

- 4.5.J.2** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the Federal Emergency Management Agency.
- 4.5.J.3** All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- 4.5.J.4** All new and replacement electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- 4.5.J.5** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- 4.5.J.6** All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- 4.5.J.7** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- 4.5.J.8** A fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor shall:
 - 4.5.J.8.a be constructed entirely of flood resistant materials at least to the Flood Protection Elevation; and
 - 4.5.J.8.b include, in Zones A, AE, AH, AO, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - 4.5.J.8.b.i A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - 4.5.J.8.b.ii The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - 4.5.J.8.b.iii If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - 4.5.J.8.b.iv The bottom of all required flood openings shall be no higher than one (1) foot above the interior or exterior adjacent grade;
 - 4.5.J.8.b.v Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - 4.5.J.8.b.vi Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

- 4.5.J.9 Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this section.
- 4.5.J.10 Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Ordinance and located totally or partially within the floodway, flood fringe area, or stream setback, provided there is no additional encroachment below the Flood Protection Elevation in the floodway, flood fringe area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section.
- 4.5.J.11 New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Subsection 4.5.I.10. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Flood Protection Elevation and certified in accordance with the provisions in Subsection 4.5.G.3.
- 4.5.J.12 All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage and determined to be reasonably safe from flooding.
- 4.5.J.13 All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- 4.5.J.14 All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- 4.5.J.15 All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
- 4.5.J.16 When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- 4.5.J.17 When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

4.5.K SPECIFIC STANDARDS

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Subsection 4.5.E.2, or Subsection 4.5.M, the following provisions, in addition to the provisions of Subsection 4.5.J, are required:

- 4.5.K.1 Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Flood Protection Elevation, as defined in this Section.
- 4.5.K.2 Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Flood Protection Elevation, as defined in this Section. Structures located in Zones A, AE, AH, AO, and A1-30 may be floodproofed to the Flood Protection Elevation in lieu of

elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AH and AO Zones, the floodproofing elevation shall be in accordance with Subsection 4.5.O.2. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Subsection 4.5.G.3, along with the operational plan and the inspection and maintenance plan.

4.5.K.3

Manufactured Homes.

- 4.5.K.3.a New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Flood Protection Elevation, as defined in this Section.
- 4.5.K.3.b Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the Idaho Division of Building Safety's "Idaho Manufactured Home Installation Standard" in accordance with Idaho Code §44-2201(2). Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- 4.5.K.3.c All enclosures or skirting below the lowest floor shall meet the requirements of Subsection 4.5.K.4.
- 4.5.K.3.d An evacuation plan must be developed for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

4.5.K.4

Additions/Improvements.

- 4.5.K.4.a Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are
 - 4.5.K.4.a.i not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure; or
 - 4.5.K.4.a.ii a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- 4.5.K.4.b Additions to post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- 4.5.K.4.c Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are

- 4.5.K.4.c.i not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction; or
- 4.5.K.4.c.ii a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- 4.5.K.4.d Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a four (4) year period, the cumulative cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the four (4) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - 4.5.K.4.d.i any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions; or
 - 4.5.k.4.d.ii any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- 4.5.K.5 Recreational Vehicles.** Recreational vehicles shall be either:
 - 4.5.K.5.a Temporary Placement
 - 4.5.K.5.a.i be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - 4.5.K.5.b Permanent Placement.
 - 4.5.K.5.b.i Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction, as set forth in Subsection 4.5.J.
- 4.5.K.6 Temporary Non-Residential Structures.** Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
 - 4.5.K.6.a a specified time period for which the temporary use will be permitted. Time specified may not exceed six (6) months, renewable up to one (1) year;
 - 4.5.K.6.b the name, address, and phone number of the individual responsible for the removal of the temporary structure;

- 4.5.K.6.c the time frame prior to the event at which a structure will be removed (i.e., immediately upon flood warning notification);
- 4.5.K.6.d a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- 4.5.K.6.e designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

4.5.K.7 Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, elevation or floodproofing certifications are required for all accessory structures in accordance with Subsection 4.5.G.3, and the following criteria shall be met:

- 4.5.K.7.a Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
- 4.5.K.7.b Accessory structures shall not be temperature-controlled;
- 4.5.K.7.c Accessory structures shall be designed to have low flood damage potential;
- 4.5.K.7.d Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- 4.5.K.7.e Accessory structures shall be firmly anchored in accordance with the provisions of Subsection 4.5.J.1;
- 4.5.K.7.f All service facilities, such as electrical, shall be installed in accordance with the provisions of Subsection 4.5.J.4; and
- 4.5.K.7.g Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Flood Protection Elevation in conformance with the provisions of Subsection 4.5.K.4.d.

An accessory structure with a footprint less than 200 square feet and is a minimal investment of \$7,500 or less and satisfies the criteria outlined in a - g above is not required to meet the elevation or floodproofing standards of Subsection 4.5.K.2.

4.5.K.8 Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- 4.5.K.8.a Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the base flood, including the effects of buoyancy (assuming the tank is empty);
- 4.5.K.8.b Elevated above-ground tanks, in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the base flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- 4.5.K.8.c Not elevated above-ground tanks, that do not meet the elevation requirements of Subsection 4.5.K.2 of this Section shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- 4.5.K.8.d Tank inlets, fill openings, outlets and vents shall be:
 - 4.5.K.8.d.i at or above the flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or

4.5.L. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Zone A (also known as Unnumbered A Zones) and established in Subsection 4.5.E.2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Subsection 4.5.J, shall apply:

- 4.5.L.1** No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted, unless a determination of the Base Flood Elevation (BFE) is provided.
- 4.5.L.2** The BFE used in determining the Flood Protection Elevation (FPE) shall be determined based on the following criteria:
 - 4.5.L.2.a** When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Subsections 4.5.J and 4.5.K.
 - 4.5.L.2.b** When floodway or flood fringe data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and flood fringe areas shall also comply with the requirements of Subsections 4.5.K and 4.5.N.
 - 4.5.L.2.c** All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Subsection 4.5.E.2 and utilized in implementing this ordinance.
 - 4.5.L.2.d** When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (non-residential) to or above the Flood Protection Elevation, as defined in this Section. All other applicable provisions of Subsection 4.5.K shall also apply.

4.5.M STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR FLOOD FRINGE AREAS

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor flood fringe areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- 4.5.M.1** Standards of Subsections 4.5.J and 4.5.K; and
- 4.5.M.2** Until a regulatory floodway or flood fringe area is designated, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community.

4.5.N STANDARDS FOR FLOODWAYS OR FLOOD FRINGE AREAS

Areas designated as floodways or flood fringe areas are located within the Special Flood Hazard Areas established in Subsection 4.5.E.2. The floodways and flood fringe areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Subsections 4.5.J and 4.5.K, shall apply to all development within such areas:

- 4.5.N.1 No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless:
 - 4.5.N.1.a it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - 4.5.N.1.b a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
- 4.5.N.2 If Subsection 4.5.N.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- 4.5.N.3 Manufactured homes may be permitted provided the following provisions are met:
 - 4.5.N.3.a the anchoring and the elevation standards of Subsection 4.5.K.3; and
 - 4.5.N.3.b the encroachment standards of Subsection 4.5.N.1.

4.5.O STANDARDS FOR AREAS OF SHALLOW FLOODING (Zone AO, AH, AR/AO, or AR/AH)

Located within the Special Flood Hazard Areas established in Subsection 4.5.E.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Subsection 4.5.J and 4.5.K, all new construction and substantial improvements shall meet the following requirements:

- 4.5.O.1 The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 3 feet, above the highest adjacent grade; or at least 2 feet above the highest adjacent grade if no depth number is specified. A minimum of two (2) feet is required and four (4) feet is recommended where a depth is not provided.
- 4.5.O.2 Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Subsection 4.5.O.1 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Subsection 4.5.G.3, and Subsection 4.5.K.2.
- 4.5.O.3 Adequate drainage paths shall be provided around structures on slopes to guide floodwaters around and away from proposed structures.

4.5.P LEGAL STATUS PROVISIONS

4.5.P.1 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE

This ordinance, in part, comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted October 6, 1997, as amended

by this Ordinance, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Ordinance shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Boise County enacted on October 6, 1997, as amended, which are not reenacted herein are repealed.

4.5.P.2 EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance. Provided, however, that when construction is not begun under such outstanding permit within a period of 180 days subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

4.5.P.3 WARNING AND DISCLAIMER OF LIABILITY:

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This section shall not create liability on the part of Boise County, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

SECTION 4.6 HAZARDOUS DEVELOPMENT SITE REGULATIONS:

4.6.A PURPOSE:

4.6.A.1 To prevent harm which cannot be subsequently remedied, it has been determined that it is both important and necessary that appropriate building and use restrictions for designated unstable sites found to exist in the county be established.

4.6.A.2 Nothing in this Section shall be construed to imbue the County, its officers, or its agents with responsibility for identifying hazardous development sites of any kind whatsoever.

4.6.B DESIGNATION OF HAZARDOUS DEVELOPMENT SITE:

4.6.B.1 No person shall engage in or undertake land use development activities, nor shall designated hazard-prone structures or improvements be used or occupied, within lands designated by the Boise County Board of Commissioners by resolution as a Hazardous Development Site (HDS) pursuant to this Section. For purposes of this Section land use activities shall mean any modification of the landscape by grading, excavating, constructing, or otherwise developing or occupying a site or a structure on a site. Establishing any land use shall mean undertaking earth movement, construction, installation of utilities of any type, or making any material preparation to construct or establish a developed land use on lands hereby affected. The provisions of this Section shall apply to only existing HDS or to lands designated HDS by resolution of the Board subject to a public hearing.

4.6.B.2 The Board may designate lands within the County as HDS upon such information as the Board may become aware in the course of governance of the County. The

Board may rely upon information supplied by professionals with experience and expertise in evaluating the hazards associated with geological processes, climatic conditions, and information developed by related natural science disciplines. When the Board determines that the developed use of certain lands poses, or could pose, an imminent threat to the health, safety, or general welfare of occupants, users, or owners of certain lands, the Board may declare such identified lands an HDS by approving an emergency resolution to that effect. Any such resolution declaring an HDS shall state the reasons therefore within the text of said resolution.

4.6.B.3 In designating any lands as an HDS, the Board shall carry out a takings analysis as required by Idaho Code Title 67, Chapter 80, or its successor. In analyzing the factors to be considered therein, the Board shall balance the threat to interests of adjoining property owners and users, the risk of harm to potential users of the subject lands, and the threat to public safety and rescue personnel against the interests of the owner of the designated site. Such analysis shall err initially upon the side of protecting the public safety. Procedures in this Section are designated to protect the property rights of the owner by providing hearings and rights of appeal.

4.6.C APPEAL OF HAZARDOUS DEVELOPMENT SITE DESIGNATION:

4.6.C.1 Any land owner who owns land within a designated HDS may appeal its designation as an HDS to the Board within fourteen (14) calendar days of a designation by Board resolution. Such appeal may be heard on the basis of information submitted by the owner which contradicts or amplifies the information upon which the Board has relied. Any such appeal may also propose conditions by which the hazard may be mitigated. Said appeal may be for a complete and total release of the HDS designation or for a partial release for certain identified uses or purposes or subject to such conditions of mitigation as the Board might approve. The request for release, conditional, partial or total, shall be in writing, shall include the information upon which the appeal is based, and shall state the relief sought. In considering any such appeal the Board may consider the matter on the record or may schedule a public hearing, in either event providing written notification to adjoining landowners of the appeal and allowing written or oral comment, or may follow such procedural steps as may be appropriate to the circumstances of the appeal which has been filed if the Board determines that other landowners would not be affected thereby.

4.6.C.2 After considering the information submitted for and/or against the HDS designation, the Board shall decide the appeal in writing, setting forth the basis for its determination. Such written decision shall be deemed final action by the Board. If an owner or other affected person believes that the decision on appeal is premised upon an error of fact or law, that person may request reconsideration by the Board. Such request for reconsideration shall be received in writing no more than fourteen (14) calendar days after the date of the decision on appeal rendered by the Board. The Board shall follow such procedures as it deems appropriate in considering a request for reconsideration. Filing a timely request for reconsideration shall stay the date upon which a decision of the Board is deemed final. When a request for reconsideration is received, the decision of the Board shall not be deemed final until the reconsideration request has been conclusively acted upon, within sixty (60) calendar days of the receipt of the request for reconsideration.

4.6.C.3 After all remedies have been exhausted under this Ordinance, the affected person seeking review of a written decision of the Board may appeal within twenty-eight (28) calendar days to seek judicial review as provided in Idaho Code §67-6521(d), or as amended.

CHAPTER 5 SUBDIVISION REGULATIONS

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SECTION 5.1 PURPOSE:

To provide a process for land owners to legally modify, adjust, consolidate, combine, or divide their real property to improve its usefulness, while simultaneously permitting Boise County to protect the rights and lifestyles of all of Boise County’s residents.

5.1.A To establish standards for land subdivision to provide for the orderly and harmonious development of land in Boise County;

5.1.B To ensure the provision of adequate transportation, water and sewage facilities, water drainage, emergency services, fire and police protection and other public services;

5.1.C To ensure that the impact of subdivision development does not affect the ability of the local jurisdictions or taxing districts, including school districts, to deliver services without compromising their current quality or imposing higher costs upon current residents.

SECTION 5.2 DOCUMENTATION:

Plat and lot line vacations shall be recorded per Idaho Code §50-1324. All land boundary modifications shall be documented as required by this Ordinance, an exception of plat and/or property line vacations, and of administratively exempted splits as described in Section 5.5. All land boundary modifications shall be documented by recording an appropriate Plat.

5.2.A Records of Survey: Each Subdivision Exception split shall be documented by a Record of Survey per Idaho Code, Title 55, Chapter 19.

5.2.B Plats: No Plat shall be filed with the County Recorder until said Plat has been acted upon and approved for recordation by the Board. **NO LOTS SHALL BE SOLD UNTIL SAID PLAT HAS BEEN APPROVED FOR RECORDATION BY THE BOARD AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER.** In addition to and in concurrence with the requirements of Idaho Code §50-1310, the following shall be required:

5.2.B.1 For each Plat a physical presentation, including at least:

- 5.2.B.1.a One (1) silver image chronoflex transparency Mylar, or in a format provided for in Idaho Code, Title 50, Chapter 13; and
- 5.2.B.1.b Plat shall be eighteen (18) inches by twenty-seven (27) inches in size, with a three and one-half (3 ½) inch margin at the left end for binding and a one-half (1/2) inch margin on all other edges; per I.C. 50-1304 current, or as amended.
- 5.2.B.1.c One (1) full size paper copy; and
- 5.2.B.1.d One (1) 8 ½ x 11 paper copy; and
- 5.2.B.1.e One (1) Plat Map in a digital format as required by the Boise County Assessor for inclusion in the County GIS system;

5.2.B.2 Included on each Plat:

- 5.2.B.2.a Coordinates based on the PLSS coordinate system; and
- 5.2.B.2.b A title block including the name of the subdivision, county and state, and the location and description of the subdivision referenced to township, range and section; and
- 5.2.B.2.c Face notes as determined by final decision of the Board; and
- 5.2.B.2.d Scale, north arrow, symbol legend, and date; and
- 5.2.B.2.e Point of beginning of subdivision description tied to at least two (2) government survey corners or to monuments recognized by the County Surveyor; and
- 5.2.B.2.f Location and description of monuments; and
- 5.2.B.2.g Tract boundary lines, property lines, lot lines, lot sizes, street right-of-way and center lines, other rights-of-way and easements; all with accurate dimensions in feet and decimals, bearing in degrees, minutes and seconds, radii, arcs, central angles, tangents and chord lengths of all curves to the above accuracy; and
- 5.2.B.2.h Existing buildings; and
- 5.2.B.2.i Area for parcels 1 acre or more shown to the nearest 1/100th of an acre; for parcels less than 1 acre shown in square feet; and
- 5.2.B.2.j Name and right-of-way width of each street or other right-of-way; and
- 5.2.B.2.k Location of all adjoining properties and subdivisions with name, book, page or instrument number; and
- 5.2.B.2.l The location, dimension and purpose of all easements; and
- 5.2.B.2.m Clear identification of any portion(s) of the subdivision that are subject to the requirements of Flood Damage Prevention Section of this Ordinance, including all major drainage-ways, water features, wet

- lands, and floodplain lines as depicted on the most recent applicable Federal Emergency Management Agency map; and
- 5.2.B.2.n The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block with areas to be excluded from platting marked clearly with the reason for exclusion. Notes to the Plat shall include statements such as “Originated as a One-Time Split, Originated as an Agricultural Split, etc.” if applicable; and
 - 5.2.B.2.o The outline of any property, other than a street or alley, which is offered for dedication to public use, fully dimensioned by lengths and bearings, with the area marked “Public” and showing the proposed use; and
 - 5.2.B.2.p Location, width and names of all existing or dedicated streets or other public ways within or adjacent to the proposed subdivision; and
 - 5.2.B.2.q A notarized certificate of ownership which includes dedication of those street rights-of-way and sites held for public use, statements of no dedication for public use and responsibility for maintenance and service to such private streets, grants of any existing or proposed easements and a provision in this certificate referencing the County Recorder’s fee instrument number where the protective covenants governing the subdivision are recorded; and
 - 5.2.B.2.r Certification by a registered surveyor preparing the plat certifying to the accuracy of survey and plat, and that lot corner pins are physically in place or that Idaho Code §50-1331 and §50-1332 have been otherwise complied with; and
 - 5.2.B.2.s Certification and signature of the County Surveyor verifying that the accuracy of the survey complies with the requirements of the State of Idaho; and
 - 5.2.B.2.t Certification by the proper health authority that sanitary restrictions have been lifted, or proper notice acceptable to the health authority that sanitary restrictions remain in effect; and
 - 5.2.B.2.u Certification and signature of the Planning and Zoning Administrator verifying that the subdivision has met or bonded for all County requirements; and
 - 5.2.B.2.v Any additional restrictions imposed by the Board to provide for the public health, safety and welfare; and
 - 5.2.B.2.w Certification and signature of the Chairperson of the Board verifying that the subdivision has been approved by the Board; and
 - 5.2.B.2.x Certification and signature of the County Treasurer verifying that all taxes have been paid.

SECTION 5.3 SUITABILITY RESTRICTIONS:

The following restrictions shall be incorporated in any plat, subdivision or dedication and each of the requirements hereinafter set forth shall be considered mandatory unless otherwise indicated.

- 5.3.A** Land, which the Board has found to be unsuitable for subdivision because of flooding, poor drainage, steep slopes, rock formations, or other features likely to be harmful to the safety and general health of the future residents and which the Board considers inappropriate for subdivision shall not be subdivided unless adequate methods approved by the Board are included for mitigating these conditions.

5.3.B In making its determination regarding unsuitability, the Board shall use as a guide, those standards for flood plain, hillside development, traffic, drainage, fire, hydro geologic, and other topographical features adopted by the Board.

5.3.C Determination by the Board of unsuitability can be made at any time during the preliminary platting process.

SECTION 5.4 SUBDIVISION EXCEPTIONS:

The Administrator shall have the authority to administer, review and approve the following limited Subdivision Exceptions. The following Subdivision Exceptions may be approved outside the standard land division procedures of Section 5.5. A completed application for a Subdivision Exception shall be submitted to the Administrator for processing and a final decision. All required information for the Record of Survey procedures shall be complete and in acceptable form for consideration of the Subdivision Exception. Any further division of the original parcel of record, or any portion of the original parcel of record, shall require a Subdivision Application.

5.4.A TYPES OF SUBDIVISION EXCEPTIONS:

5.4.A.1 Property Line Adjustment: A Property Line Adjustment is an adjustment of lot, or parcel lines which does not: reduce the area, frontage, width, depth, or building set back lines of each building site below the minimum requirements, if any; does not change the outside boundary of a subdivision; and does not increase the original number of lots, or parcels, in any block of a recorded Plat. A Property Line Adjustment may be done more than once, if conditions are met; the original parcel criteria does not apply.

5.4.A.2 Property Line Vacation: The purpose of the Property Line Vacation is to create one new parcel from two, or more, legal, contiguous parcels, existing under the same ownership, by eliminating all common property lines which separate the parcels from each other. Only one (1) Subdivision Exception is permitted per original parcel of record from said parcel's configuration as of December 6, 2005.

5.4.A.2.a A property line vacation does not become valid until such time as the forms and exhibits are approved and signed by the Planning and Zoning Administrator and recorded in the Boise County Recorder's Office. The property line vacation does not become complete until the deed granting the property line vacation to the respective owner is also recorded with the Boise County Recorder's Office.

5.4.A.2.b If buildings are to be constructed over vacated property lines, then any easements platted therein shall also be vacated per Idaho Code.

5.4.A.3 Agricultural Split: A division of qualifying agricultural land for Agricultural Use. A division of agricultural land for Agricultural Use shall mean the division of land into lots/parcels, all of which are ten (10) acres or larger, (no more than five (5) lots/parcels; per Title 50, Chapter 13, Idaho Code), and maintained as agricultural lands. In addition, the Administrator shall confirm with the Boise County Assessor's office that the property is an agricultural use. If applied for, no more than one (1) residential building will be approved for a building permit on an agricultural split parcel within ten (10) years of approved agricultural split; unless a subdivision application has been approved.

- 5.4.A.4 One Time Division:** A one-time division of an original parcel into four (4) parcels/lots, or less, that is subject to Section 5.4.B of this Ordinance. Only one (1) Subdivision Exception is permitted per original parcel of record from said parcel's configuration as of December 6, 2005.
- 5.4.A.5 Public Use:** A division of property owned by a public agency that is being divided for the purpose of transferring property to another public agency.
- 5.4.A.6 Probate Estate or Court Order:** A division of land in the settlement of an estate of a decedent or a court order/deed for the distribution of property; or the sale of land as a result of legal condemnation, as allowed by law. A copy of the Court Order/Decree or Estate shall be provided to the Planning and Zoning Department, along with all the other necessary documents.
- 5.4.A.6.a Any property created by court decree shall be recognized only as a property for transfer of ownership purposes and shall not be eligible for development with the exception of any building permits for renovation or repair of an existing structure. To become eligible for development, the property shall comply with all applicable regulations of this Ordinance.
- 5.4.A.7 Exchange of Land:** The exchange of contiguous land for the purpose of modifying property boundaries which does not result in the change of the present land usage of the properties involved. No outside boundary of a subdivision shall be changed. If such action would change the outside boundary, then the plat procedures shall be followed.
- 5.4.A.8 Acquisition of Public Right-of-Way:** Documentation of any proposed right-of-way acquisition (i.e. deed, record of survey, etc.) shall be provided to the Planning and Zoning Department. The Planning and Zoning Administrator shall not secure the right-of-way, but may exempt any needed permits to be in compliance with all County Ordinances.
- 5.4.A.9 Mortgage or Deed of Trust Split:** A holder of a deed of trust or mortgage may apply for a one-time split in order to establish a parcel that complies with the legal description on the deed of trust or mortgage if:
- 5.4.A.9.a The note is more than five (5) years old, foreclosure proceedings have been brought on the note, and the redemption period has passed; and
- 5.4.A.9.b Proof is provided of a recorded survey and a legal description for both parcels; i.e., the new parcel and the remainder parcel.
- 5.4.A.9.c This exception may not be used to establish more than two parcels i.e., the new parcel and the remainder parcel.
- 5.4.A.10 Non-Contiguous Parcel Recognition:**
To the extent a parcel is legally described in a manner that incorporates two or more non-contiguous tracts as part of a single tax parcel (i.e. parcel 1 & 2 or parcel A & B), the owner may apply for separate recognition of each non-contiguous parcel. Upon application approval by the Administrator, the Assessor shall assign a separate tax parcel number to each non-contiguous parcel.

5.4.B SUBDIVISION EXCEPTION REQUIREMENTS:

Each application for Subdivision Exception shall meet, but not be limited to, the following conditions; as applicable:

- 5.4.B.1** A completed Subdivision Exception application is signed by the owner.
- 5.4.B.2** All required fees are paid to the Planning and Zoning Department and attested to by the Administrator.
- 5.4.B.3** The otherwise qualifying original parcel is in the same configuration as it was on December 6, 2005.
- 5.4.B.4** All resulting lots shall meet appropriate size requirements.
- 5.4.B.5** All parcels shall have legal access from a public or private road clearly delineated on the Record of Survey. All roads must conform to the County Road Standards, Wildland Urban Interface and Floodplain Standard.
- 5.4.B.6** Legal descriptions for each new parcel/lot shall be in metes and bounds and shall include:
 - 5.4.B.6.a Reference to Record of Survey Instrument Number.
 - 5.4.B.6.b Stand-alone metes and bounds description with maximum closing error of 0.0002 foot.
 - 5.4.B.6.c Curve data to include a minimum of radius, delta, and lengths.
 - 5.4.B.6.d Area of parcel shown in acres to the nearest 1/100 of an acre.
 - 5.4.B.6.e Signature of a land surveyor licensed in the State of Idaho.
- 5.4.B.7** Deeds for the proposed new parcels/lots have been properly prepared, conveying ownership and presented to the Administrator.
- 5.4.B.8** A Record of Survey pursuant to Idaho Code Title 55 Chapter 19, and shall specifically include those items required by Idaho Code §55-1906 in addition to the following:
 - 5.4.B.8.a Legal description of the total parcel.
 - 5.4.B.8.b Parcel corners shall be set by a licensed land surveyor prior to recording.
 - 5.4.B.8.c Area of each parcel shall be shown to the nearest 1/100th of an acre.
 - 5.4.B.8.d All parcel numbers shall be numbered consecutively.
 - 5.4.B.8.e Access shall meet the standards as set forth in this Ordinance.
 - 5.4.B.8.f Utility easements shall be a minimum of ten feet (10') wide on both sides of private or county roads.
 - 5.4.B.8.g A face note stating "For the Purpose of Subdivision Exception", is prepared and presented to the Administrator.
 - 5.4.B.8.h If new roads are constructed an Engineer Certificate shall be required that roads and storm drains meet the minimum construction standards of this Ordinance.
 - 5.4.B.8.i Engineer or surveyor certification indicating that the right of way and grade meet the minimum standards of this Ordinance.
- 5.4.B.9** The health authority shall be requested by the Administrator to review and provide comment on the proposed application.
- 5.4.B.10** The County Treasurer has certified that all accrued property taxes have been paid in full for the parcel to be divided, or parcels to be combined.
- 5.4.B.11** The County Assessor has certified that parcels are acceptable for assessing and tax purposes.
- 5.4.B.12** Other documents as required by each individual type of Subdivision Exemption have been received by Administrator.

- 5.4.B.13 The Administrator may require any or all of the reports as outlined for a Standard Subdivision based on the location and characteristics of the lot or parcel.
- 5.4.B.14 The Administrator has issued a Certification of Completion.
- 5.4.B.15 Recording Process:
 - 5.4.B.15.a All recording fees shall be paid by the Applicant.
 - 5.4.B.15.b The Applicant shall record the Record of Survey with the County.
 - 5.4.B.15.c The Applicant shall record individual deeds and metes and bounds legal descriptions for each parcel.
 - 5.4.B.15.d The Applicant shall provide recorded copies back to the Administrator.

SECTION 5.5 SUBDIVISIONS:

Subdivisions shall be subject to approval only after having been considered in a minimum of two (2) public hearings (per I.C. § 67-6509 & 67-6513), at least one (1) before the Commission and at least one (1) before the Board. No Subdivision Review shall be complete unless the following terms, requirements, and conditions have been addressed and considered in the application.

5.5.A DESIGN STANDARDS:

5.5.A.1 GENERAL:

These standards shall be followed in all subdivisions regulated by this Ordinance.

- 5.5.A.1.a Any proposed subdivision in areas of the county where topographical slopes are greater than fifteen percent (15%) or where adverse conditions associated with slope stability, erosion, or sedimentation are present, as determined by the County Engineer, shall conform with the additional Hillside Regulations set forth in this Ordinance.
- 5.5.A.1.b Adequate means for eliminating unsuitable conditions must be approved by the County Engineer in order to develop property that has been designated in the applicable Comprehensive Plan, in the natural features analysis, or elsewhere, as being unsuitable for development because of flood threat, poorly drained areas, high groundwater, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered.
- 5.5.A.1.c The limits of the subdivision shall encompass the full extent of the owner's lot or contiguous parcels, as herein defined and applied for on an application.
- 5.5.A.1.d The Board may require modifications to the application where site planning has not sufficiently addressed the existing natural features.

5.5.A.2 BLOCKS:

The length, widths, and shapes of blocks shall be determined with due regard to:

- 5.5.A.2.a Provision of adequate building sites suitable to the special needs of the type of use contemplated including the base district requirements as to property sizes and dimensions.
- 5.5.A.2.b Needs for convenient access, circulation, control, and safety of street traffic. The number of intersecting streets with arterials of all classes shall be held to a minimum.
- 5.5.A.2.c The limitations and opportunities of topography.

5.5.A.3 LOTS:

- 5.5.A.3.a The property size, width, depth, shape, and orientation, and the minimum structure setback lines as provided in Section 4.1.D Table 4.1.D.8 shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- 5.5.A.3.b Through lots shall be avoided except to separate developments from arterial streets or to overcome topographic restrictions. A screening easement or common area lot having a minimum width of ten feet (10') shall be provided along the arterial streets. If necessary due to streets or topo graphics one of the frontages may be restricted from access.

5.5.A.4 ACCESS:

- 5.5.A.4.a The arrangement, character, extent, and location of all streets shall conform to the Comprehensive Plan or portions thereof, and shall be considered in their relation to existing and planned streets, topographic conditions, and in their appropriate relation to the proposed uses of the property to be served by such streets. All required public street improvements and additional design standards are subject to the jurisdiction of the Boise County Road and Bridge Department.
- 5.5.A.4.b Where a subdivision borders a railroad right of way or limited access highway right of way, a street approximately parallel to such right of way, at a distance suitable for appropriate use of the intervening property may be required.
- 5.5.A.4.c Street layout shall be planned to facilitate future development of abutting areas and the entire neighborhood, and shall provide for adequate access to abutting lands.

5.5.A.5 EASEMENTS:

- 5.5.A.5.a There shall be easements provided for utilities, drainage, and irrigation abutting to all public street right of way and subdivision boundaries, and where considered necessary, centered on the interior property lines. Said easements shall have a minimum width of ten feet (10').
- 5.5.A.5.b Where a subdivision is transversed by a watercourse, appropriate easements shall be provided.

5.5.A.6 WATERCOURSES:

- 5.5.A.6.a No structure shall be placed within the natural or ordinary high water mark of a waterway, unless the structure is necessary for the use of a water right.
- 5.5.A.6.b All encroachments must comply with the provisions set forth in Idaho Code Title 58 Chapter 13.
- 5.5.A.6.c No structure may be constructed, at a minimum, within an area equal to the width of the stream or 25 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. Riparian vegetation should be maintained in its natural state for the protection and stabilization of the riverbank. Setbacks are measured horizontally.

5.5.B FLOOD DAMAGE PREVENTION:

All proposed subdivisions in areas subject to a flood hazard shall comply with the requirements of this Ordinance.

5.5.C SUPPLEMENTAL DOCUMENTATION/INFORMATION:

- 5.5.C.1 If any State, Federal or Local agencies have raised unresolved objections, or recommended mitigation of adverse impacts, those issues shall be placed as conditions on the application and must be resolved, or accepted by the applicant prior to the Board signing the final Plat.
- 5.5.C.2 Application shall provide evidence of legal access from a public or public road to the subject property.
- 5.5.C.3 Application shall include appropriate vicinity maps of the subject property in scales sufficient to identify the location and features of the subdivision; which shall, as appropriate and practicable, include at least the following:
 - 5.5.C.3.a All physical elements required for platting the subdivision.
 - 5.5.C.3.b An area six hundred feet (600') beyond proposed development or sufficient area around it to provide adequate orientation and landmark identification for someone unfamiliar with the vicinity.
 - 5.5.C.3.c The location of city and/or County limits falling within or adjacent to the proposed development.

SECTION 5.6 CHARACTERIZATION OF SUBDIVISION APPROVAL:

For purposes of Idaho Code §67-6512, an approval of a Subdivision application as provided in this Chapter shall be deemed to be a “special use or conditional use permit.”

SECTION 5.7 STREETS AND UTILITIES:

Street and utilities improvements shall be installed in each new subdivision at the applicant’s expense with surety posted to the County, in accordance with the minimum standards set forth by this Ordinance prior to the acceptance of any final plat for recording containing streets or other improvements dedicated to public use. Any off-site improvements must be reasonably related to the impacts of the proposed development, as determined by the Board or voluntarily agreed to, as provided in Section 2.7. Streets dedicated to the public shall not be maintained by the County unless such maintenance is specifically undertaken by resolution by the Board.

5.7.A STREETS AND ROADS:

Road width and driving surface shall be as outlined in the Road Standards of this Ordinance. Minimum acreage standards as identified in this Ordinance do not include roads or road easements. All privately owned roads to access fifty (50), or more, lots, or generates more than three-hundred (300) trips per day, shall be paved and designed as a PCU Collector Road. The applicant shall make full disclosure to all buyers of subdivision property of the ownership of the streets within the subdivision and the unavailability of county services, as applicable. Said disclosure shall be executed in writing on the final plat as a face note. All road proposals shall consider the conditions, terms and requirements listed below:

- 5.7.A.1 The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, topographic conditions,

to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

- 5.7.A.2** Prior to any dedication to the public, all streets must comply with all of the standards of this Ordinance.
- 5.7.A.3** Arrangement of streets in a subdivision shall:
 - 5.7.A.3.a Provide for the continuation or appropriate projection of existing principal streets in surrounding areas or
 - 5.7.A.3.b Conform to a plat for the neighborhood approved or adopted by the Board to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impracticable.
- 5.7.A.4** Where subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Board may require a street, or other appropriate buffer, approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land.
- 5.7.A.5** Reserve strips controlling access to streets shall be prohibited except where their control is placed in the county under conditions approved by the Board.
- 5.7.A.6** Street layout shall provide for the following:
 - 5.7.A.6.a Streets shall provide adequate access to adjoining lands.
 - 5.7.A.6.b Half streets, those centered on a property line, shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other instance where a half street is adjacent to an undeveloped tract, the other half of the street shall be platted within such tract.
 - 5.7.A.6.c All street names shall comply with this Ordinance.

5.7.B UTILITY EASEMENTS:

- 5.7.B.1** Easements shall be provided for the utilities, preferably centered along property/lot side lines, a minimum width of twelve feet (12') (except for service entrances).
- 5.7.B.2** Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose.

5.7.C ROAD DEDICATION:

- 5.7.C.1** Applicant shall complete a Declaration of Private Common Use Roads for Subdivision form, see form below, prior to recording the final plat:

**DECLARATION OF PRIVATE-COMMON USE ROADS FOR _____
SUBDIVISION, BOISE COUNTY, IDAHO**

THIS DECLARATION made on the date hereinafter set forth by _____, owner of the subdivision known as _____ (hereinafter referred to as Declarant):

WITNESSETH

WHEREAS, Declarant did on the _____ day of _____ 20____, record in the office of the Recorder of Boise County, under Instrument Number _____, of the Official Records of Boise County, Idaho, a Subdivision Plat or real property located in Boise County, Idaho which is generally described as the _____ Subdivision; and

WHEREAS, Declarant is the owner of the real property generally described as the _____ Subdivision, now THEREFORE, Declarant hereby declares that (list road names) along with the rights-of-way therefore, (the Subject roads), shall be private and remain private and dedicated to the common use by all property owners within the Subdivision until otherwise deeded to and accepted by Boise County or another appropriate governmental entity, and as such Declarant shall be responsible for the improvement and maintenance of the same until the Declarant deeds the subject road(s) to a property owners association managed by the individual lot owners of _____ Subdivision provided that such road(s) shall then meet the minimum standards established by Boise County for Private-Common Use Roads. After transfer to the property owners association, said association shall have the sole continuing obligation to provide all further improvement and/or maintenance to the subject roads until such time, if ever, as the obligation is also spread out amongst the owners of lots within future additions to the _____ Subdivision or until such time as the subject roads are formally accepted by Boise County or another appropriate governmental entity as public roads. Until formal acceptance by a public entity, neither Boise County nor any other governmental entity shall have any obligation whatsoever to provide improvements of maintenance of the subject roads and the total responsibility for improvement and maintenance shall be incumbent upon Declarant and after transfer from Declarant, the total responsibility for improvement and maintenance shall be incumbent upon the property owners association for _____ Subdivision and the owners of lots with any future additions to _____ Subdivision which have access to and ingress and egress rights over subject roads.

IN WITNESS WHEREOF, the Declarant has caused his hand and seal to be subscribed hereunto this ____ day of _____, 20____.

By: _____

Title: _____

STATE OF IDAHO _____)

COUNTY OF _____)

On this ____ day of _____, in the year _____, before me, a Notary Public, in and for the State of Idaho, personally appeared _____, known or identified to me to be the _____ of the _____ that executed the instrument on behalf of said _____, and acknowledges to me that such _____ executed the _____

Notary Public

Residing at _____

(Notary Seal)

My Commission Expires: _____

SECTION 5.8 STORM WATER MANAGEMENT PLAN:

A Storm Water Management Plan including preliminary drainage grades and hydrologic analysis shall be prepared and submitted with the preliminary subdivision application. The hydrologic analysis shall include drainage basin determination, soil classification, and peak surface water discharge and maximum velocity calculations. Analysis method shall be according to applicable provisions of the Idaho Department of Transportation Design manual. If deemed necessary by the County Engineer, a storm water management plan shall be prepared and certified by a professional engineer licensed in the State of Idaho or a professional geologist licensed in the State of Idaho. The plan shall demonstrate that adequate drainage, storm water management, and soil conservation measures are implemented to prevent the transportation of pollutants and the increase of post-development discharge rates. The Storm Water Management Plan shall include the following, as a minimum:

- 5.8.A** A complete description of drainage system; and
- 5.8.B** Calculation of peak flow rates and runoff volumes. The peak rate of discharge for areas up to one hundred (100) acres shall be calculated using the rational method or approved derivatives. For areas greater than one hundred (100) acres the SCSTR55 Method for peak discharge shall be used; and
- 5.8.C** Calculation of pre-development and post-development flow; and
- 5.8.D** Design of primary storm water conveyance for runoff from a 50 year frequency storm on sites with less than fifteen per-cent (15%) slopes or a 100 year frequency storm on sites with greater than fifteen per-cent (15%) slope. Design secondary conveyance for runoff for all flows up to the 100 year frequency storm, within defined rights-of-way or drainage easements; and
- 5.8.E** Design of drainage ways to convey 110% of the maximum flow velocity. Drainage ways shall convey the calculated maximum runoff velocities without erosion as determined by the permissible velocities of water transporting colloidal silts listed in Table 9.1 of the "Design and Construction of Urban Stormwater Management Systems" prepared by the Urban Water Resources Research Council of the American Society of Civil Engineers and Water Environment Federation; and
- 5.8.F** Calculations for sizing of all erosion control measures, sediment containment structures, piping, culverts and any other storm water facilities; and
- 5.8.G** Location, grades and design elevations of all erosion control measures, sediment containment structures, piping, culverts, and any other storm water facilities.

SECTION 5.9 SEDIMENT/EROSION CONTROL PLAN:

A Sediment/Erosion Control Plan shall be prepared and certified by an individual qualified and licensed in the State of Idaho to prepare those plans and be prepared to U.S. Environmental Protection Agency requirements. The plan shall demonstrate the prevention of any transport of construction generated, or post-development sediment from the original property, into storm water discharge, into water bodies, or into natural or constructed drainages. This completed plan shall be due with the preliminary subdivision plat application. The Sediment/Erosion Control Plan shall include the following, as a minimum:

- 5.9.A** Strategy of the proposed erosion and sediment control plan; and
- 5.9.B** Location and details of Best Management Practices (BMPs) to be used; and
- 5.9.C** Classifications using the Unified Soil Classification System (USCS) of erodible or disturbed soils; and
- 5.9.D** Locations of disturbed soils; and
- 5.9.E** Final vegetation and permanent stabilization measures; and
- 5.9.F** Installation of erosion and sedimentation control measures prior to any site disturbance, or, if these erosion and sedimentation control measures are not to be installed as part of platting and

subdivision, proposed easements and other essential provision as required by the Board shall be submitted; and

- 5.9.G** A construction drawing of the Sediment Erosion Control Plan (SECP) must be developed based upon the final (90% to 100%) construction plans; and
- 5.9.H** The SECP supports the Storm Water Pollution Prevention Plan (SWPPP), which must be developed prior to beginning construction; and
- 5.9.I** The SWPPP must be completed prior to filing a U.S. Environmental Protection Agency Notice of Intent (NOI), which grants the developer license to disturb soil under the Environmental Protection Agency Construction General Permit.

SECTION 5.10 SIZE & INFRASTRUCTURE RELATED REQUIREMENTS:

Due to the impact large-scale developments have on public utilities and services, the applicant shall submit the following information for any subdivision resulting in thirty (30) or more lots; or as determined by the Administrator for smaller subdivisions:

- 5.10.A** Identification of all public services that must reasonably be provided to the development including but not limited to: Fire protection, law enforcement, central water, central sewer, road/drainage maintenance, solid waste disposal, parks/recreation, and schools;
- 5.10.B** Estimate of the public service costs to provide adequate services to the development;
- 5.10.C** Estimate of the tax revenue that will be generated by the development, including methods used to arrive at the estimate; and
- 5.10.D** Suggested means for financing the services for the development, or demonstration that tax revenues will adequately reimburse all public entities for the life-cycle costs of burdens added by the subdivision.

SECTION 5.11 FIRE PROTECTION PLAN:

A Fire Plan meeting the requirements of the Road Standards and the Wildland Urban Interface Regulations (WUI), signed by the applicable Fire District or agency responsible for fire protection is required. As a minimum, the Fire Plan shall address the following:

- 5.11.A** Access, ingress and egress, regarding both roadways and driveway standards; and
- 5.11.B** Water Supply Sources; and
- 5.11.C** Building construction information pertinent to fire safety; and
- 5.11.D** Defensible space; and
- 5.11.E** Fuel types, vegetation on site; and
- 5.11.F** Fire evacuation plan; and
- 5.11.G** Identification of the responsible fire protection agencies and their funding source(s); and
- 5.11.H** Latitude and longitude (GPS data) for the primary subdivision access and approximate center points of each lot; and
- 5.11.I** Proposed on-site and off-site improvements pertaining to streets, water supply, sanitary sewer systems, fire protection facilities and utilities; and
- 5.11.J** A schedule of construction and completion of all proposed improvements, contingent upon the County's approval; and
- 5.11.K** Any proposed preliminary restrictive covenants; and
- 5.11.L** General classification of land according to state and county land classifications; and
- 5.11.M** All applicable reports and plans as required herein; and

- 5.11.N** Topographical map required and pertinent for the proposed application showing contours of no greater than twenty foot (20') intervals; and
- 5.11.O** In residential plats, all parcels intended for other than residential use to be appropriately labeled; and
- 5.11.P** The date the original preliminary plat was drawn and its chronological history to the current revision; and
- 5.11.Q** A layout showing the location, length and grades of sewer lines, catch basins, pumps and other drainage and sewage structures, type and sizes of services, treatment and disposal facilities, etc.; and
- 5.11.R** A layout showing the location of potable water lines, wells, fire hydrants, valves and service lines; and, the materials of construction and the dimensions of all water system components; and
- 5.11.S** Any relevant provisions which might be contained within protective covenants are to be recorded with the plat, including a face note for the recording instrument number of the Covenants, Conditions, and Restrictions; and
- 5.11.T** Discussion and demonstration of the availability of and plans for installation of all utilities, including but not limited to electric, gas, phone, and internet.

SECTION 5.12 TRANSPORTATION IMPACT STUDY:

A Transportation Impact Study shall be required for any proposed development that:

- 5.12.A** Includes thirty (30) or more lots; or
- 5.12.B** Can be reasonably expected to generate more than one hundred fifty (150) vehicle trip ends during a single day and/or more than forty (40) vehicle trip ends during a single hour; or
- 5.12.C** Based on the judgment of the County Engineer, would significantly affect any adjacent transportation system. Examples of such cases include, but are not limited to, non-single family development in a single-family residential area, proposals adding traffic to or creating known or anticipated safety or neighborhood traffic concerns, or proposals that would otherwise generate a high percentage of truck traffic.
- 5.12.D** If required, a Transportation Impact Study shall be prepared and certified by a Registered Professional Engineer in accordance with the "Requirements for Transportation Impact Study" as prepared by the Idaho Transportation Department. If the County Engineer determines a full Transportation Impact Study is not warranted, a Professional Engineer's Transportation Impact Study may be prepared that includes, at a minimum, the following:
 - 5.12.D.1** A vicinity map showing the location of the proposed project in relation to the transportation system of the area; and
 - 5.12.D.2** A description of the analysis study area, including roadway names, locations and functional classifications, existing traffic volumes (measured during design conditions and/or the peak season); and
 - 5.12.D.3** Crash data within the study area for the most recent available three (3) year period; and
 - 5.12.D.4** Comprehensive trip generation figures for all aspects of the development including number of trips by vehicle and size, and time-of-day and entering/exiting percentages. The source of the trip generation data shall be documented. (If the source is other than the Institute of Transportation Engineers' Trip Generation, the preparer must obtain approval of the use of such data from the County Engineer prior to its use.); and

- 5.12.D.5 Identification of critical analysis period(s) and justification of this identification; and
- 5.12.D.6 Analysis of emergency evacuation event(s); and
- 5.12.D.7 Forecast performance and traffic volumes of the transportation system without the development in the year that each phase is planned to be complete and five (5) years after final phase is completed; and
- 5.12.D.8 Forecast performance and traffic volumes of the transportation system with the development in the year that each phase is planned to be complete and five (5) years after final phase is completed; and
- 5.12.D.9 Safety analysis including, as a minimum, sight distances, operational characteristics, traffic count data used in the analysis; and
- 5.12.D.10 Copies of raw traffic count data used in the analysis; and
- 5.12.D.11 Calculation sheets and/or computer software output for all calculations used in the analysis; and
- 5.12.D.12 Recommendations and analyses of impact mitigation measures.

SECTION 5.13 PROTECTIVE COVENANTS:

Protective covenants are required for all subdivisions, except for Subdivision Exceptions, and shall be in a form for recording with a copy of the surety arrangement, if required.

- 5.13.A Covenants shall address the applicable fire protection plan.
- 5.13.B Acceptance of a plat and/or a listing of protective covenants for recording shall not be construed as approval or endorsement of any protective covenants by Boise County.
- 5.13.C No covenant shall preempt any provisions of State statutes, this Ordinance, or Planning and Zoning regulations adopted by Boise County.
- 5.13.D Boise County has no enforcement authority pertaining to protective covenants.

SECTION 5.14 SPECIAL DEVELOPMENT SUBDIVISIONS:

This Section identifies various types of developments that normally pose special concerns to the Commission and Board when reviewing and acting upon subdivision requests. The provisions of this Section are in addition to requirements and standards found elsewhere in this Ordinance.

5.14.A CEMETERIES:

The applicant shall provide, along with the application, written documentation that will explain if the proposed cemetery will be used for animal or human remains and the functions that will be performed on the property. The applicant shall also submit a written statement that adequately assures the compliance of the proposed cemetery with the procedural platting and management requirements that are outlined in Title 27, Idaho Code and Idaho Code §50-1304.

5.14.B HILLSIDE CONSTRUCTION:

Any proposed building in areas of the County where topographical slopes are greater than fifteen percent (15%) or where adverse conditions associated with slope stability, erosion, or sedimentation are present, as determined by the Administrator or County Engineer, shall conform with the following:

5.14.B.1 APPEARANCE AND PRESERVATION:

- 5.14.B.1.a In order to preserve, enhance and promote a rural and open appearance and the natural topographic features and qualities of hillside areas, special consideration will be given to the following: existing trees,

shrubs, rock outcroppings, stream beds, draws, ridge lines, wetlands and natural drainage swales. Consideration will also be given to the view from and of the area.

5.14.B.2 EVALUATION CRITERIA:

- 5.14.B.2.a Development proposals shall take into account and shall be evaluated by the way in which land use, soil mechanics, engineering geology, hydrology, environmental, architectural and landscape design are applied in hillside areas.
- 5.14.B.2.b Evaluations shall include but are not limited to the following factors:
 - 5.14.B.2.b.i Planning the development to fit the existing topography, soils, geology, hydrology, wooded areas and other conditions;
 - 5.14.B.2.b.ii Orientation of the development on the site in a manner that will minimize grading and other site preparation work;
 - 5.14.B.2.b.iii Shaping of essential grading to blend with natural land contours and features so as to minimize padding and/or terracing of building sites;
 - 5.14.B.2.b.iv Division into workable units on which construction can be completed within one construction season to avoid areas being left bare and exposed to the winter/spring run-off period; and
 - 5.14.B.2.b.v Allocation of areas not well suited for development because of soil, geologic or hydrologic limitations for open space and recreation uses. Areas having soil, geologic or hydrologic hazards shall not be developed unless it is shown that the limitations can be overcome; that hazards to life and property will not exist; that safety, use and stability of the public way or drainage system is not jeopardized; and that the natural environment is not subjected to undue impact.

5.14.B.3 REPORTS AND PLANS:

- 5.14.B.3.a The applicant shall retain an Idaho licensed professional engineer to prepare, or obtain, and submit the following reports unless specifically exempted therefrom in writing by the County Engineer. Preliminary reports shall consist of sufficient information to permit a determination by the County Engineer and the Commission whether or not the site is adequate for the proposed development. Any preliminary plat approved based on a preliminary report shall be subject to the findings of the final report.
- 5.14.B.3.b Soils Report: This report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and opinions and recommendations covering the adequacy of sites to be developed.
- 5.14.B.3.c Geology Report: The report shall include an adequate description of the geology of the site, an evaluation of the proposed development in

relation to the geology, conclusions and recommendations covering the adequacy of the sites to be developed.

5.14.B.3.d Hydrology Report: This report shall include an adequate description of the hydrology of the site, conclusions on the proposed development, opinions and recommendations covering the adequacy of the sites to be developed. Flood frequency curves shall be provided for the area proposed for development.

5.14.B.3.e Grading Plans: A preliminary grading plan shall be submitted with the preliminary plat. This plan shall include approximate limiting dimensions or finish contours to be achieved by the grading; show cut and fill slopes, proposed drainage channels/devices, walls, dams, sediment basins, storage reservoirs and other protective devices; include a description of the methods to be employed in the disposal of soil and other material to be removed from the site and the location of the disposal site. A topographic map of the proposed development showing contours of five foot (5') intervals may be requested for areas considered highly sensitive by the County Engineer. A final grading plan shall be submitted prior to Preliminary Plat Approval by the Board. It shall include the limiting dimensions, elevations or finish contours to be achieved; show the cut and fill slopes, proposed drainage channels and related construction; show the subsurface drainage devices, walls, dams, sediment basins, outfall lines, storage reservoirs, drainage areas and other protective devices; include a schedule showing estimated date when each stage of the project will be started and completed and the total area of soil surface which will be disturbed during each stage. Existing ground vegetation shall not be disturbed more than fifteen (15) calendar days prior to grading. (Grading plans for houses will be submitted at the time of applying for a building permit if required.) No grading, clearing, filling or excavation shall be initiated until the final grading plan has been approved by the County Engineer.

5.14.B.4 SOIL STANDARDS:

5.14.B.4.a Fill areas shall be prepared by removing organic and other materials which are detrimental to proper compaction and stability. No rock or similar material greater than eight inches (8") shall be used as fill material that is intended to provide structural strength.

5.14.B.4.b Fills shall be compacted to at least ninety five percent (95%) of maximum density as determined by AASHTO T99 or ASTM D698, or greater as recommended by the soils engineering report. The frequency of compaction testing shall be as recommended by the soils engineer, who prepared the soils engineering report, and approved by the County Engineer.

5.14.B.4.c Cut slopes shall be no steeper than two (2) horizontal to one (1) vertical unless it can be shown by the Project Engineer that steeper slopes are feasible, taking into account safety, stability, erosion control, and re-vegetation; subsurface drainage shall be provided as necessary for stability.

5.14.B.4.d Fill slopes shall be no steeper than two (2) horizontal to one (1) vertical unless it can be shown by the project engineer that steeper slopes are safe, stable, erosion resistant, and can be adequately re-vegetated; fill