



# **BOISE COUNTY SUBDIVISION ORDINANCE**

**Ordinance 2006-02  
December 6, 2005**

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## CHAPTER 1

### GENERAL PROVISIONS

**Section I. SHORT TITLE.** This ordinance shall be known and may be cited as the Boise County Subdivision Ordinance.

**Section II. AUTHORITY.** This ordinance and any regulations duly promulgated thereunder are authorized by Title 50, Chapter 13, Idaho Code; Title 67, Chapter 65, Idaho Code, and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.

**Section III. PURPOSE.** The purpose of this ordinance is to promote the public health, safety and general welfare, and to provide for:

- A) The harmonious development of Boise County including any areas of impact existing pursuant to Sections 50-1306 and 67-6526, Idaho Code, or created by written agreement between Boise County and any municipality within Boise County;
- B) The coordination of streets and roads within a subdivision with other existing or planned streets and roads; Dependent on the impact report as well as the applicant proposed site improvements, the Administrator may recommend Bonds, Development Agreement, Reimbursement Fees, or Impact Fees from the applicant. The Board shall have the option of exclusively dealing with the issues of bonds, reimbursement fees, and/or application fees, in the case of developments, which are deemed by the Board to have significant impact on County services and infrastructure. In such case, pursuant to the direction of the Board, the Commission shall defer such matters to the Board.”
- C) Adequate open space for travel, light, air and recreation;
- D) Adequate water supply, sewage disposal systems, drainage, transportation or other public services; with no unnecessary imposition of an excessive expenditure of public funds for the supply of such services;
- E) The requirements as to the extent and the manner in which:
  - 1) Roads shall be created, improved and maintained, as set forth in detail in Boise County Road Standards Ordinance;
  - 2) Water and sewer and other utility mains, piping connections, or other facilities shall be installed;
- F) Mitigation of effects on political subdivisions and school districts to deliver services without compromising the quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision;

- G) The manner and form of making and filing of any plat and record of survey; and
- H) The administration of this ordinance by defining the powers and duties of Boise County.

**Section IV. JURISDICTION.** This ordinance shall apply to the subdivision of land within Boise County, including the property within Boise County as may be agreed upon by Boise County and any municipality within Boise County governed by the provisions of Sections 50-1306 and 67-6526, Idaho Code.

**Section V. INTERPRETATION.** All subdivision proposals as herein defined shall be submitted for review by the Board and shall comply with the provisions of this ordinance. This ordinance shall supplement all other ordinances, and where at variance with other laws, regulations, ordinances, or resolutions, the more restrictive requirements shall apply.

**Section VI. ADMINISTRATION.** The Board shall appoint an administrator, who shall serve at the pleasure of the Board and who shall receive and process all subdivision applications.

## CHAPTER 2

## DEFINITIONS

**Section I. INTERPRETATION OF TERMS OR WORDS.** Terms or words used herein shall be interpreted as follows:

- A) The present tense includes the past or future tense, the singular includes the plural and the plural includes the singular;
- B) The word "shall" is mandatory; "may" is permissive; and the word "should" is preferred; and the masculine shall include the feminine.

**Section II. DEFINITIONS.** As used in this ordinance:

- A) "Administrator" means an official or their designee appointed by the Board, who shall serve at the pleasure of the Board, and shall receive and process all subdivision applications.
- B) "Alley" means minor way which is used primarily for vehicular service access to the back or side properties usually abutting on a street.
- C) "Applicant" means the person who executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this ordinance. The applicant need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner. The Board in its discretion may require written proof of an applicant's agency status to act on behalf of an owner.
- D) "Board" means the Boise County Board of Commissioners.
- E) "Commission" means the Boise County Planning and Zoning Commission.
- F) "Dedication" means the setting apart of land or interest in real property for use by the public. Real property becomes dedicated only when accepted by the Board as a public dedication, either by the passage of a county ordinance, or by entry of a resolution of approval in the official minutes of the Board.
- G) "Easement" means the grant of a right for the public or other persons to use a parcel of real property for specifically stated purposes.
- H) "County Engineer or Surveyor" means that person appointed by the Board, who is responsible for the administration of engineering or surveying matters for the County of Boise and shall be a licensed engineer and/or surveyor in the State of Idaho, as required by Idaho law. All duties of the County Engineer or Surveyor shall be as set forth herein, by resolution of the Board or as otherwise set by Idaho law.

- I) "Health Authority" means the Central District Health Department, or such agency or unit of government which may succeed in the powers, duties and responsibilities of said authority.
- J) "Highway" means a street so designated as a county, state or federal highway by the governmental entity responsible therefor.
- K) "Lot" means a portion of a subdivision intended as a unit for transfer of ownership or for development.
- L) "Owner" means the individual, partnership, association, trustee, corporation, firm, entity or syndication having a proprietary interest in the real property to be subdivided.
- M) "Person" means any person, individual, firm, partnership, trustee, entity, corporation or syndication.
- N) "Plat" means the drawing, map or plan of a subdivision, cemetery, townsite or other tract of land, or a replatting of such, including certifications, descriptions and approvals.
  - 1) "Plat, Minor Subdivision" means that drawing for a Minor Subdivision of land containing not more than four lots, parcels or tracts.
  - 2) "Plat, Full Subdivision" means that drawing for a subdivision of land containing more than four, but less than 30 lots, parcels or tracts.
  - 3) "Plat, Large Scale Subdivision" means that drawing for a subdivision of land containing thirty or more lots, parcels, or tracts.
  - 4) "Preliminary Subdivision" means that drawing for a full subdivision which meets the requirements of this ordinance, but has not yet been accepted by the Board.
  - 5) "Plat, Final Subdivision" means that drawing and plan for a full subdivision prepared for filing and recording and containing those elements and meeting those requirements set forth in this ordinance and which has been approved by the Boise County Commissioners and filed with the Boise County Recorder.
- O) "Record of Survey" means that map filed as a result of a land survey by a licensed surveyor, in accordance with requirements of Title 85, Chapter 16, and Title, 55, Chapter 19, Idaho Code, governing records of survey.
- P) "Street" means a right-of-way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms, street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place and other such

terms. No street shown on any preliminary or final plat shall be dedicated for public use pursuant to this ordinance or pursuant to the provisions of Idaho law without a separate endorsement thereon, signed by the Chairman of the Board indicating that such streets have been accepted by the county by express resolution of the Board.

- Q) "Impact Report" is a report prepared by the County identifying the Impact each development may have on the County Infrastructure.
- R) "Subdivision" means the division of any parcel of land of whatever size into two or more parts for the purpose of transfer of ownership or development either by deeds, mortgages, deeds of trust or contracts of sale of portions thereof. A division of any parcel which is accomplished by any of the following shall not be considered as a division or subdivision within the meaning of this ordinance, provided that such division does not restrict access to the parcels created thereby. All current year taxes shall be paid in full prior to the County acceptance of any of the following:
- 1) An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building set back lines of each building site below the minimum zoning requirements, if any, does not change the outside boundary of a subdivision, and does not increase the original number of lots in any block of a recorded plat; Such adjustments requiring combinations of parcels shall not be able to be rescinded (or un-combined) without going through the proper division of land procedures.
  - 2) An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property;
  - 3) The sale of land as a result of legal condemnation as allowed by law;
  - 4) Widening of existing streets;
  - 5) The acquisition of right-of-way by a public agency;
  - 6) A bona fide division of agricultural land for agricultural purpose. A bona fide division of agricultural land for agricultural purpose shall mean the division of land into lots, all of which are ten (10) acres or larger, and maintained as agricultural lands. For purpose of this ordinance, bona fide agricultural purpose shall mean that the land is actively devoted to agriculture, meaning it is used for grazing or to produce field crops, including but not limited to grains, feed crops, fruits and vegetables; or it is in a crop-land retirement or rotation program. Proof of agricultural productivity may be required by the Board at its discretion.
  - 7) The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage of the



properties involved so long as it does not change the outside boundary of a subdivision. If such action would change the outside boundary, then the amended plat procedures shall be followed.

- 8) The division of a parcel of land with each resulting parcel consisting of 40 or more acres, or aliquot parts consisting of 1/16 of a section, inclusive of easements and rights-of-way encumbering the parcel, so long as access is provided fifty (50) foot in width, the entire length from the nearest public roadway. Only two (2) such divisions shall be permitted per parcel of record in the original configuration on the date of the passage of this Ordinance.
- 9) The division of a parcel of land into no more than four (4) parcels for the purpose of transferring ownership to an immediate family member for use by that family member. For purposes of this exception immediate family member refers to a Grandmother, Grandfather, Mother, Father, Daughter, Son, Granddaughter or Grandson by blood, marriage or adoption. All parcels shall have recorded access through a legal easement or other legal access. Lot size restrictions shall be the same as a minor subdivision.

Such divisions of land listed above require a letter of application and appropriate fee as set by resolution be filed with the Planning and Zoning Department to insure the criteria is met which allows the exemption from the subdivision process. All documents required to complete your request must be recorded within the timeframe as set out by the Planning and Zoning Department to enable the Assessor's Office to complete the changes.

Any further division of a portion of the parcel must be accomplished by the filing of a Minor subdivision plat or a full subdivision plat as provided in this ordinance or as may be further permitted under any other exemption to this ordinance.

- S) "Utilities" means facilities, whether existing or not which would provide to owners of property within a subdivision such normal household services as water, sewer, telephone, power, natural gas, etc.
- T) "Performance Bond" means an amount of money or other negotiable security paid by the developer or his surety to the County Treasurer, which guarantees that the subdivider will perform all action required by the governing body regarding an approved plat, and provides that if the developer default and fails to comply with the provisions of an approved plat, the subdivider or his surety will provide funds to the County up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

### **CHAPTER 3**

## RESTRICTIONS

**Section I. GENERAL.** 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.

- 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 overcoming these conditions.
- B) In making its determination regarding unsuitability, the Board shall use as a guide, those standards for flood plain, hillside development, and other topographical features adopted by resolution of the Board.
- C) Determination by the Board of unsuitability can be made at any time during the platting process.

## CHAPTER 4

## **MINOR SUBDIVISION PLATS**

**Section I. LOT, PARCEL OR TRACT SPLITS.** The minor subdivision procedure applies to lots, parcels or tracts which will be divided into no more than four parcels or lots. Any greater number of parcels, tracts or lot splits requires the subdivider or person responsible for such change to submit a preliminary plat of the entire subdivision and follow the requirements for full subdivision plat review as further delineated by this ordinance. Only one (1) minor plat is permitted per parcel of record in the original configuration on the date of the passage of this Ordinance. All required information for both preliminary and final plat procedures shall be complete and in acceptable form for consideration of subdivision. Any further division of the parcel of record will require the full subdivision process to be followed as described in Chapter 5 of this Ordinance.

### **Section II. REVIEW PROCEDURE FOR MINOR SUBDIVISION PLAT.**

- A) **PRE-APPLICATION CONFERENCE.** Prior to submittal of a minor subdivision plan application, the applicant shall have completed a pre-application conference with the Administrator to discuss the scope and objectives of the proposal, the overall design possibilities, the character of building sites to be created, the availability and adequacy of public services, the proposed Development Agreement for the project, and the standards and development criteria applicable to the proposal.
- B) **APPLICATION.** Applicant shall file all necessary applications with the Administrator along with the required fee. These applications shall be accompanied by the minor subdivision plat including the signature page. The County may request any/all of the Reports/Studies/Plans that are identified in Chapter 5 of this Ordinance if it is found that the information would be beneficial in reaching an informed decision regarding this division of land.

No minor subdivision plat shall be approved unless the following conditions have been met:

- 1) The health department has reviewed and provided a letter approving the subdivision and/or has certified by an approval signature on the plat or it is clearly stated on the plat that sanitary restrictions are enforced.
- 2) The County Treasurer has certified by an approval signature on the plat that all taxes have been paid on the parcel identified therein.
- 3) The County Assessor has certified by signature on the plat that platting is acceptable for assessing and tax purposes.
- 4) The County Surveyor has certified by signature on the plat that platting complies with Title 50, Chapter 13, Idaho Code relating to plats and surveys, and is also in compliance with this Ordinance.

- 5) No other State, Federal or Local agency has raised an unresolved objection.
- 6) In those areas of Boise County where approved central sewer and central domestic water facilities acceptable under the standards of this ordinance are not available, where individual wells and/or individual on site sewage disposal facilities on each lot would be necessary, the minimum lot size shall be in accordance with the following, which may be subject to upward or downward adjustment upon a determination by other reviewing agencies, that such adjustment either will or will not affect the public health, safety and welfare:
  - a) Individual water and individual sewage disposal: Two (2) acres
  - b) Central water and individual sewage disposal: One (1) acre
  - c) Individual water and central sewage disposal: One (1) acre
- C) FEE: As set by the Board. To be paid by the applicant to the Administrator or other designated county official appointed by the Board. The Board has the power to assess any additional fees that are necessitated by additional services required of the County Surveyor and/or Engineer as the circumstances warrant.
- D) COUNTY RESPONSIBILITY: Within thirty (30) days of receipt of the application and filing fee, the Administrator shall notify by first class mail at the last known address as disclosed by the current tax rolls, all property owners whose property lies within 600 feet of the boundaries of the parcel being divided, and all property owners of land upon which any access easement to the proposed subdivision sets. Any affected property owner may submit objections, concerns and comments regarding the proposed lot, parcel or tract changes to the County within 30 days of the posting of the above notice. The Commission shall order a public hearing to resolve all disputes before final review. Further, the Administrator shall forward copies of the minor subdivision plat and applications to the Treasurer and Assessor for review, and other State, Federal and Local agencies deemed appropriate by the administrator.
- E) SIGNATURES SECURED: Applicant shall secure the appropriate approval signatures on the plat in accordance with Idaho law and this ordinance.
- F) FACE NOTES: Face notes will be specified in the final decision of the Board.
- G) NOTIFICATION FOR FINAL REVIEW: The Administrator shall notify the Applicant when all requirements have been met. The Administrator shall schedule the matter for hearing by the Commission at the earliest possible meeting the Commission's schedule can accommodate. If the applicant and the Administrator disagree as to whether all requirements have been met, the

applicant on his own volition can request a hearing before the Commission at the next available meeting the Commission's schedule can accommodate.

- H) PROCEDURES: Following conclusion of all comment periods and review, the Commission shall provide the Board of County Commissioners with a written recommendation for approval, conditional approval, denial, or return of the minor subdivision plan to the applicant for modification. The recommendation to the Board shall also contain the reasons for approval, conditional approval, denial or referral for modification in accordance with the requirements of Idaho law, including Findings, Conclusions, and appropriate conditions, if applicable.
- I) FINAL REVIEW: At any final consideration meeting the Board shall review all the comments and recommendations. All Board decisions shall be by majority vote and shall state the reasons for its determination to approve, conditionally approve, or disapprove of the minor subdivision plan, or refer it for reevaluation or modification, in accord with requirements of Idaho law, inclusive of Findings, Conclusions and appropriate conditions, when applicable. Copies of the Board's determination shall be promptly furnished to the applicant and to the project surveyor or engineer of record. A copy thereof shall also be furnished to any other person upon request in accord with open records requirements.
- J) RECORDING OF MINOR SUBDIVISION PLAT:
  - 1) The minor subdivision plat shall be recorded in accordance with Title 50, Chapter 13, Idaho Code.
  - 2) Any tax parcel which is subsequently subdivided shall have any and all taxes due on that parcel paid in full prior to the County Treasurer placing his/her signature on the minor subdivision plat.
  - 3) The minor subdivision plat shall be recorded within thirty(30) days of signing by the Chairman of the Board.
  - 4) Minor subdivision plat recording and copy fees shall be paid by the applicant to the Boise County Planning and Zoning Department at the time of presentation for recording.
  - 5) Applicant has one year after final approval to present plat for recordation to the Planning and Zoning Department.

The applicant shall submit the following to the Planning and Zoning Administrator prior to recordation:

- 1 silver image cronoflex transparency copy or mylar
- 1 full size copy
- 1 Plat Map in digital format on disk for inclusion in the county GIS System (if requested by the county)

After signatures have been acquired, the Planning and Zoning Department shall have a second cronoflex transparency and 8 ½ X 11 reduced copy to be made for submittal to the recorder for recordation.

## **CHAPTER 5**

## **FULL AND LARGE SCALE SUBDIVISION PLATS**

**Section I. GENERAL.** The full subdivision procedure applies to parcels or existing platted lots which will be divided into more than four lots, parcels or tracts. Road rights of way shall not be tabulated in the lot count. Every person proposing a subdivision shall cause the same, and each lot or tract contained therein to be surveyed and a preliminary and final plat made thereof. The plat shall meet all requirements of this ordinance, of Title 50, Chapter 13, Idaho Code, and shall describe and set forth all of the streets, easements, utilities, restrictions, block and lot (including the acreage and dimension of each lot contained therein) and shall be duly subscribed by a surveyor licensed by the State of Idaho. The plat shall also include adequate provisions for the access of utility lines either by easement across the individual lots or in street rights-of-way, or a combination of both.

**Section II. SIGNATURES.** The plat shall be signed by all persons holding a recorded ownership interest and/or contract purchaser's interest in the property. An affidavit or other written proof of ownership shall be required in the event that an applicant claims an unrecorded ownership interest.

**Section III. SUBDIVISION REVIEW REQUIRED.** Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the Administrator. No final plat shall be filed with the County Recorder until the plat has been acted upon and approved by the Board. No lots shall be offered for sale until the final plat has been recorded in the office of the County Recorder.

### **Section IV. PRELIMINARY PLAT REVIEW PROCEDURE**

- A) **PRE-APPLICATION CONFERENCE:** Prior to submittal of a full subdivision plan application, the applicant shall have completed a pre-application conference with the Administrator to discuss the scope and objectives of the proposal, the overall design possibilities, the character of building sites to be created, the availability and adequacy of public services, the proposed Development Agreement of the project, and the standards and development criteria applicable to the proposal.
- B) **APPLICATION.** The applicant shall file with the Administrator, an application for review of a preliminary subdivision plat and cause to be prepared a preliminary plat as set forth in this ordinance. The application shall not be deemed accepted for filing nor shall the time limits hereinafter set forth for action commence to run, until the preliminary plat and all supplementary material required and application fee have been received by the Administrator. When all required material in acceptable form has been received, the Administrator shall sign and date the application.
- 1) The application for a preliminary plat or subdivision shall contain the following information:

- a) The sections, township, range and sectional reference to the location of the proposed subdivisions;
  - b) Name of proposed subdivision;
  - c) Name and address of all owners, sponsors, designers, engineers, licensed land surveyors and builders;
  - d) Size and area of subdivision, and existing easements and deed restrictions pertinent thereof;
  - e) Proposed on-site and off-site improvements pertaining to streets, water supply, sanitary sewer systems, fire protection facilities and utilities;
  - f) A schedule of construction and completion of all improvements set forth in subparagraph (e) above.
  - g) Any proposed restrictive covenants that concern basic systems or services.
  - h) A drawing and related data showing number, depth and width of lots and dimensions of streets and their maximum and minimum gradient;
  - l) Legal metes and bounds description of area to be platted;
  - j) General description of area as to location of plat, with access to existing road system;
  - k) General classification of land according to state and county land classifications.
- 2) All applicable reports and plans as required and described in Chapter 5, Section 9 of this ordinance.
- 3) All map data shall be submitted in ink in an appropriate stated scale but need not be based upon actual ground survey. All map data shall include:
- a) The name of the persons or firm responsible for the drawing, together with the data drawn and a drawing number in order that further reference to information contained may be easily identified;
  - b) The name of the proposed subdivision.
  - c) The name(s) of the applicant(s) and the licensed land surveyor;



- d) The data, scale, true north point and section, township and range;
  - e) Monuments, consisting of the section corner, the quarter section corner or the meander corner, including historical and existing meander lines or such other markers of record as required by the county recorder;
  - f) The boundary lines of the tract to be subdivided;
  - g) Contours with intervals acceptable to the County Engineer.
  - h) The tract designation of any immediate adjacent subdivision as shown in the files of the Boise County Recorder;
  - i) All parcels of land or interests therein ordained to be dedicated or temporarily reserved for public use or to be reserved in the deeds for the common use of the property owners of the subdivision with purpose, condition, or limitations of such reservations clearly indicated; in residential plats, all parcels intended for other than residential use to be appropriately labeled;
  - j) The proposed street names and the number of lots and blocks, together with the layout of the proposed street right-of-ways lines, lot lines, alley and easement lines, and building setback lines, including all approximate dimensions and any and all proposed extensions, and other important features, such as the general outline of the following: existing buildings, water courses, power lines, telephone lines, railroad lines, and existing easements, municipal boundaries, and section lines;
  - k) Typical cross section and profiles of streets and/or drainage easements showing grades approved by the County Engineer. The profiles shall be drawn to county standard scales and elevations and shall be based on a datum plane approved by the County Engineer.
  - l) Right of Way widths for both public and private--common use streets shall be in accordance with those standards adopted by the Boise County Road Standards Ordinance, or its successor.
- 4) In those areas of Boise County where approved central sewer and central domestic water facilities acceptable under the standards of this ordinance are not available, where individual wells and/or individual on site sewage disposal facilities on each lot would be necessary, the minimum lot size shall be in accordance with the following, which may be subject to upward or downward adjustment upon a determination by other reviewing agencies, that such adjustment either will or will not affect the public health, safety and welfare:

- a) Individual water and individual sewage disposal: Two (2) acres
  - b) Central water and individual sewage disposal: One (1) acre
  - c) Individual water and central sewage disposal: One (1) acre
- 5) Fee: As set by resolution of the Board. To be paid by the applicant to the Administrator or other designated county official appointed by the Board. The Board has the power to assess any additional fees that are necessitated by additional services required of the County Surveyor and/or Engineer as the circumstances warrant.
- 6) A rough layout showing the proposed 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 and so on.
- 7) A rough layout showing the proposed location, length and approximate size and grade or pressures at various locations, of water distribution systems, pipes, valves and hydrants, type and sizes of services, source of water supply storage, and so on.
- 8) An outline of any relevant provisions which might be contained within any protective covenants to be recorded with the plat.
- 9) A Hydrogeologic Investigation Report shall be prepared and certified by a professional geologist licensed in the State of Idaho for a subdivision which consists of ten (10) or more lots. The investigation shall demonstrate the availability of water in terms of quality and quantity for the proposed subdivision. The investigation shall demonstrate, based on protracted pumping test from a minimum of one (1) well constructed on the property, that there is sustainable and potable water available at the rate to meet or exceed the appropriate requirements set by the Department of Environmental Quality. The investigation shall demonstrate that the available water meets the drinking water quality standards for a public drinking water system established by the State of Idaho, Department of Health and Welfare, Department of Environmental Quality and the United States of America, Environmental Protection Agency. Should the development not provide for a central community water system, the hydrogeologic investigation shall be based on a minimum of one (1) test well, located in an appropriate geographic distribution, for every ten (10) lots. The investigation shall also address the issue of the potential impact the development may have on surrounding property owners regarding water availability. The hydrogeologic investigation shall not be considered a guarantee of the availability or quality of water for a development, but only as reasonable indication on the availability and quality of water based on available information.

- 10) A Transportation Impact Study (TIS) shall be required for:
- a) Any proposed development that includes thirty (30) or more lots.
  - b) Any proposed development that can be reasonably expected to generate more than 150 vehicle trip ends during a single day and/or more than 40 vehicle trip ends during a single hour.
  - c) Any case in which, based on the engineering judgment of the County Engineer, the proposed development or land use action would significantly affect the 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 generate a high percentage of truck traffic.

A TIS shall be prepared and certified by a professional engineer licensed in the State of Idaho and in accordance to the "Requirements for Transportation Impact Study" as prepared by the Idaho Transportation Department. If the County Engineer determines a full TIS for the proposed development is not warranted, a TIS may be prepared that includes, as a minimum, the following:

- a) The analysis shall be prepared and certified by a professional engineer licensed in the State of Idaho.
- b) A vicinity map showing the location of the proposed project in relation to the transportation system of the area.
- c) 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).
- d) Crash data within the study area for the most recent available three (3) year period.
- e) Complete 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 ITE's Trip Generation, the preparer must obtain approval of the use of such data from the County Engineer prior to its use.)
- f) Identification of critical analysis period(s) and justification of this identification.
- g) Analysis of emergency evacuation event(s).

- h) 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.
  - i) 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.
  - j) Safety analysis including, as a minimum, sight distances, operational characteristics, traffic count data used in the analysis.
  - k) Copies of raw traffic count data used in the analysis.
  - l) Calculation sheets and/or computer software output for all calculations used in the analysis.
  - m) Recommendations and analysis of mitigation measures.
11. Fire Plan. (see fire protection guidelines for residential development in the urban-wildland interface for Boise County) As a minimum, the Plan shall address the following:
- a) Access, regarding both roadways and driveway standards.
  - b) Water Supply Sources.
  - c) Building construction with fire safety in mind.
  - d) Defensible space.
  - e) Fuel types, vegetation on site.
  - f) Fire evacuation plan.
  - g) Identify fire protection agency source and funding of same.
- 12) Storm water management plan including preliminary drainage grades and hydrologic analysis. 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:

- a) A complete description of drainage system.
  - 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.
  - c) Calculation of pre-development and post-development flow.
  - d) Design of primary storm water conveyance for runoff from a 50 year frequency storm on sites with less than 15% slopes or a 100 year frequency storm on sites with greater than 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.
  - e) Design 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 the after Environment Federation.
  - f) Calculations for sizing of all erosion control measures, sediment containment structures, piping, culverts and any other storm water facilities.
  - g) Location, grades and design elevations of all erosion control measures, sediment containment structures, piping, culverts, and any other storm water facilities.
- 13) A Sediment/Erosion Control 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 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. The Sediment/Erosion Control Plan shall include the following, as a minimum:
- a) The strategy of the proposed erosion and sediment control plan.

- b) Location and details of Best Management Practices (BPMs) to be used.
- c) Classifications using the Unified Soil Classification System (USCS) of erodible or disturbed soils.
- d) Locations of disturbed soils.
- e) Final vegetation and permanent stabilization measures.
- f) Pre-construction erosion and sedimentation control measures must be installed or otherwise in effect prior to any site disturbance.

If these are not to be installed as part of platting and subdivision, proposed easements and other essential provisions as required by the Board shall be submitted.

- C) **AFFECTED PROPERTY OWNERS NOTIFICATION:** Within (30) days of receipt of the application and filing fee, the Administrator shall notify all property owners affected. Affected property owners are herein defined as owners of property lying within 600 feet of the boundaries of the parcel and owners of property upon which any access easement to the proposed subdivision sets.

The Administrator shall notify all property owners affected by the land division by first class mail, utilizing the last known address disclosed by the current tax rolls. Any affected property owner may file objections with the County to the proposed lot, parcel or tract changes within 30 days of the posting of the above notice.

- D) **AGENCY NOTIFICATION:** The Administrator shall refer a copy of all relevant materials to the various agencies that have or may have an interest in the proposal for review and recommendation. Agencies to which the Administrator shall refer copies of the preliminary plat shall include:

- 1) The County Surveyor;
- 2) The appropriate health authority;
- 3) Any city, village or town when the proposed subdivision lies within a designated area of impact;
- 4) Superintendent of the School District in which the plat lies;
- 5) Any appropriate wetlands agency; and
- 6) Any other State, Federal and Local agencies deemed appropriate by the administrator or Board.

7) All Taxing Districts Affected.

If no written recommendations are received from any department or agency to which an application is referred, within thirty (30) days from the date said application and preliminary drawings are referred to such agency, it may be assumed for the purposes of County review that such department or agency has no objections to the application.

- E) **PRELIMINARY PLAT REVIEW BY THE COMMISSION:** The Administrator shall notify the Applicant when all requirements have been met. The Administrator shall schedule the matter for hearing by the Commission at the earliest possible meeting the Commission's schedule can accommodate. If the applicant and the Administrator disagree as to whether all requirements have been met, the applicant on his own volition can request a hearing before the Commission at the next available meeting that the Commission's schedule can accommodate.
- F) **PUBLIC NOTICE OF HEARING:** The Administrator shall cause to be published, in a newspaper having a general circulation throughout the county, notification to the public of the date of the preliminary plat review hearing before the commission, the owner of record and the general location of the subdivision. Notice of the public hearing must also be published once in the official newspaper of the county. The last notice must not be published less than fourteen (14) days prior to the hearing date.
- G) **PROCESSING:** Following conclusion of all comment periods and reviews, the Commission shall provide the Board of County Commissioners with a written recommendation for approval, conditional approval, denial, or return of the preliminary subdivision plan to the applicant for modification. The recommendation to the Board shall also contain the reasons for approval, conditional approval, denial or referral for modification in accordance with the requirements of Idaho law, including Findings, Conclusions, and appropriate conditions, if applicable. If the Commission has not provided the Board with a written recommendation within sixty (60) days of the conclusion of all comment periods and reviews, the Board can serve notice to the Commission to render a recommendation within 30 days. If a recommendation is not therefore rendered, the Board assumes primary jurisdiction without a recommendation but with consideration of all of the records of the Commission.
- H) **PRELIMINARY PLAT REVIEW BY THE BOARD OF COMMISSIONERS:** Within sixty (60) days of receipt of the Commission's recommendations, the Board of County Commissioners shall hold a public hearing on the matter. After the hearing the Board shall deliberate the matter and approve, conditionally approve, or disapprove the preliminary subdivision plan, or refer it back to the Commission for reevaluation or to the applicant for modification before reconsideration. All Board decisions shall be by majority vote and shall state the reasons for its determination to approve, conditionally approve, or disapprove of the preliminary subdivision plan, or refer it for reevaluation or modification, in accordance with requirements of Idaho law, inclusive of Findings, Conclusions,

and appropriate conditions, when applicable. Copies of the Board's determination shall be promptly furnished to the applicant and to the project surveyor or engineer of record. A copy thereof shall also be furnished to any other person upon request in accordance with open records' requirements.

- 1) Approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an initial and conditional expression of approval. Construction of Subdivision Improvements may commence after approval of the Preliminary Plat by the Board of Commissioners
- 2) For purposes of judicial review the Board's decision shall be considered a final decision and may be appealed to District Court pursuant to the Local Land Use Planning Act and the Idaho Administrative Procedures Act. The appeal process is set forth in Section 10-4 of the Boise County Zoning and Development Ordinance and Idaho Code Section 67-6521(d).

#### **Section V. FINAL PLAT REVIEW PROCEDURE.**

- A) **APPLICATION:** Application for review of the final plat shall be submitted in writing to the Administrator, within one (1) year after the approval of the preliminary plat, who shall forward it to the County Engineer. The application shall not be deemed accepted for filing nor shall the time hereinafter set out for action commence to run, until the proposed final plat and all supplementary material required and application fee has been received by the Administrator.

The approval of a preliminary plat shall become null and void, if an application for review of the final plat is not submitted and accepted for filing within one (1) year of such approval, unless an extension of time is applied for and granted by the Board. However, development can be made in successive contiguous segments if submitted in successive intervals not to exceed one (1) year, without resubmission for conditional approval of preliminary plat.

The final plat or plats shall conform substantially and materially to the preliminary plat as approved, and if desired by the applicant, it may constitute the entire preliminary plat or any portion thereof; provided, however, that such portion conforms to all requirements of this ordinance.

- B) **FEE:** As set by resolution of the Board. To be paid by the applicant to the Administrator or other designated county official appointed by the Board. The Board has the power to assess any additional fees that are necessitated by additional services required of the County Surveyor and/or Engineer as the circumstances warrant.
- C) **FINAL REVIEW BY THE PLANNING AND ZONING COMMISSION:** The application shall come before the Planning and Zoning Commission for Final Review. If upon completion of the review the Commission determines that all conditions have been substantially met that were determined at the preliminary



stage, the Commission will send the final application to the Board of County Commissioners with their recommendations.

- D) **AGENCY AND PUBLIC NOTIFICATION:** The Administrator shall require from the applicant as many copies of the final plat and accompanying application as are required for referral to the various agencies which have or may have an interest in such application. Upon receipt of the required copies of the application, drawings and other supplemental material from the applicant, the Administrator shall, within 30 days, refer a copy of all relevant materials to those agencies which have or may have an interest in the application for review and recommendation by each agency and to notify them of the date for final plat review.

Agencies to which the Administrator shall refer copies of the final plat shall include:

- 1) The County Surveyor/Engineer;
- 2) The appropriate health authority;
- 3) All agencies whose signatures are required;
- 4) Any other State, Federal and Local agencies deemed appropriate by the administrator or Board.

If no written recommendations are received from any department or agency to which an application is referred, within thirty (30) days from the date said application and final plat drawings are referred to such agency, it may be assumed for the purposes of County review that such department or agency has no objections to the application.

- E) **FINAL PLAT HEARING:** Prior to final disposition on the plat, the Board shall permit any interested party or entity to offer written or oral comments pursuant to the notification as provided in the preceding paragraph.
- F) **FINAL REVIEW:** All Board decisions shall be by majority vote and shall state the reasons for its determination to approve, conditionally approve, or disapprove of the final subdivision plan, or refer it for reevaluation or modification, in accordance with requirements of Idaho law, inclusive of Findings, Conclusions, and appropriate conditions, when applicable. Copies of the Board's determination shall be promptly furnished to the applicant and to the project surveyor or engineer of record. A copy thereof shall also be furnished to any other person upon request in accordance with open records' requirements.

## **Section VI. FINAL PLAT.**

- A) REQUIREMENTS: All provisions required of a final plat as set forth in Title 50, Chapter 13, Idaho Code shall be met.
- B) NOTES TO THE PLAT: Face notes will be specified in the final decision of the Board.
- C) ENDORSEMENTS: The final plat shall be signed by the County Surveyor, County Assessor, County Treasurer and by such other persons as are required by law including the Chairman of the Board.
- D) STREETS:
  - 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 surveyed by such streets.
  - 2) Prior to any dedication to the public, all streets must comply with all of the standards contained in the Boise County Road Standards Ordinance, in effect on the date of approval of the final plat by the Board.
  - 3) The arrangement of streets in a subdivision shall:
    - a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas, or
    - 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.
  - 4) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Commission 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) Reserve strips controlling access to streets shall be prohibited except where their control is placed in the county under conditions approved by the Board.
  - 6) Street layout shall conform to the most advantageous development of adjoining area and the entire neighborhood, and shall provide for the following:
    - a) Streets to provide adequate access to adjoining lands.

- b) Half streets 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.
  - c) No street names shall be used which will duplicate or be confused with the names of the existing streets in any town or in the County area. Street names shall be presented to the Planning and Zoning Department for approval by the Board.
- 7) Property lines at street intersections shall have a radius of twenty (20) feet, or of a greater radius where the Board may deem it necessary.

E) EASEMENTS:

- 1) There shall be provided easements for the utilities, upon and across lots, or centered on the side lines, of a width of a minimum of twelve (12) feet (except for entrance service) as and where considered necessary by the Board. The easements shall be dedicated to use by public utilities and not to the public or to governmental units, except where the governmental unit is operating a utility service.
- 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.

F) STREETS AND UTILITY IMPROVEMENTS: Street and off-site improvements shall be installed in each new subdivision at the applicant's expense with bonding posted to the county, or proper provision shall be made, for their later installation at applicant's expense, or at the expense of the party agreeing to so install the same, in accordance with the minimum standards set forth by county ordinance prior to the acceptance of any final plat for recording containing streets or other improvements dedicated to public use. Provided, however, if neither of the foregoing two provisions have been met, the Board after finding that strict enforcement of the provisions of this section would result in unnecessary hardship, may approve variance and a final plat may be accepted for recording. Streets dedicated to the public shall not be maintained by the county unless such maintenance is specifically undertaken by resolution.

G) MONUMENTS AND MARKINGS: The requirements of Title 50, Chapter 13, Idaho Code, with reference to platting, shall be met before the final plat is accepted for filing. Any work required to be performed on the property to meet such requirements shall be verified by the County Surveyor and a certificate of the completion of such work given. The provisions of such applicable section of the Idaho Code as to monuments, stakes and other markings together with the

requirements set forth herein shall be considered minimum requirements as per Idaho Code 50-1302.

- H) CERTIFICATION: A certificate by the County Engineer certifying that the applicant has complied with one of the following alternatives:
- 1) All improvements have been installed in accordance with the requirements of this ordinance and with the actions of the Board giving such completion of all required improvements.
  - 2) An acceptable financial guarantee of performance has been posted which is available to the county, and in sufficient amount to assure such completion of all required improvements.

The Board may require such other certificates, affidavits, endorsements or dedications necessary for the enforcement of these regulations.

- I) PROTECTIVE COVENANTS:
- 1) Protective covenants or a disclaimer therefore are required for all subdivisions and shall be in a form for recording with a copy of the surety arrangement, if required. Covenants shall address the factors contained in Appendix "A" to this ordinance and may address other factors at the discretion of the developer(s)/owner(s).
  - 2) In the event no protective covenants are to be established for a subdivision at the time the final plat is recorded, the following statement will appear on the face of the plat in a type face of 12 points or larger:

#### NOTICE

NO PROTECTIVE COVENANTS HAVE BEEN  
ESTABLISHED OR ADOPTED FOR THIS  
SUBDIVISION AT THE TIME OF FIRST RECORDING.

- 3) Protective covenants or amendments thereto submitted for recording subsequent to recording of the final plat shall be in a form for recording with a copy of the surety arrangement, if required. Covenants shall address the factors contained in Appendix "A" to this ordinance and may address other factors at the discretion of the developer(s)/owners(s) or property owners association, as the case may be.
- 4) 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) No covenant shall preempt any provisions of this ordinance, any Zoning Ordinance or Planning and Zoning regulations adopted by Boise County now or in the future.
- J) LOT CORNER PINS: Lot corner pins must be physically in place prior to recording of the final plat or there must otherwise be compliance with Idaho Code Section 50-1331 and 50-1332.

**Section VII. SPECIFIC PROVISIONS REQUIRED PRIOR TO RECORDING OF FINAL PLAT.**

- A) DEPOSIT FOR COMPLETION OF IMPROVEMENT REQUIREMENTS:
- 1) An applicant or other interested person, in lieu of the actual completion of all the required minimum street and other off-site or on-site improvements required hereunder, shall deposit with the County Treasurer a surety bond, performance bond, certified check, a cashier's check drawn on a bank qualified to do business in the State of Idaho, cash deposit, irrevocable letter of credit or assignment of funds on deposit in a bank or savings and loan association, qualified to do business in the State of Idaho.
  - 2) The acceptance of any such financial guarantee of performance shall be conditioned on the receipt by the guarantor of a copy of the surety agreement.
  - 3) The amount of such surety shall be in an amount equal to, but not less than, 125% of the cost of the required improvements according to the estimate made by the owner's engineer, subject to review by the County Engineer, and in all cases, such surety shall be drawn in favor of, and payable to the order of the County of Boise, State of Idaho, in accordance with the provisions requiring the applicant to construct all off-site and on-site improvements in accordance with Boise County standards and specifications, subject to inspection and approval by the County Engineer and subject to completion within one (1) year from date of recording of said final plat or such longer period that has been expressly granted by the Board.
- B) ROAD DESIGNATION: Where streets are designated as private, the subdivider shall make full disclosure to all buyers of subdivision property of the private

nature of the streets within the subdivision and the unavailability of county services. Said disclosure shall be executed in writing on the final plat.

**Section VIII. THE RECORDING OF FINAL PLAT.**

RECORDATION: Final plat shall be recorded in accordance with Title 50, Chapter 13, Idaho Code.

- 1) At the time a final plat is submitted for recording, the applicant shall submit to the Planning and Zoning Administrator the following:
  - 1 silver image cronoflex transparency or mylar
  - 1 full size copy
  - 1 Plat Map in digital format on disk for inclusion in the county GIS System(if required by the county)

After signatures have been acquired, the Planning and Zoning Department shall have a second cronoflex transparency and 1- 8 ½ X 11 reduced copy made for submittal to the recorder for recordation.

- 2) Any tax parcel which is subsequently subdivided shall have any and all taxes due on that parcel paid in full prior to the county treasurer placing his/her signature on the subdivision plat.
- 3) Final Plat shall be recorded within thirty (30) days after all conditions are met as approved by the Board and all signatures have been secured on the signature page Final Plat shall be recorded within (180) one hundred eighty days of approval by the Board of Commissioners.
- 4) Final plat recording fees shall be paid by the applicant to the Boise County Recorder at the time of recording.

#### **SECTION IX. SPECIAL DEVELOPMENT SUBDIVISIONS.**

- A) **PURPOSE:** The purpose of this section is to identify various types of developments that normally pose special concerns to the Commission and elected officials when reviewing and acting upon subdivision requests. This section outlines design standards and other matters that shall be taken into consideration when acting on special developments. The provisions of this section are in addition to the plan requirements and design standards found elsewhere in this ordinance.
- B) **DEFINITIONS:**
  - 1) **Large Scale Development.** A subdivision consisting of thirty (30) or more lots or dwelling units whether to be developed in increments or as a single development.
  - 2) **Mobile Home Subdivision.** A subdivision designed and intended for residential use where residence is in mobile homes exclusively. Lots may be rented or owned by the individual home owners. For the purpose of this section a "mobile home" is defined as a single family dwelling

designed for transportation after fabrication on streets and highways on its own wheels or a flat bed or other trailer to a site where it is to be occupied as a dwelling. A pre-fabricated "Manufactured" or "Modular" dwelling unit or travel trailer is not to be considered as a mobile home.

- 3) Hillside Subdivision. Any proposed subdivision containing lot(s) that meet any one of the following criteria:
    - a) the average slope of a proposed lot(s) is fifteen percent (15%) or more or where adverse conditions associated with slope stability, erosion, or sedimentation are identified by the County Engineer during the on-site inspection; or
    - b) the cut or fill slopes of a proposed lot(s) exceed three (3) horizontal to one (1) vertical; or
    - c) a proposed lot(s) has vertical cut of 10 feet or more with a disturbed surface more than thirty-six (36) feet from the edge of a vehicular travelway.
  - 4) Cemetery Subdivisions. An area of individual lots planned for the selling of sites for the burial of animal or human remains as per Idaho Code 50-1303.
- C) LARGE SCALE DEVELOPMENT SUBDIVISION: Due to the impact that a large scale development would have on public utilities and services, the developer shall submit the following information along with the preliminary plat:
- 1) Identification of all public services that would be provided to the development including fire protection, law enforcement, central water, central sewer, road/drainage maintenance, solid waste disposal, parks/recreation, schools and others;
  - 2) Estimate of the public service costs to provide adequate services to the development;
  - 3) Estimate of the tax revenue that will be generated by the development including the method used to arrive at the estimate;
  - 4) Suggested means for financing the services for the development if costs for public services would not be offset by tax revenues received from the development.
- D) MOBILE HOME SUBDIVISIONS: In addition to all other applicable provisions of this ordinance, mobile home subdivisions shall be subject to the following special requirements:

- 1) Developed as a "Planned Unit development" with a minimum area of five (5) acres.
  - 2) Creation of a Home Owner's Association to assure that all common use areas, roads and streets are adequately maintained.
  - 3) Screening from public roads and adjacent areas, other than subdivisions of the same type, by acceptable fences, walls, planted areas or natural or man made barriers.
- E) HILLSIDE LOT OR SUBDIVISION: In addition to all other applicable provisions of this ordinance, Hillside Lots or Subdivisions shall be subject to the following special requirements and evaluation standards:
- 1) Appearance and preservation. In order to preserve, enhance and promote a rural and open appearance and the natural topographic features and qualities of hillside areas, special consideration 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 swails. Consideration will also be given to the view from and of the area.
  - 2) Evaluations. Development proposals shall take into account and shall be judged by the way in which land use, soil mechanics, engineering geology, hydrology, environmental, architectural and landscape design are applied in hillside areas. Evaluations shall include but are not limited to the following factors:
    - a) Planning the development to fit the existing topography, soils, geology, hydrology, wooded areas and other conditions.
    - b) Orientation of the development on the site in a manner that will minimize grading and other site preparation work.
    - c) Shaping of essential grading to blend with natural land contours and features so as to minimize padding and/or terracing of building sites.
    - d) Division of tracts 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.
    - e) 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.

- 3) Reports and Plans: The developer shall retain a professional engineer registered in Idaho to prepare or obtain and submit the following reports unless specifically exempted there from in writing by the Boise 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(s) shall be subject to the findings of the final report(s).

- a) 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.
- b) Geology Report. This 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. The investigation and report shall be completed by a professional geologist or engineer registered in Idaho.
- c) Hydrology Report. This report shall include an adequate description of the hydrology of the site, conclusions on the proposed development and opinions and recommendations covering the adequacy of the sites to be developed. Flood frequency curves shall be provided for the area proposed for development.
- d) 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 at five foot (5') intervals may be requested for areas considered highly sensitive by the Boise County Engineer.

A final grading plan shall be submitted prior to Preliminary Plat Approval. 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 vegetative ground shall not be disturbed more than fifteen (15) 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 Boise County Engineer.

- 4) Developmental Soil Standards.
  - 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.
  - 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.
  - 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 revegetation; subsurface drainage shall be provided as necessary for stability.
  - 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 revegetated; fill slopes shall not be located on natural slopes two to one (2:1) or steeper, or where fill slopes toe out within twelve feet (12') horizontally of the top of an existing or planned cut slope. Prior to placement of fill, the ground shall be prepared in accordance with Chapter 70 as amended of the Uniform Building Code. Subsurface drainage shall be provided as necessary for stability.
  - e) Tops and toes of cut and fill slopes shall be set back from property boundaries in accordance with the requirements of Chapter 29 as amended by the Uniform Building Code. Tops and toes of cut and fill slopes shall be set back from structures in accordance with the

requirements of Chapter 29 as amended by the Uniform Building Code.

- f) The maximum horizontal distance of disturbed soil surface for roadways shall not exceed seventy five feet (75').
  - g) Cuts shall not be permitted solely for the purpose of obtaining fill material.
- 5) Developmental Roadway/Street Standards.
- a) Road alignments should follow natural terrain with no unnecessary cuts or fills to create additional lots or building sites and shall be designed to create the minimum feasible disturbance of the soil.
  - b) One way roads/streets are permitted and encouraged where appropriate for the terrain and where public safety will not be jeopardized. (See Boise County Road Standards Ordinance.)
  - c) A pedestrian walkway plan shall be required where appropriate.
- 6) Developmental Driveway/Parking Standards. Collective private driveways, cluster parking areas and on-street parallel parking bays shall be used where feasible to minimize soil disturbance and stabilization requirements.
- 7) Developmental Vegetation/Re-vegetation Standards.
- a) The developer shall submit a slope stabilization and re-vegetation plan which shall include a complete description of the vegetation to be removed, the vegetation to be planted and the method to be used in re-vegetation.
  - b) Vegetation sufficient to stabilize the soil shall be established on all disturbed areas as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with perennial vegetation after all construction is completed. Efforts shall be made to plant those species that tend to recover from fire damage and do not contribute to the rapid rate of fire spread.
  - c) The developer shall be fully responsible for any destruction of native vegetation proposed for retention. This responsibility shall include activities of his own employees and for all subcontractors from the first day of construction until the notice of completion is filed. The developer shall be responsible for re-placing such destroyed vegetation.
- 8) Maintenance. The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved for a

building permit granted under the provisions of this Ordinance shall continuously maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures and other protective devices, plantings and ground cover installed or completed.

G) Cemeteries: The developer will provide the Commission with written documentation that will explain if the proposed cemetery will be used for animal or human remains and functions that will be performed on the property. The developer 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.

## **CHAPTER 6**

### **VACATION OF SUBDIVISION PLATS.**

## **Section I. GENERAL**

- A) Any person desiring to vacate an existing subdivision plat or any part thereof, which is more than one (1) mile beyond the boundaries of any city, or which required county approval, shall petition the Board of County Commissioners. Said person shall be the record owner of the parcels proposed for vacation or be authorized by the record owner(s) to petition the Board. Said petition must state the following:
- 1) The circumstances surrounding the issue of why the plat should be vacated.
  - 2) Contain a legal description of the platted area or property to be vacated.
  - 3) Contain the names of all persons affected by the vacation of the plat.
  - 4) Said petition is to be filed with the County Clerk/Recorder.
  - 5) There shall be a public hearing arranged by the County Clerk on said petition. Notice for said hearing shall be in the following manner:
    - a) Notice to all known property owners, within 600 feet of the boundaries of the area described in the petition at least thirty (30) days prior to the date of the public hearing;
    - b) Notice of the public hearing must also be published once a week for two (2) successive weeks in the official newspaper of the county. The last notice must not be published less than seven (7) days prior to the hearing date.
  - 6) All publication costs shall be at the expense of the petitioner.
  - 7) All final approval of vacations shall be conditional upon certification by the county surveyor that all corner pins or markings in the effected area have been removed. All costs for such removal and certification shall be paid by the applicant.
- B) Any person desiring to vacate an existing subdivision plat, or any part thereof, which is less than one (1) mile beyond the boundaries of any city, in addition to meeting the above requirements, must also have the consent of the said City Council prior to the Board of County Commissioners granting any vacation of the plat.
- C) The Board may deny or grant said petition with such restrictions as they deem necessary in the public interest.

**CHAPTER 7**  
**RIGHT-OF-WAY WIDTHS AND MINIMUM STANDARDS**  
**FOR CONSTRUCTION OF ROADS.**

## **SECTION I. DEFINITIONS**

- A) "Public" roads, streets, alleys, travel ways, bridges and associated drainage systems are hereby defined as those which have been accepted by duly recorded resolution of the Boise County Commissioners for dedication to use by the public at large and for maintenance by Boise County. They are classified on the "General Highway Map" of Boise County as approved by Boise County.
- B) "Private" roads, streets, alleys, travel ways, bridges and associated drainage systems therefore are hereby defined as those which are situated entirely within the boundaries of a single lot or real property parcel or multiple contiguous lots or parcels and are wholly owned, controlled and maintained by the property owner for his/her exclusive private use. Such roads, streets, alleys, travel ways, bridges and drainage systems are not subject to the standards established by this ordinance nor the requirement for declaration as "Private-common use" roads.
- C) "Private-Common Use" roads, streets, alleys, travel ways, bridges and associated drainage systems are hereby defined as those which lead to/from or are situated within a subdivision; are platted and privately owned and are dedicated to the common use by all property owners within the subdivision.

## **SECTION II. PROCEDURES**

- A) All public roads, streets, alleys, vehicular travel ways, bridges and the drainage systems and rights-of-way therefore in the unincorporated areas of Boise County shall conform with and be constructed to the minimum dimensional and construction standards required in the Boise County Road Standards Ordinance.

The minimum right-of-way for public roads shall be sixty feet (60').

- B) All private-common use roads, streets, alleys, vehicular travel ways and associated drainage systems and rights-of-way therefore providing access to or situated within subdivisions in the unincorporated areas of Boise county shall be constructed to Boise County Road Standards as outlined in the Boise County Road Standards Ordinance.
- C) A request for any variance from the Road Standards as spelled out in the Ordinance shall follow the procedures for a request for a variance as set in that Ordinance.
- D) A request for any substantial deviation or waiver from the above standards shall be submitted to the County Engineer, who shall review the request, comment thereon and submit a recommendation to the Planning and Zoning Commission and/or the Board of County Commissioners for its review and decision prior to construction.

### **SECTION III. STANDARDS**

- A) Materials and construction for all roads, streets, alleys, travel ways, bridges and associated drainage systems shall be as approved by the Boise County Engineer with reference to the standards as published and amended from time to time by the Idaho State Transportation Department, Division of Highways.
- B) The use of on-site and local area materials meeting construction standards and specifications are encouraged.

### **SECTION IV. DEDICATION**

- A) If existing private-common use roads, streets, alleys, travel ways or bridges are proposed for dedication to public use the applicant(s) shall seek approval from the Boise County Commissioners for dedication under such terms and conditions determined by the Board.
- B) Should a request be made at some future time to dedicate a private or private-common use road, street, alley, travel way or bridge to public use such road, street, alley, travel way or bridge must meet the standards existing at that time for consideration of acceptance by Boise County notwithstanding any exception or waiver to the standards of this resolution that may have been approved earlier.
- C) Roads, streets, alleys, travel ways, bridges and associated drainage systems constructed to the standards established by ordinance shall in no way obligate Boise County to accept them as "public" and qualifying for maintenance by Boise County.

### **SECTION V. PLANS**

- A) At the time the preliminary plat review request is filed, the applicant shall submit to the Boise County Administrator two (2) copies of the preliminary plan/profile drawings and outline construction specifications for roads, streets, alleys, travel ways, bridges, and associated drainage systems.
- B) The Administrator will forward the preliminary plans and specifications to the Boise County Engineer for review, comment and preliminary approval, with or without conditions. The County Engineer may request a field inspection visit with the applicant to determine actual conditions prior to approval, approval with conditions or disapproval of the preliminary plans.
- C) All fees associated with inspections shall be passed on to the applicant.

### **SECTION VI. DECLARATION OF PRIVATE COMMON USE ROADS**



- A) All applicants for full subdivision review wherein "private-common use" roads, streets, alleys, travel ways or bridges are included will submit a draft "Declaration of Private-common Use roads" in a form substantially as shown in this ordinance.
- B) A completed "Declaration of Private-Common Use roads" will be filed and recorded at the time the approved final subdivision plat is recorded.

## **CHAPTER 8**

### **MITIGATION OF EFFECTS OF SUBDIVISION DEVELOPMENT ON POLITICAL SUBDIVISIONS AND SCHOOL DISTRICTS.**

#### **SECTION I. GENERAL**

- A) Prior to the granting and/or approval of a permit to subdivide land within Boise County, the Board shall determine if the proposed subdivision is likely to affect the ability of political subdivisions of the State, as well as School Districts, to deliver services without compromising the quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision.
  
- B) If the Board determines that the proposed subdivision is likely to compromise the quality of service delivery to current residents or is likely to impose substantial additional costs upon current residents, the Board, prior to granting the permit, must require the applicant to provide mitigation for such effects as authorized by the provisions of Section 67-6513, Idaho Code.

## **CHAPTER 9**

### **VARIANCES AND MISCELLANEOUS PROVISIONS.**

#### **SECTION I. GENERAL.**

- A) **HARDSHIP:** Where the Board finds that extraordinary hardship will result from strict compliance with this ordinance, it may vary the requirements or standards thereof so that substantial justice may be done and the public interest secured.
- B) **LARGE SCALE DEVELOPMENTS:** The standards and requirements of this ordinance may be modified by the Board in the case of a plan and program for a new town, a complete community, or a neighborhood unit, which in the judgment of the Board provides adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provide such covenants or other provisions as will assure conformity to and achievement of the goals and objectives of the Local Planning Act of 1975.
- C) **MORTGAGES AND TRUST DEEDS:** The standards and requirements of this ordinance may be modified by the Board whenever any lot or parcel of land is brought within the purview of this ordinance because of mortgages or deeds of trust being imposed upon said land, upon a satisfactory showing by the owner thereof that said mortgages or deeds of trust do not accomplish or result in the subdivision of land, and that no attempt is made to circumvent the provisions of this ordinance.
- D) **PROPERTY LINE ADJUSTMENTS – COMBINATION OF PARCELS:** An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building set back lines of each building site below the minimum zoning requirements, if any, does not change the outside boundary of the subdivision, and does not increase the original number of lots in any block of a recorded plat; Such adjustments requiring combinations of parcels shall not be able to be rescinded (or un-combined) without going through the proper division of land procedures.
- E) **RECORDED PLAT AMENDMENTS:** The procedure is the same as outlined in the Minor and Full Subdivision Sections with modifications determined on a case by case basis.
- F) **CONDITIONS:** In granting variances and modifications, the Board may require such conditions as will, in its judgment, meet substantially the objectives of the standards or requirements of this ordinance as varied or modified by the Board.
- G) **CLASSIFICATION OF LAND AS DEFERRED YIELD ON FOREST PRACTICES ACT:** Any land to be subdivided which is under Title 63, Chapter 17, Idaho Code, land classification for tax purposes, shall have all taxes due, calculated and paid and the classification changed before the final plat is approved.
- H) **VIOLATIONS AND PENALTIES:**

- 1) Violations of any provision of this ordinance shall be deemed a misdemeanor as defined by Idaho Code 18-111. A single violation of this ordinance shall be punishable by a fine not to exceed \$300 and/or imprisonment for a period not to exceed (180) one hundred eighty days. Each separate instance of day of violation shall constitute a separate offense. Enforcement of the provisions of this ordinance may also be accomplished by undertaking civil action.
  
- 2) Whenever the Board shall determine that a violation of this ordinance has occurred or is about to occur, the Board may direct the Boise County Prosecuting Attorney to commence an action to prosecute or restrain violations of this ordinance.
  
- 3) In the event any subdivision of land is made in violation of this ordinance, the Board in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful subdivision of land, to restrain, correct or abate such violation, or to prevent any illegal act, conduct, business or use in violation of this ordinance.
  
- I) SEVERABILITY: The provisions of this ordinance are hereby declared to be severable and if any provision of this ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance.
  
- J) EFFECTIVE DATE: This ordinance shall be and is hereby declared to be in full force and effect upon its passage and publication as provided by law.

REGULARLY PASSED AND ADOPTED By the Board of County Commissioners of the County of Boise, State of Idaho, on this 6th day of December, 2005.

ATTEST:

\_\_\_\_\_  
 Rora A. Canody  
 Clerk of the Commissioners

\_\_\_\_\_  
 Roger Jackson, Commissioner

\_\_\_\_\_  
 Fred Lawson, Commissioner

\_\_\_\_\_  
 Paul Stutzman, Commissioner

**APPENDIX A**

**SECTION 1. GENERAL**

Protective covenants are for the purpose of protecting property rights and values, establishing property owner's responsibilities, regulating the use of properties and the type of activities that are permitted and/or prohibited within a subdivision.

## **SECTION 2. PURPOSE**

It is the purpose of this Appendix A to encourage protective covenants that are reasonably complete and that property owners are advised of their responsibilities and the conditions that have been imposed on their property at the time of purchase thereby avoiding, as much as possible, misunderstandings by and between property owners. It is not the purpose of this Appendix A to stipulate or suggest what protective covenants shall be.

## **SECTION 3. ENFORCEMENT**

The enforcement of covenants is a civil matter belonging to the property owners themselves. Boise County has no authority to enforce covenants or intervene unless a county ordinance or other pertinent law has been violated. A statement by the developer/owner/property owner's association or similar organization describing how and by whom covenants will be enforced will be included in the covenants document.

## **SECTION 4. FORM AND CONTENT**

(A) Covenants may be written in one of several forms. Two examples are: (1) by specifying what is allowed (with or without conditions) with all else being prohibited, or (2) by a combination of what is allowed (with or without conditions) and what is prohibited. A statement describing which form is used will be helpful in avoiding confusion and mis-understanding.

(B) Protective covenants will address, as a minimum, the factors listed in Section 5 of this Appendix A. Other covenants may be included at the discretion of the developer/owner/property owner's association. Where a factor does not apply to a given subdivision, a short statement explaining why is acceptable.

## **SECTION 5. COVENANT CONSIDERATIONS**

Factors to be considered in covenants for all subdivisions:

(A) Structures:

- 1) The number of stories a structure may have or maximum height. (Define a story.)
- 2) The minimum and/or maximum size of structures allowed per individual lot.
- 3) May a single structure occupy portions of two or more lots? (Define a single structure.)
- 4) Will Mobile homes/structures (single, double, triple wide) of any vintage be allowed? On a permanent or temporary basis? If temporary, for how long? If allowed, must they be on foundations? Must they have skirts? Must they have special tie downs? Will Mobile homes lose their identity as such when assessed as an improvement to real property rather than as moveable personal property?
- 5) Will manufactured or Modular homes/structures (as differentiated from mobile homes) of any vintage be allowed? If allowed, must they be on foundations? Must they have skirts?
- 6) Will Travel Trailers/Motor Homes be allowed as living quarters or for storage? If yes, on a permanent or temporary basis? If temporary, for how long?
- 7) If mobile homes, trailers or motor homes are allowed, will roof shelters be allowed, required or prohibited?
- 8) Will permanent swimming pools be allowed? If so, must they be fenced?
- 9) Will multiple-family structures (duplexes, apartments, condos, etc.) be allowed?

- 10) Will there be any specifications for fences?
- 11) Will there be a standard for type and/or color of roofs?
- 12) Subject to approval of health authorities, will individual wells and septic systems be allowed?
- 13) Will an architectural or similar committee be used? If so, how will it be selected and what will be its authority?

(B) Uses/activity.

- 1) Family residences only?
- 2) Will in-home/at-home commercial uses such as Beauty/Barber, Welding, Carpenter, Auto Body, etc. Shops be allowed? If so, will advertising signs also be allowed?
- 3) Will other commercial activities such as retail stores, saw mills, salvage yards, storage units, equipment parking/storage, greenhouse production, etc. be allowed?
- 4) Will the storage and/or salvage of Awrecked≅ or in-operable vehicles and/or equipment be allowed? If so, will there be a limit on the number of in-operable vehicles allowed and must they be shielded from public view?
- 5) Will rental (daily/weekly/monthly/yearly) properties or Bed and Breakfast establishments be allowed?
- 6) Will the raising/keeping of other than house pets - horses, pigs, chickens, cattle, llamas, etc. be allowed?
- 7) Will hunting or shooting be allowed?
- 8) Will trash/garbage/brush/weed burning be allowed?
- 9) Will yard/garden irrigation or the filling of swimming pools from a central domestic water system be allowed?
- 10) Will house pets or other animals be allowed to run free?
- 11) Will bulk fuel tanks be allowed?

Who will be responsible for:

- 1) Water and/or sewer system maintenance?      2) Snow removal?
- 3) Noxious or other weed control?                      4) Fire prevention?
- 5) Fire Protection?    6) Road Maintenance?

**APPENDIX B**

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 Asubject roads*), shall be private and remain private and dedicated to the common use by all property owners within the Subdivision until otherwise deeded to 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. Upon deeded transfer by Declarant, the obligation to improve and maintain the Subject Roads shall be transferred to the property owners association established for the \_\_\_\_\_ 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 or 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 within 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 \_\_\_\_\_, 200\_\_\_\_.

\_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF IDAHO )  
 ) ss  
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 same.

\_\_\_\_\_  
Notary Public

Residing at: \_\_\_\_\_

(Notary Seal)

My Commission Expires: \_\_\_\_\_