposal to the Commissioners at the appropriate time. The County Engineer shall have a minimum of two days to review the Final Plat.
 - a. ACCEPTANCE BY THE COUNTY: The Board of County Commissioners may, after all other considerations have been made, review the proposal and if appropriate, accept the proposal. Official acceptances are by resolution. The resolution shall state the conditions of acceptance, amounts, time frames, and conditions of bond release.

5. **RELEASE OF BOND:** The Board of Commissioners shall release bonds only after certification of completion. The developer shall in writing, and at the completion of the project, request the staff to make a final inspection. The staff shall inspect the work and make a written report as to the completion and compliance with the conditions of approval and this Ordinance. If the project needs additional work the developer shall when appropriate request another final inspection. If in the opinion of the staff, the proposal meets the standards, then they shall notify the Board of said compliance. The Board may at that time release the portion of the bond covering the materials and work performed. The County shall keep 10 percent of the total bond amount as a performance bond for 11 months after the proposal was first accepted.
6. **PERFORMANCE BOND:** At the end of the 11-month probationary time, the developer shall request another inspection and shall follow the procedures as above.
7. **BOND FOR COMPLETED IMPROVEMENTS:** Developers shall post a bond for at least 10 percent of the cost of the completed improvements as determined by the County Engineer, as assurance that the improvements will not fail within a 12-month period. At the end of the period, the County shall re-inspect the improvements. If repairs are deemed necessary by the Engineer, the cost of the repairs shall be deducted from the Bond; any unused monies will be returned to the developer.

END OF SECTION

SECTION 400: DESIGN STANDARDS:

401 OPEN SPACE SUBDIVISIONS:

401.A. REQUIREMENT FOR OPEN SPACE: Open space designed subdivisions will be required as specified in the County Zoning Ordinance.

401.B. DESIGN CRITERIA: Open space subdivisions will be designed to:

1. Assure buildable areas on individual lots which will assure privacy to that lot and its neighbors and preserve open lands.
 - a. Dwelling sites [buildable area] and building height limits, if appropriate, will be specified for each lot on the Preliminary Plat in such a manner as to provide privacy to subject lot and adjoining lots.
 - b. Lay-out of the subdivision will avoid structure sites on ridges or other land forms which would increase visibility of new development.
2. Reduce road-building which increases traffic dust, stormwater runoff, and road maintenance expense.
 - a. No more than an average of 100 feet of interior subdivision road is permitted per dwelling, not including arterial or collector roads or streets which connect to the subdivision.
 - (1) A design deviation to this requirement may be applied for to connect separate groups of home sites.
3. Save water by using multi-party wells or community water systems if municipal utilities are not available.
 - a. Shared utilities such as multi-party wells, community water systems and central sewer facilities shall be required when practical. Easements in the open space may be used to accommodate those facilities.
 - b. Limit the use of culinary water for irrigation.
4. Protect ground water quality by using appropriate sewage and effluent pre-treatment.
5. Protect wildlife, crucial habitats and corridors.
6. Retain and enhance rural character of the area.
7. Preserve farmland, including dry grazing and wooded lands.

8. Reduce infrastructure costs and service needs.
9. Reduce visibility of development in rural areas.
10. Offer on-site outdoor recreational opportunities.

401.C. OPEN SPACE REQUIREMENT: Not more than 50 percent of the gross area shall be divided into individual lots, with the remainder devoted to open space. The open space shall include the areas listed in Natural Resource and Natural Features, Section 409. Additional open space shall be required to keep open and effective important wildlife habitat, wildlife migration routes, or prime agricultural land.

1. Allowable density shall not be required to decrease. In an example, a 30-acre tract of land zoned for one-acre lots will allow 30 dwellings on approximately ½ acre lots and 15 acres of open space, assuming all 30 acres are developable.
 - a. Density bonuses up to 10 percent of the applicable density, using the entire parcel, may be applied for when additional land is committed to permanent open space. For each minimum lot size committed to open space, another dwelling can be developed, up to 10 percent more dwellings than would have been allowed without the bonus. Thus, if a proposed subdivision of 100 acres yields 80 acres developable and the density is one dwelling per 2.5 acres, 25 individual lots can be created on 40 acres. If the subdivider then commits ten additional acres to permanent open space, four additional lots (for a total of 29 building sites) may be created on 30 acres.
2. Open space created shall connect with other permanent open space, such as public land, riparian corridors, wetlands, other subdivision open space, or future logical open space area on undeveloped adjoining lands.
3. Developer may propose either of three options for the open space:
 - a. Common-owned space: Each lot owner will be granted a deed to a proportional share of the common space. Thus an owner of one lot in a 60-lot subdivision will receive a warranty deed for an undivided interest [1/60th] of the common space. The deeds will be restricted permanently to prohibit development including fencing and will transfer with the deeds to the individual lot. The open space cannot be sold or encumbered. The Homeowner's Association will own and manage the common space and be responsible for its upkeep, tax payment, and use, in perpetuity. Open space not within an important wildlife habitat may be used for outdoor recreation purposes, and 10 percent of the open space area may be developed for common-owned recreation facilities. Open space within an important wildlife habitat shall be limited to 10 percent of the open space area which may be used for recreation involving horses or motorized vehicles or structures.

SECTION 400 Design Standards

- b. Separate Lot: This concept treats the remainder of the site as a separate lot which can be retained by the developer who may elect to keep or sell it. The lot will be deed-restricted against further development but it can be farmed or timbered, etc., as specified and approved by the Council.
 - c. Transfer ownership to a public agency: The developer may deed the open space to a public agency such as the Forest Service, Fish and Game, etc., provided that agency is willing to accept it, by deed or by Conservation Easement approved by the Council and the public agency.
 - d. To allow Minor Divisions to use easements for the open space.
- 4. The Council shall impose appropriate deed restrictions on the common or open space to ensure its intent for future use and preservation.
 - 5. Open space may include easements for sewage and effluent pre-treatment facilities and wells, buffers and firebreaks, drainage ways, floodplain, riparian areas or corridors, detention basins and the like. Utility easements such as distribution lines or pipeline easements may, at the discretion of the Council, be counted as open space.
 - 6. Open space shall not be used for open storage or for collection of refuse, junk or garbage.
 - 7. Driveways of any length serving two or more structures or two or more non-agricultural uses shall be built to county standards (Section 402).

401.D. NEIGHBORHOOD COMMERCIAL USES: may be considered in open space subdivisions of adequate size to support the proposed use. Such uses shall not depend on business from more than two miles outside its subdivision, as indicated by a market study provided at the developer's expense. Location and type of such uses will be specified on the plat at concept review.

401.E. OPEN SPACE DESIGNED SUBDIVISIONS: are subject to all other provisions of this Ordinance.

401.F. Open space designed subdivision applicants *may apply for* design deviations for Sections 402, 403, and 404.

402 ROADS, BRIDGES AND STREETS:

402.A. DESIGN STANDARDS: Roads, bridges and streets shall be designed and constructed according to State of Idaho Transportation Department "Manual of State Design Standards," current edition.

1. Design deviations to above referenced State standards may be granted in open space design subdivisions. These deviations shall require approval by the Planning and Development Council, County Engineer and Superintendent of Highway District, and must be properly supported with an adequate cost-effect analysis, or written discussion based on engineering judgment or practicality.
2. The Standards contained herein are considered to be minimum, and may be exceeded where County deems necessary. A written discussion of these areas shall be included in concept approval process, Section 302.
3. Cul-de-sacs may not exceed 1,320 feet in length, and shall provide a 45' radius turnaround at terminus.

402.B. DRIVEWAYS: All driveways must meet the following standards:

1. Have a minimum width of 20 feet.
2. All driveways over 150' long, measured from the right-of-way, shall include a 45' radius turnaround or equivalent back-up area, and are considered fire apparatus access roads, requiring review by fire suppression district.
3. All weather surface: Where the driveway meets a paved road, driveways must be paved with concrete or asphalt to the right-of-way line of the public road.
4. No ditch sections shall exceed 300 feet on grades of 3 percent or greater without a cross-drain or other approved structure to provide water run-off management.
5. Prior to beginning of construction, driveways shall be either paved or graveled to prevent the tracking of soil off the site. It is the responsibility of the building permit holder to pave or gravel the driveway adequately prior to grading the building site.
6. A developer of a subdivision is not responsible for construction of driveways unless specifically required by the Planning and Development Council.
7. Driveways serving more than two residences, or other non-agricultural buildings, without regard to length, must be built the standards in 402.A.

402.C. SUBDIVISION INGRESS AND EGRESS: Subdivisions of 20 or more lots, or which adjoin an existing subdivision the combination of which will equal 25 lots, shall provide two or more ingress/egress roadways, developed to standards adopted herein. When connected to an adjoining subdivision street which has egress to a collector or arterial road, that roadway may be considered the second ingress/egress. The Council shall have the option of requiring two accesses for development of fewer lots where one access may not provide adequate, safe ingress and egress due to steepness, wildlands, or development which would preclude use as a

safe exit.

403 BLOCKS:

403.A. BLOCK SHAPES: Block length and width or acreage within bounding roads or streets shall accommodate the size of the lot required in the area by the Zoning Ordinance and shall provide for convenient access, circulation control, and safety of road or street traffic.

403.B. PEDESTRIAN WALKS: In blocks more than 1,000 feet long, pedestrian walks may be required in situations deemed necessary by the Council. Such walkways shall be three to ten feet wide.

403.C. SIZE: For commercial, group housing, or industrial use, block size shall be sufficient to meet all area and yard requirements for such use.

403.D. WIDTH: Blocks shall be wide enough to allow for two tiers of lots, unless the topography or other factors dictate the use of one tier through lots.

404 LOTS:

404.A. BUILDING SITE: Each lot shall contain a satisfactory building site which is related to topography and conforms to the District Health Department requirements and this Ordinance.

404.B. RESTRICTED LOTS: All lots which meet the following criteria shall be marked with an "R" and indicated by shading on the preliminary and final plats. An "R" placed next to the lot number and the reasons for the restrictions: floodplain, steep slope, subwater, drainage easement, etc., shall be noted on the plat.

1. Steep Slopes: Lots with a slope in excess of 20 percent grade over 25 percent of the lot. Such areas will be shaded on the plat, with explanation of the restriction on the face of the plat.
2. Water Problems:
 - a. Lots with riparian areas, wetlands, subwater, floodway or floodplain.
 - b. Lots with drainage easements or drainage way(s) anywhere on the lot.
 - c. Lots with free flowing water on any portion of it.
 - d. Lots bounded by collector or arterial roads or streets. No access shall be permitted onto such roads or streets.

404.C. DIMENSIONS AND AREA: Lot dimensions and area shall be not less than the requirements

of the Zoning Ordinance. Design deviations may be applied for on plats designed under Section 401.

1. Width to depth ratio shall not exceed 1 to 5; i.e., a 100 ft. Width lot cannot exceed 500' in depth.
2. Minimum width shall be 100' except in open space designed subdivisions.

404.D. SIDE LOT LINES: Insofar as is practical, side lot lines shall be at right angles to straight roads or streets, and radial to curved roads or streets.

404.E. APPROVED ROAD OR STREET: All lots must front upon an approved road or street, either public or private; all roads must be certified by the County as a suitable road or street, as shall be constructed in accordance with Section 402 of this Ordinance.

404.F. HAZARDOUS BUILDING SITES PROHIBITED: Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, access problems, or similar circumstances, the Council may, after adequate investigation, withhold approval of such lot.

404.G. REVERSE FRONTAGE: All lots in subdivisions of more than four lots shall access to an interior subdivision road or street.

1. Access shall not be permitted onto functionally classified roads, highways or streets.

405 DRAINAGE WAYS:

405.A. EASEMENT: Where a subdivision is traversed by a water course, drainage way, wet weather line of surface drainage, channel or stream, there shall be provided a stormwater easement or drainage right of way conforming substantially with the lines of such water course. Such drainage ways shall be preserved as open space. Such areas shall be restricted from development of roads and structures, and the plat shall so indicate.

1. Design and performance standards in Section 409 and elsewhere in this ordinance further restricts development in stream or riparian areas.

405.B. ALTERATION: Regrading, stripping of vegetation, or filling may be permitted in these areas, provided that the drainage is not a riparian area as defined in this Ordinance, and a plan is submitted to and approved by the County Engineer. Such plans shall insure that storage capacity and flow is not degraded.

406 WATER SYSTEMS:

406.A. CULINARY WATER SYSTEMS: Culinary water systems must be approved by Division of

Environmental Quality, Bannock County Engineer, and District Health Department.

1. Such systems must be designed by a licensed engineer, who will sign the plans and certify that the system was installed according to the approved plans.

406.B. ADDITIONAL REPORTS: The Council may require a report by a professional hydrologist at the applicant's expense. Said report shall indicate availability and quality of water; adequacy of water delivery system design, and maintenance.

1. Hydrologist shall be selected jointly by County Engineer and Council.

407 UTILITIES: ELECTRIC, TELEPHONE, GAS, AND OTHERS:

407.A. UNDERGROUND UTILITIES REQUIRED: In all subdivisions, the electric, gas, telephone, and other utility lines shall be installed underground from the lot boundary to any structure(s). The subdivision applicant shall install power to the lot boundaries. The power shall be installed outside the road right-of-way except for crossings. Distribution power lines may be above ground with the Council's approval. In any City's Area of Impact and where that City's Subdivision Ordinance requires all underground utilities, that City's Ordinance shall apply.

407.B. PLACEMENT: North and West side of roadways: water and gas. South and East side of roadways: sewer. Telephone and underground utilities may use either side of the roadways. The developer shall submit location information with the Preliminary Plat.

1. Abbreviations to be used on plat: T - Telephone; P - Power (electric); W - Water; S - Sewer; G - Gas; T.V.-- Cable; PL - Pipeline; OC - Optical Cable.

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408 BUFFERYARD AREA: Subdivisions and other types of development may conflict with existing or planned development. Subdivisions and commercial or industrial development in the County must create buffers to reduce this conflict, existing or potential. The following chart specifies the width of the buffer between the subdivision and the existing or planned uses:

Bufferyard	
Use or zone	Width (feet)
Agriculture, present use or zone	20
Forestry.....	Fire break at least 20' wide or as set by Council
Residential, existing or zoned	0
Commercial or retail, zone or use	50
Indoor Recreation	50
Institutional Residential	50
Outdoor Recreation	50
Agricultural Support	30
Office and Professional uses, existing	30
Public Service	40
Road Service	40
Commercial Recreation	40
Light Industry	50
Extraction, Junkyard, or heavy industrial	75

409 NATURAL RESOURCE OR NATURAL LIMITATION PERFORMANCE STANDARDS:

ENVIRONMENTAL PROTECTION: In addition to the regulations imposed elsewhere in this Ordinance, all development shall be preceded by the identification of any environmental or natural features described below, and shall meet the standards of environmental protection as set forth below:

Site alterations, regrading, filling, and clearing or planting vegetation prior to approval of the final plat shall be a violation of this Ordinance.

409.A. WETLANDS:

1. All such areas shall remain as permanent Open Space when situated within a plat for development, except for the items listed in 409.A.3. below, as set forth in section 401.
2. Wetlands shall not be filled nor dredged.
3. Permitted uses: The following buildings or structures may be permitted within wetlands: PERMITS ARE REQUIRED FROM THE ARMY CORPS OF ENGINEERS AND IDAHO DEPARTMENT OF WATER RESOURCES, IN ADDITION TO A COUNTY DEVELOPMENT

PERMIT. Permitted uses shall not exceed 5 percent of the wetland area.

a. Boat launching ramps, boat, piers, bridge and bridge approaches, marinas, picnic shelter, and Stormwater detention facilities, provided that a licensed engineer has certified that such structures are designed to withstand the forces exerted by the 100-year storm event. Evidence of this certification shall be presented as precondition to issuance of a Development Permit.

b. Boat houses, boat buildings, and accessory structures (except boat or motor repair buildings) associated with uses permitted in the preceding paragraph, provided that a licensed engineer certifies that such structures are designed to allow free entrance of floodwater and to withstand structurally the forces exerted by the 100-year flood event at that location, and conformance with the County Flood Damage Control Ordinance. Evidence of this certification shall be presented as a precondition to issuance of a Development Permit.

409.B. STEEP SLOPES: In areas of steep slopes, the following standards shall apply:

1. Fifteen percent to less than 30 percent slope: no more than 20 percent of such areas shall be developed and/or regraded or stripped of vegetation. All areas of disturbed soils shall be reseeded to NRCS standards.

2. More than 30 percent slope: no more than five percent of such areas shall be developed and/or regraded or stripped of vegetation. All areas of disturbed soils shall be reseeded to NRCS standards. At least 50 percent of all areas over 30 percent slope shall be designated open space; 100 percent of slopes greater than 35 percent shall be designated Open Space as set forth in 401.

3. Structures shall not be permitted on slopes of 20 percent or greater without an engineer site plan, including roads, stamped by a civil engineer licensed in the State of Idaho. Prior to issuance of an Occupancy Permit, a final grading inspection shall be required.

409.C. LAKES AND PONDS:

1. All such areas shall be permanent Open Space unless totally included in one lot. No development or diverting of these bodies of water shall be permitted except to provide required roads. Filling shall be permitted only in conjunction with deepening the lake and is permitted only if surface area and flood retention remain unchanged or are enlarged. ARMY CORPS OF ENGINEERS WILL REQUIRE A PERMIT.

2. No structures, animal runs or enclosures, or septic drainfields or other sewage treatment facilities are permitted within 100 feet of the riparian area surrounding a body of water. Southeastern District Health Department regulations may require greater distances.

409.D. RIPARIAN AREAS, SHORELINES OF LAKES, PONDS, STREAMS & RIVERS:

1. No structures, animal runs or enclosures, or septic drainfields or other sewage treatment facilities are permitted within 100 feet of the riparian area. Southeastern District Health Department regulations may require greater distances.

409.E. IMPORTANT AGRICULTURAL SOILS: In the Agriculture zoning district at least 90 to 95 percent of all such areas shall remain as permanent open space. Accessory farm structures (i.e., barns, silos) shall be permitted in the open space. This is to preserve and protect the important agricultural soils, crop lands and grazing areas of the County. Also, see definition of "important agricultural soils".

410 STORMWATER RUNOFF:

410.A. ON-SITE DETENTION: Each development shall provide for the on-site or off-site detention of excess Stormwater run-off resulting from that development. For the purpose of this Ordinance, "excess Stormwater run-off shall include all increases in Stormwater resulting from: an increase in the impervious surface of the site, including all additions of buildings, roads, and parking lots; changes in soil absorption caused by compaction filling or draining of small depressional areas, alterations of DRAINAGE WAYS, or regrading of slopes; destruction of forest; alteration of DRAINAGE WAYS or installation of collection systems to intercept street flows or to replace swales or other DRAINAGE WAYS; or the alteration of subsurface flows, including any groundwater de-watering or diversion practices such as curtain drains, compared with the site in its natural state."

410.B. LIMITATION OF Stormwater RUNOFF: No development shall cause downstream property owners, water courses, channels, or conduits to receive Stormwater run-off from proposed developments at a higher peak flow rate than would have resulted from the same storm event occurring over the site of the proposed development with the land in its natural, undeveloped condition. "Undeveloped condition" shall mean that all the natural retention areas and DRAINAGE WAYS plus existing farm drainage tiles and highway drainage structures shall be included in the flow calculations. For the purposes of the following calculation, all ground covers shall be considered to be meadow or grassland, with the exception that forested areas shall be treated as woodland. "Channel" or "drainage way channel" shall mean the channels used to convey the 100-year drainage flows from the property, to retention facilities, or between successive retention facilities or to retention facilities for from the property.

410.C. DESIGN REGULATION: All detention facilities and improvements required by this section shall comply with the following regulations.

1. Storage volumes: Storage may be provided by wet or dry bottom basins or reservoirs.
2. Maximum depth: The maximum planned depth of Stormwater stored shall not exceed five feet unless natural ground conditions lend themselves to greater depths.

3. Outlet control structures: Outlet control structures shall be designed as simply as possible and shall operate automatically. They will be designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed the existing flow of the site in its natural condition.
4. Spillway: Emergency overflow facilities shall be provided unless inflow is controlled to divert flows when the basin is at capacity.
5. Dry bottom basin (basins designed without permanent pools):
 - a. Interior drainage Provisions must be made to facilitate interior drainage; to include the provision of natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, or the installation of subsurface drains.
 - b. Multipurpose features These may be designed to serve secondary purposes for Recreation, Open Space, or other types of use which will not be adversely affected by occasional or intermittent flooding.
 - c. Cleaning The basins shall be designed for periodic cleaning and removal of sediments, which shall be removed from the site or otherwise disposed of in an appropriate manner.
6. Wet Basins - basins designed as permanent pools:
 - a. Depth for fish: If fish are used to help keep the basin clean, at least one-quarter (.25) of the area of the permanent pool must have a minimum depth of ten feet.
 - b. Facilities for Emptying: For emergency purposes, cleaning, or shoreline maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage.
 - c. Pollution Abatement: Aeration facilities may be required when the quality of the influent and detention time would result in a lowering of dissolved oxygen content in the basin.
 - d. Slopes: Approach slopes shall be at least 6:1 but not more than 3:1 and shall be at least four to six feet wide and slope gently toward the basin. The side slopes shall be of non-erosive material with a slope of 1:1 or flatter. The ledge shall be four to six feet wide and slope gently toward the shore to prevent people or objects from sliding into deep water. There shall be a freeboard of 12 to 18 inches above the high-water elevation on all retention basins. Alternate designs for side slopes may be considered under special circumstances where good engineering practice is demonstrated.
 - e. Cleaning: The basins shall be designed to include sediment traps in all inlets. Sediment

traps shall be designed to permit periodic cleaning and maintenance. A basin maintenance plan shall be developed to insure that the design depths of the basin will remain over time.

410.D. MAINTENANCE OF FACILITIES: The developer shall post a performance bond for 110 percent of the cost of developing and maintaining the detention facility with the County. The bond will be returned at the end of five years provided that the County has not used funds to repair or maintain said facilities. The developer shall be responsible for the maintenance of all improvements until such time as 80 percent of the development is completed and occupancy permits are issued or five years from plat recording date, whichever is greater. At that time, the facilities may be transferred to the Homeowners' Association for maintenance after the developer has complied with the above. Thereafter, all detention improvements shall be maintained by the Homeowners' Association or individual lot owner if wholly located on one lot, in perpetuity and cannot be altered or eliminated.

410.E. INSPECTION OF FACILITIES: The developer's engineer shall be required to inspect all drainage facilities under construction and certify their compliance with approved plans. In addition, a registered engineer, employed by Bannock County at the developer's expense, may inspect all drainage facilities while under construction, at the discretion of the County Engineer. When facilities are not constructed according to approved plans, the County has the explicit authority to compel compliance and require correction. It may suspend building permits, sue civilly or criminally, or complete the construction according to the approved plans and levy the property for the amount of money necessary to do so.

411 ACCESS FOR FIRE VEHICLE ACCESS AND OTHER STANDARDS: Bannock County has adopted the Uniform Fire Code. Such accesses shall be developed to accomplish the following:

411.A. To facilitate rapid and effective extinguishment of fires by ensuring that all premises, which a fire department may be called upon to protect in case of fire, shall be readily accessible for effective fire department operations;

411.B. To prevent fire from entering wildlands.

411.C. To prevent the rapid spread of fire to other properties.

411.1 DEFINITION: Fire vehicle access roads are those private roads, driveways, demarcated lanes and the like which connect public roads or streets to improvements; public roads are not included in the definition.

412 OTHER DESIGN REQUIREMENTS FOR SUBDIVISIONS WHICH CREATE MORE THAN FOUR LOTS:

412.A. CENTRAL MAIL BOX DROPS: shall be required on all developments as per U.S. Postal Requirements and this Ordinance.

412.B. SCHOOL BUS ACCOMMODATIONS: shall be provided at School District's request and preference for locations.

413 AS-BUILT PLANS:

413.A. SUBMITTAL REQUIREMENTS: Two certified copies of the engineering details as actually built for roadways, utilities and all other improvements shall be submitted within two weeks of the completion of the project by the project engineer or developer. No bond may be released, and no building permits issued, until after the "As Built" Certificate, certifying that the utilities and road are built and placed as approved has been reviewed and approved by the County Engineer or authorized individual.

413.B. DETAILS FOR PROPOSED AND "AS BUILTS":

1. Show lines and directional flow of utilities (arrows are optional).
2. Stake dead ends or stub in and/or snow changes in direction or size.
3. Indicate utility crosses, depth, size, type, etc.
4. Use the approved abbreviations and make notes clear and concise.
5. Indicate bends, offsets, or dead ends.
6. Do not show more than one utility at one location through only one view. Use top and side views for clarification of details where necessary.

414 PROFILE AND CROSS SECTION STANDARDS; SURVEY PROFILES:

414.A. ROAD PROFILES: A profile of each proposed street or road shall be submitted.

1. Horizontal Scale: 1" = 100'
2. Vertical Scale: 1" = 10' and including the following features.
3. Existing ground profile along the centerline shown in reproducible ink with a dashed line. Such profile will include the lowest elevation of creeks or canyons as they cross the centerline. The proposed name of the street or road shall be clearly indicated. Profile may be taken from accurate contour lines of the Preliminary Plan.
4. Proposed centerline grades shown by a solid dark line.
5. Vertical PI (Point of Intersection) shall be shown by a small circle with station number and

elevation.

6. Grades shall be lettered on the slant of the grade and expressed to nearest 0.10 percent of grade.
7. Stations shall be numbered along the bottom of each profile at each 100 foot station.
8. Stations of intersecting streets shall be shown on the profile.
9. Elevations shall be numbered every 10 feet at each end of the profile.
10. Vertical curves shall be shown by a solid line and labeled with the length of the curb.
11. Horizontal tangents and curves shall be shown.
12. Profiles shall extend at least 300 feet beyond the boundaries of the subdivision.
13. Title of the profile shall be placed in the upper left corner of the profile sheet in reproducible letters approximately one-half inch high including:

Plat Name
Identification as a Profile Sheet
Scale, Horizontal and Vertical
USGS Datum
Stamp of Surveyor or Engineer preparing the profile.

14. Approximate locations and elevations of culverts, drain pipes, or utility pipes or lines buried in the right-of-way shall be shown.

414.B. SURVEY CROSS SECTIONS SUBMITTAL REQUIREMENTS: Cross-sections for each proposed street or road shall be submitted to the following scale:

1. Horizontal scale: 1" = 100'
2. Vertical scale: 1" = 10'

414.C. CROSS SECTIONS: shall be shown at:

1. Each and every 100 foot station.
2. Intermediate points of critical concern, such as at extremely deep fills, high cuts or at existing proposed driveways or buildings.
3. The locations of the widest part of a vehicle turnaround.

4. Existing ground elevations, shown in Black India Ink with dashed line. When cross-sections are for a Preliminary Plat, the existing ground may be scaled from accurate five foot contours.

414.D. DRAWING STANDARDS:

1. Existing centerline elevation shown in numbers 1/10" high, 1" to 2" below cross-section, drawn directly beneath centerline of cross-section.
2. Station designation shown below centerline elevation numbers drawn in.
3. Original ground shall be shown at least 50 feet outside required right-of-way when 5 to 10 foot contours are shown on the preliminary map or tentative map and 50 feet where uncontrolled USGS contours are shown on the preliminary map or tentative map.

4. Title of cross-sections shall be placed on the cross section sheet including:

Plat Name Identification as cross-section sheet number
Scale, Horizontal and Vertical
USGS Datum
Stamp of surveyor or engineer preparing the cross-section.

5. Overlapping of cross-sections will be avoided when possible.

415 STANDARDS OF SURVEY ACCURACY: The survey of the map or plat shall be of such accuracy as to conform to the minimum requirements of State Law. The County Engineer will check the plat to ensure mathematical correctness and certify that all Local Ordinances and applicable State Laws have been complied with.

416 MONUMENT: Shall comply with State Law 50-1300.

416.A. IDENTIFICATION OF FOUND MONUMENTS: The surveyor shall clearly identify on the face of the plat all found monuments and their origin used in the survey and the descriptions shall be sufficient to identify the monuments without reference to another record.

416.B. SETTING OF MONUMENTS: All monuments must be set prior to the filing of a plat. Witness posts must be installed prior to recordation of any Plat or Record of Survey.

416.C. ADJOINING SURVEYS AND PLATS: The plat shall clearly show the relationship of all adjoining surveys of record and their relationship to the Plat.

416.D. WITNESS POSTS:

1. Every front and rear lot corner shall also be marked with a witness post.
2. Posts shall be a minimum of four feet above ground and securely placed with a minimum of one foot buried.
3. The posts shall be a metal, high impact plastic, fiberglass, or other approved material.
4. Minimum face diameter 1 ½ inches for "t's".
5. Minimum face diameter 1 ½ inches for pipe.
6. Color: white, yellow, orange, bright red, or any florescent color band 6 inches wide around the top of the post.
7. Posts shall have permanently marked on it the Block and Lot number.

416.E. OFF SET MONUMENTS: When the placement of a required monument at its proper location is impractical, the surveyor may set a reference monument near that point. Such a reference monument has the same status as other monuments of record if its location is properly shown.

END OF SECTION

SECTION 500 APPEALS:

Appeals of decisions of Bannock County Engineer or Planner may be appealed to the Council as a business item within ten working days of the staff decision. The Council will hear the appeal at its next regularly scheduled meeting.

Appeals of the Council may be brought before the County Board of Commissioners as prescribed in the Bannock County Zoning Ordinance.

END OF SECTION

SECTION 600 EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its passage, approval and publication.

END OF SECTION

Adopted this first day of July, 1997, Resolution No. 1997-73.

BANNOCK COUNTY BOARD OF COMMISSIONERS

Tom Katsilometes, Chair

Carolyn Meline, Member

J. O. Cotant, Member

LIST OF APPENDICES:

A: Map of Arterial and Collector roads, showing the Downey-Swan Lake Highway District.

(1) diagram giving examples of driveway, local, collector and arterial roads

B: IMPORTANT AGRICULTURAL LANDS: from U.S. Department of Agriculture Soils Survey issued in September, 1987, Table 5 and page 99.

AMENDMENTS:

1. ORDINANCE 2005-5 Instrument #20517225 effective 8/19/05

Amendment No. 1 amends the following sections:

Section 200 Definitions- add community water systems, MINOR LAND and to replace the PLAT definition with SUBDIVISION PLAT.

Section 301 PRE DEVELOPMENT CONFERENCE: incorporate a reference to MINOR LAND DIVISION for a separate process.

Section 302 G. MINOR DIVISION OF LAND INTO FOUR OR FEWER PARCELS: revises section 302G for the MINOR LAND DIVISION administrative process for the purpose of the one time division for development.

Section 303 E. TIME LIMITS ON APPROVAL: clarifies the time limit between preliminary approval and final as one year.

Section 401 B. OPEN SPACE DESIGN CRITERIA:

#3a. Changed to: Shared utilities such as multi-party wells, community water systems and central sewer facilities shall be required when practical.

#4 changed to: Protect ground water quality by using appropriate sewage and effluent pre-treatment.

Section 401 C. OPEN SPACE REQUIREMENT: add option d. to allow Minor Divisions to use easements for the open space.

2. ORDINANCE 2013-4 Instrument #21316684 effective 9/24/13

Amendment No. 2 amends the following sections:

Section 303 E. TIME LIMITS ON APPROVAL: changes the amount of time allowed to record a final plat, the number and duration of extensions allowed, and the conditions under which an extension may be granted.

3. ORDINANCE 2015-6 Instrument #21516650 effective 12/3/15
Amendment No. 3 amends the following sections:

Section 200. DEFINITIONS: changes the date of a Lot of Record and changes the definition of County Engineer.