

**MADISON COUNTY  
SUBDIVISION ORDINANCE No. 355**

**AN ORDINANCE REPEALING ORDINANCE 175 AND AMENDING THE REGULATIONS AND GUIDELINES FOR SUBDIVISION OF LAND WITHIN MADISON COUNTY; REPEALING OPEN SPACE ORDINANCE No. 283; ESTABLISHING PROCEDURES AND REQUIREMENTS FOR SUBDIVISION APPROVAL; ESTABLISHING DESIGN AND IMPROVEMENT STANDARDS WHICH MUST BE MET; PROVIDING FOR SPECIAL DEVELOPMENTS SUCH AS PLANNED UNIT AND CONDOMINIUM DEVELOPMENTS, CEMETERIES, MANUFACTURED HOME PARKS, AND TRAVEL TRAILER PARKS; PROVIDING PROCEDURES FOR VACATIONS OF EXISTING SUBDIVISIONS; PROVIDING FOR VARIANCES; PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE AND ENFORCEMENT; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE AND TERMINATION OF ORDINANCE.**

**Chapter 1 - TITLE AND AUTHORITY**

**1.1 Title and Authority**

This chapter shall be known as the Madison County Subdivision Ordinance, and is adopted for the purpose of providing guidelines for subdivisions within Madison County, Idaho, promoting public health, safety, and general welfare. These regulations are authorized by Title 67 Chapter 65, and Title 50 Chapter 13 of the Idaho Code, as amended or subsequently codified.

**1.2 Purpose**

The purpose of this Ordinance shall be to promote the health, safety, and welfare of the residents of Madison County as follows:

- A. To protect property rights and enhance property values.
- B. To provide for the protection and enhancement of the local economy.
- C. To ensure that important environmental features are protected and enhanced.
- D. To encourage the protection of prime agricultural lands for the production of food.
- E. To avoid undue concentration of population and overcrowding of land.
- F. To ensure the development of land is commensurate with the physical characteristics of the land.
- G. To protect life and property in areas subject to natural hazards and disasters.
- H. To protect recreational resources.

- I. To avoid undue water and air pollution.
- J. To secure safety from fire and provide adequate open spaces for light and air.

## **Chapter 2 -GENERAL PROVISIONS**

### **2.1 Jurisdiction**

These regulations shall apply to the subdivision of all land within the unincorporated territory of Madison County, except all plats situated within an officially designated area of city impact as provided for in section 67-6526, Idaho Code.

### **2.2 Interpretation**

All subdivisions, as herein defined, shall be submitted for recommendation by the Madison County Planning and Zoning Commission (hereafter referred to as the *Commission*) and for approval of the Board of County Commissioners (hereafter referred to as the *Board*), and shall comply with the provisions of these regulations.

### **2.3 Administration**

The Board of County Commissioners shall appoint an Administrator to carry out the provisions as herein specified. The Administrator shall receive and process all subdivision applications.

### **2.4 Severability**

Where any word, clause, sentence, paragraph or section, or other part of these regulations are held invalid by a court of competent jurisdiction, such judgment shall affect only that part so held invalid, and to this end the provisions of this Ordinance are severable.

## **Chapter 3 - PROCEDURE FOR SUBDIVISION APPROVAL**

### **3.1 Subdivision required**

Any person desiring to create a subdivision, as stated in Ordinance 340, Unified Development Code Definitions, 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 by the Commission and approved by the Board and sanitary restrictions are placed on and signed by the appropriate agency, and the provisions of Idaho Code § 50-1308, as amended, have been complied with. No lot shall be sold from any plat until the plat has been recorded in the Office of the County Recorder, Ref. Idaho Code § 50-1308.

### **3.2 Application Requirements**

- A. A vicinity map at a scale of one inch equals four hundred feet (1" = 400 feet) showing the development project property, adjacent property boundaries, and the zoning designations and land uses of the subject and adjacent properties;
- B. Names and addresses of the owners of record of properties within five hundred feet of the proposed development project boundaries;

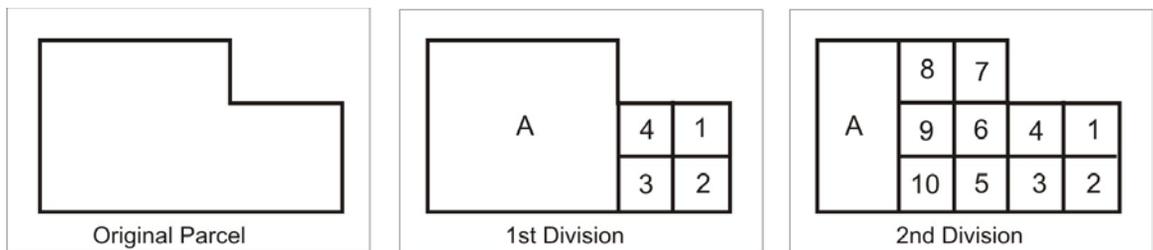
- C. Location, widths and names of all existing streets, easements, rights-of-way and all other public and private ways within or abutting the development project;
- D. Location and flow direction of all existing water courses and natural features such as water bodies, rock outcroppings, marshes, wetlands, and significant vegetation within and adjacent to the project area;
- E. Contour lines having the following minimum intervals:
  - On contours of 1% or less, use 1' contours, and if less than three contours show , then show sufficient spot elevations to allow understanding of site topography; and
  - Slopes greater than 1% use 2' contours.
- F. Proposed roads, streets, trails, and other public and private ways including location, widths and approximate curve radii;
- G. Areas proposed for residential and commercial development, including types, sizes, and number of units proposed. And general access, easements, drainage, and utilities proposed for each development site;
- H Any areas proposed for Community and Natural Open Space, including proposed trail corridors, parks, recreational features and other proposed development;
- I. Sites proposed for churches, schools and other public facilities, if any;
- J. Planned locations, widths and grades of all roads, streets, sidewalks, trails and other public ways, with typical cross-sections showing widths and locations of curbs, sidewalks, utilities, and other features associated with the ways;
  - Trails, walkways, sidewalks, and paths shall be constructed in a way that will make them able to tie into any future or existing developments and into the county trails system.
- K. Planned locations and sizes of sanitary sewers, storm drains, storm-water detention and drainage pre-treatment facilities, pumps, valves, and the culinary water distribution system, if required;
- L. Preliminary layout of all proposed development areas showing types and numbers and general locations of residential units, and size and type of proposed commercial developments, if any, together with associated access and parking areas;
- M. Locations, areas and connectivity of any community and Natural Open Space areas, public parks, trails, pedestrian ways and recreational facilities within or adjacent to the project area;

- N. Vegetation conservation, landscaping, and re-vegetation plans for the project area, if any;
- O. A circulation plan and traffic impact analysis identifying the likely vehicular circulation into and out of the project area, internal circulation in the project, volumes and timing of vehicular traffic impacts to roadways connecting to and in the vicinity of the project, and proposals for mitigating those traffic impacts;
- P. A narrative description of the plan of development for the project, including the schedule for installation of required public improvements and infrastructure, and phasing of development, if applicable; and
- Q. A description of the methods proposed for the long-term preservation and maintenance of any Community and Natural Open Space and parks, trails and recreational facilities.
- R. Any areas proposed for Community and Natural Open Space, including proposed trail corridors, parks, recreational features and other proposed development;
- S. Any parking areas for recreation and trail heads are shown. These areas may be calculated into the open space as developed open space

**3.3 Pre-Application Conference – Preliminary Sketch Plan**

- A. Before submitting an application for the subdivision of land, the Subdivider shall schedule a meeting with the Administrator, Eastern Idaho Department of Public Health, and any other entities requested by the Administrator. At the meeting, the Subdivider shall present a preliminary sketch plan for the subdivision on a scale map, showing the following information:
  - 1. The location of the land proposed to be subdivided and all contiguous lands owned or controlled by the Subdivider.

Individual lots divided from one contiguous parcel are to be numbered sequentially. If the entire parcel is not divided into lots, the residual parcel should be identified as “Parcel A.” Future divisions of Parcel A must include all lots created by the initial subdivision. See diagram below.



2. The general layout of the proposed subdivision, including number and approximate location of proposed lots; existing roads and structures; the location of proposed roads and streets as approved by the County GIS Department; the location of known rights-of-way, easements, irrigation facilities, and the location of natural water courses and features, floodplain areas, and water bodies.

The base map may be a survey, U.S.G.S topographic map, or other map of a scale sufficient to generally identify and locate existing and natural features, and the proposed location of lots, roads and other subdivision improvements.

- B. The purpose of the Pre-Application Conference is for the Subdivider to obtain from the Administrator information pertaining to County processes and standards and to the County's plan of roads, drainage, subdivision of land, and other requirements affecting the land to be subdivided, and for the County to gain a general understanding of the proposal and offer preliminary reaction and suggestions to the Subdivider. At this conference, developers will be encouraged to use density bonuses in the form of open space clustering. This may allow them a bonus amount of homes that could be added to the development if they agree to cluster.
- C. At the time of submission of a Sketch Plan Application, a fee, as set by the Board, shall be paid by the Subdivider.

### **3.4 Project phasing**

- A. At the request of the Subdivider, the County may consider approving a subdivision project in two or more phases. Phasing will allow a Subdivider to propose and gain preliminary approval for a project larger than will be constructed within the time limits for Final Plat approval established in this Ordinance. Phasing also provides the County with advance notice of the overall scope and scale of the proposed development, and the opportunity to plan in advance for required infrastructure and services.
- B. In order for a subdivision application to be considered for approval as a phased subdivision development, the Commission shall make the following findings:
  1. That each proposed subdivision phase contains five or more lots;
  2. That each subdivision phase is individually capable of meeting all County requirements for access, required improvements, design and all other standards and requirements of County ordinances;
  3. That a Development Agreement has been executed between the County and the Subdivider setting forth a phasing and development schedule, identifying and establishing security for required improvements, and other provisions relevant to the agreements between the County and the Subdivider.

- C. The procedure for review and approval of a phased subdivision project shall be as set forth in this Ordinance, except that the approval term of the approved Preliminary Plat may be extended and phased to match the provisions of the Development Agreement.
- D. All studies, including but not limited to, Ground Water Quality Impact Analysis, Traffic, and Storm Water Run Off shall be done for the project as if it were at full build out.

### **3.5 Preliminary Plat**

- A. The *contents of the Preliminary Plat* shall be in such a form and information provided as required by the Commission; however, any additional maps, data or studies listed in the Subdivision Ordinance Section 3.5.A.2. and 3. may also be required by the Planning and Zoning Administrator at this stage.
- B. The Subdivider shall submit to the Administrator at least the following:
  1. A complete Preliminary Plat Application requesting approval of the Preliminary Plat on a form prescribed by the Commission.
  2. Three copies (3) of the Preliminary Plat of the proposed subdivision, drawn in accordance with the requirements specified on an approved Preliminary Plat Application Form and one copy of the plat in a digital form.
  3. Three sets (3) of preliminary engineering plans for streets, water, sewers, sidewalks, irrigation systems, storm water drainage, and other required public improvements; said engineering plans shall contain sufficient information and detail to enable the Commission to make a preliminary determination as to conformance of the proposed improvements to applicable regulations, ordinances, and standards as outlined in the special development article of this Ordinance.
  4. Appropriate information that sufficiently details the proposed development within any special development areas including but not limited hillsides; master planned community, flood plains, cemetery, mobile home, large-scale development, and hazardous areas.
- C. The materials and information required to be submitted with the application for Preliminary Plat approval shall be as specified on the approved Preliminary Plat Application form.
- D. At the time of submission of a Preliminary Plat Application, a fee, as set by the Board, shall be paid by the Subdivider.
- E. **Administrative review**
  1. After receiving the Preliminary Plat Application, the Administrator ~~may~~ shall refer the Preliminary Plat and Application to the County Engineer and as many agencies as deemed necessary. Said agencies shall have thirty (30) days from

receipt of the Preliminary Plat and Application to submit comments, questions or suggestions to the Administrator and/or Commission. Such agencies may include, but not limited to, the following:

- a. Other governing bodies having joint jurisdiction;
  - b. Appropriate utilities companies, irrigation companies or district, drainage districts, water and/or sewer district, fire districts, soil conservation districts, road and bridge departments;
  - c. Superintendent of School District in which the proposed subdivision is located; and,
  - d. Other agencies having an interest in the proposed subdivision.
2. Upon receipt of the Preliminary Plat Application, and all other required data as provided herein, the Administrator shall *certify* receipt of a complete Application and shall affix the date of the Application thereon.
  3. Following certification and the passage of the thirty (30) day time period as set forth above, the Administrator shall cause the Preliminary Plat Application to be placed on the next open agenda of the Commission meeting, and public notice given as provided in the Open Meeting Law, Idaho Code §67-2441 et seq.
  4. The Administrator shall *notify all adjoining property owners* by first class mail per the list of property owners' names and addresses that have been provided by the Subdivider: The Administrator shall also notify all concerned groups that are included within his notification file. Such written notification shall be mailed at least ten (10) days prior to the Commission meeting.
  5. The *failure of the Administrator to comply* with the exact provisions of these procedures shall not invalidate the Commission's action, provided the spirit of the procedure is observed.

#### **F. Commission action**

1. At the meeting thus scheduled, the *Commission* shall *review* the Preliminary Plat Application and hear from all concerned persons and agencies along with the report from the Administrator to arrive at a decision on the Application.
2. The Commission may *approve, conditionally approve, disapprove, or table the Preliminary Plat* for additional information.

**G. Approval Period.** Except as provided herein for phased subdivision projects, a Subdivider must submit an application for Final Plat approval within six (6) months of Preliminary Plat approval. The Commission may extend the period for filing a Final Plat application on a showing of good cause for the extension by the Subdivider. If the time limit is not met, the Subdivider must begin again at the beginning and re-apply with another application and pay the applicable fees.

**H. Appeal.** The Subdivider or any person who appeared in person or writing before the Commission may *appeal*, in writing, the decision of the Commission relative to any action taken by the Commission. Such appeal must be submitted to the Board within twenty-eight (28) days from such Commission action and the passage of the Findings of Fact by the Board.

### 3.6 Final Plat

- A. ***Final Plat Application:*** After the approval or conditional approval of the Preliminary Plat, and within twelve (12) months of Preliminary Plat approval, unless Preliminary Plat approval is phased or extended, the Subdivider shall cause the subdivision, or approved phase thereof, to be surveyed and a Final Plat Application prepared in accordance with the approved Preliminary Plat. No deviations will be allowed from the Preliminary Plat. The Subdivider shall submit to the Administrator/Commission the following:
1. Four (4) copies of the Final Plat; and,
  2. Three (3) copies of the final engineered construction drawings, including but not limited to the following, as applicable:
    - Grading and Drainage plan;
    - Erosion and Sediment control plan; (during and post construction);
    - Storm water and snowmelt runoff system drawings (includes piped storm drain systems, channels, detention basins, and discharge facilities);
    - Floodplain mitigation and protection drawings;
    - Water system drawings (consists of plan and profile and detail drawings of the distribution system, and all well, well house, and booster station drawings);
    - Fire suppression system drawings (includes water supply, storage, and distribution to hydrants, which may be part of the domestic water system, irrigation system, or a stand-alone system);
    - Irrigation system drawings (includes intake structures, pumping systems, distribution lines, services, and discharge facilities, as applicable);
    - Wastewater system drawings (consists of plan and profile and detail drawings of the collection system, sewage lift stations, and community or cluster wastewater treatment systems); and
    - Road and street facilities drawings (consists of plan, profile of centerline of road and, if there is curb and gutter, the gutter flow line right and left (3 profiles), and cross sections).
  3. One (1) copy of applicable basis of design reports and masterplan studies for storm water and snowmelt management, floodplain determination, the water system, fire suppression system, irrigation system, wastewater system, and any other specialized design.
- B. ***Contents of Final Plat:*** The Final Plat Application shall include and be in compliance with all items and specifications required under Title 50, Chapter 13 of the Idaho Code as amended. In addition, the Final Plat Application shall be accompanied by or include the following:
1. Proof of current ownership of the real property included within the proposed Final Plat area;
  2. Engineering construction cost estimates for required improvements;
  3. The proposed form of financial guarantee for the required improvements if recordation will take place before the improvements are constructed;

4. All information the Administrator and Commission may deem necessary to establish whether or not all proper parties have signed and/or approved the Final Plat;
5. Conformance with the approved Preliminary Plat and all requirements and conditions thereof; and,
6. Conformance with all requirements and provisions of this Ordinance,

C. **Fee:** At the time of submission of an application for a Final Plat, the Subdivider shall pay a fee as set by the Board. In addition to the Final Plat Application fee, the Subdivider is responsible for the actual cost of design review by the County Engineer, plus an additional amount as set forth by the Board.

D. **Administrator/ Commission review:**

1. **Acceptance:** Upon receipt of the Final Plat Application, and compliance with all other requirements as provided for herein, the Administrator/ Commission shall *certify* the Application as complete and shall affix the date of acceptance thereon.
2. **Re-submittal of Final Plat:** The Administrator/Commission shall review the Final Plat for compliance with the approved or conditionally approved Preliminary Plat. If the Administrator determines that there is substantial difference in the Final Plat from that which was approved as the Preliminary Plat, or that required conditions have not been met, the Administrator may require that the Final Plat be submitted to the agencies deemed necessary, and to the Commission, in the same manner as required for the Preliminary Plat review process. This re-submittal shall also include re-notification of adjoining property owners in the same manner as for Preliminary Plat approval and filing of a re-submittal fee.
3. **Submission to the Board:** Upon the Administrator's determination that the Final Plat Application is complete and in compliance with the approved Preliminary Plat, and that all conditional requirements have been met, the Administrator shall place the Final Plat on the Board's next open agenda.

E. The Administrator/Commission shall notify all persons who have either appeared in person or in writing before the Commission, for the Preliminary Plat Hearing, of the date of the Board's meeting for the Final Plat Hearing by first class mail. Such notification shall be mailed at least ten (10) days prior to the Board's meeting. The failure or lack of notification to any person that has previously appeared shall not invalidate the Board's action provided the spirit of the procedure is observed.

F. The Administrator/Commission may transmit one copy of the Final Plat and other documents submitted for review and recommendation to the same departments and agencies that reviewed the Preliminary Plat Application, or others as they may deem necessary, to ensure compliance with the preliminary approval and/or conditions of preliminary approval. Such **agency review** shall

also include the review of proposed improvements for compliance with construction standards, review of road and street names by the County GIS department, review for compliance with health standards, review of the cost estimate for all required improvements, and the legal review of the financial guarantee. If additional copies are needed, the Subdivider shall supply them to the Administrator/Commission and/or shall bear the costs of having said copies made.

**G. Board Action:** The Board, at a following open meeting, following receipt of the Administrator's/Commission's report, shall consider the Commission's findings and comments from concerned persons and agencies to arrive at a decision on the Final Plat Application. If the Final Plat and application materials conform to the requirements of this Ordinance applicable at the time of approval of the Preliminary Plat Application; all rulings made by the Commission on the Preliminary Plat; and the requirements of Idaho State Law; then the Board shall approve, approve conditionally, disapprove, or table the Final Plat Application for additional information within a reasonable time not to exceed 120 days.

**H. Approval Periods:** A Final Plat and Covenants shall be filed with the County Recorder within six (6) months after written approval by the Board, or the approval shall become null and void. Prior to the expiration date, the Subdivider may request from the Board, and for good cause shown, may be granted an extension of time for Final Plat recordation.

**I.** Upon approval of the Final Plat by the Board, the Subdivider's posting of an acceptable financial guarantee for the installation of required improvements, if required, and the inclusion of the following signatures on the Final Plat, the Administrator/Commission shall submit the Final Plat to the County Recorder for **recording**:

1. Certification and signature of the Board verifying that the subdivision has been approved.
2. Certification and signature of the County Recorder and an engineer verifying the accuracy of the Plat and that it meets county standards.
3. Certification and signature of local or state health agency that all health requirements have been met.

## **Chapter 4 DESIGN STANDARDS**

### **4.1 Minimum design standards required**

All plats submitted pursuant to the provisions of this Ordinance, and all subdivision improvements, features, and facilities designed, constructed, or made in accordance with said provisions shall fully comply with the minimum design standards set forth in this ordinance; provided, however, that any higher standards adopted by any Highway District, State Highway, Environmental Quality, or Health Department Agency shall prevail over those set forth herein. Variances or waivers of some design standards may be granted for approved Master Planned Communities.

## 4.2 Required Open Space

All subdivision projects in Madison County proposing five or more residential units; including mobile home parks, condominiums, and other special developments; shall be required to provide Open Space as provided in this Ordinance. Required Open Space set asides should be noted as a separate lot and recorded on the property deed as such.

### A. Minimum Required Open Space

The gross amount of land within a qualifying subdivision required to be designated as Open Space will be determined based on the size of the subdivision project and the zone district in which the project is located at the time the subdivision application is submitted, as follows:

- R-1 zoning, less than 10 acres – 15% open space
- R-1 zoning, 10 – 20 acres – 20% open space
- R-1 zoning, more than 20 acres – 25% open space
- MPC zoning – 15% open space
- TA zoning, less than 20 acres – 25% open space
- TA zoning, 20 acres or more – 30% open space
- A-1 and A-R zoning, – 35% open space
- C-1 and I-1 zoning – no open space required

The Open Space acreage required in a subdivision is calculated as a percentage of the net developable project area by taking the gross acreage of the project area, subtracting the area of lands required for public road rights-of-way and other public infrastructure such as sewer, water, etc, except central leach field, and then multiplying that number by the applicable required Open Space percentage as follows:

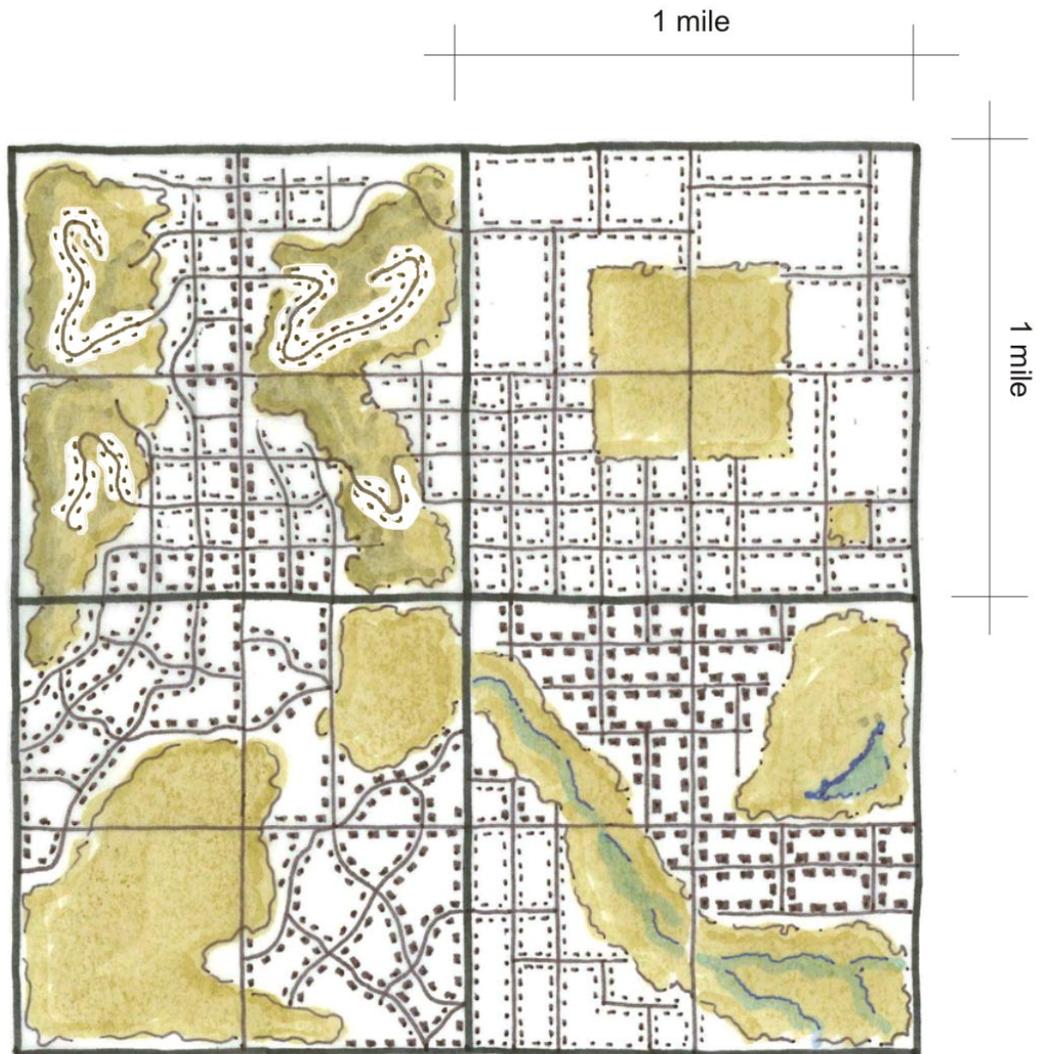
$$\text{Required Open Space acreage} = (GA - RI) \times OS\%$$

Where,

GA is Gross project area acreage,

RI is the combined acreage of all roads and public infrastructure, and

OS% is the applicable required open space percentage for the project.



Examples of appropriate subdivision and open space layout

**B. Uses Allowed in Required Open Space**

For the purposes of calculating the qualifying Open Space area in a subdivision, and to meet subdivision Open Space requirements, the following land uses will be allowed in qualifying Community Open Space and Natural Open Space areas. The zoning classification refers to the zoning of the project property at the time the subdivision application is filed:

1. Community Open Space – Uses allowed in Community Open Space include parks, playing fields, playgrounds, trails and trailheads, off-street bicycle paths, swimming pools, golf courses, and other similar outdoor recreational facilities that are made available for use by residents of the Master Planned

Community (MPC) development and/or the general public. Trails and bike paths shall be laid out so that they can have continuity to any existing or future trails and bike paths, and to Madison County Trails System. All trail heads and play grounds shall have parking areas available for public parking; this shall be allowed as area calculated in open space. Water detention basins may make up to 50% of the required Community Open Space, as long as they are open for recreational activities. Park strips, set-backs, entry monuments, sales offices, boulevard dividers and other similar features do not count toward the required Open Space. In the R-1 zone, at least 60% of the required open space must be Community Open Space. In all other zones, at least 25% of the required open space must be Community Open Space.

2. Natural Open Space – Natural Open Space is undeveloped open space, relatively free of grading and structures. Uses allowed in Natural Open Space include non-motorized trails and trailheads, wildlife viewing, and other similar passive recreational activities. In agricultural areas, Natural Open Space may also include actively operated farmlands such as fields, row crops, and pastures. Underground utilities are also allowable in Natural Open Space if all disturbed areas are re-vegetated. Areas set aside as stream buffers as identified in the Sensitive Lands Overlay Zone, (Ord. No 337) may be used to meet minimum Natural Open Space requirements. Natural Open Space need not be open to public access to qualify, unless a portion of the open space is dedicated to public uses such as trail access. Small, disconnected parcels of property may not be counted as Natural Open Space. To qualify as Natural Open Space, lands must be contiguous and of sufficient size to provide effective wildlife habitat and open views. Natural Open Space must be protected by covenants, transfer of development rights, conservation easements or other mechanisms to ensure that the lands remain open and un-developed. In all zones other than R-1, at least 50% of the required open space must be Natural Open Space.

### C. Management of Open Space

The Subdivider must provide the County with a plan for how open spaces are to be managed at the time of a Preliminary Plat application. Access routes for management of the open space shall be noted in the plan. Natural and Community Open Spaces may be maintained and managed under a number of different scenarios or options. A Homeowners Association (HOA) will likely manage and maintain any Community Open Spaces created as part of a new subdivision, unless the Community Open Space is of sufficient size and location to make management by the County Parks Department a realistic and feasible option. This allowed at the discretion of the Board of County Commissioners. Management of Natural Open Space is more flexible. Options include:

- Maintenance by the HOA,

- Sold as a single parcel of land for use as rangeland or agricultural use unless specifically prohibited by the Sensitive Lands Overlay Zone (Ord. No.337), or
- Maintained by a third party on a contractual basis, such as the Soil Conservation Service or a land trust.

#### **4.3 Density Bonuses**

Greater residential densities than those allowed by the base zoning, may be granted for projects that provide more open space than the required minimum, or other project amenities and design features not otherwise required for project approval, as follows:

- For additional Community or Natural Open Space, a percentage density increase equal to the additional percentage of open space provided, up to a maximum of 30%. (i.e. for 50% open space in a project in an A-1 or A-R zone district, an additional 10% residential density could be allowed)
- For additional developed recreational facilities dedicated to public use, a percentage density increase of up to 20%, as determined by the County.
- For identification of a permanent, non-County funding source to offset the annual operation and maintenance of open space areas, such as endowments, land trusts, or other mechanisms, a percentage density increase of up to 20%, as determined by the County.

The total of all density bonuses approved for a Master Planned Community (MPC) project may not exceed an additional 40% (i.e. a total of 140%) of the allowed density as outlined in the base zoning.

#### **4.4 Dedication of Streets and Roads**

Arterial and collector streets shall be dedicated to the public in all cases. All other streets shall also be dedicated for public use, except where approved as a Private Road.

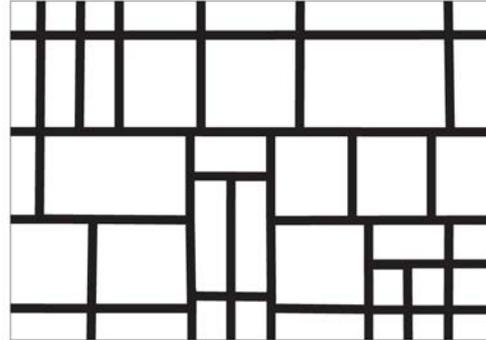
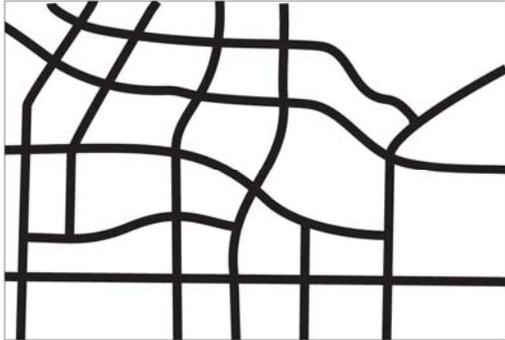
#### **4.5 Location of Streets and Roads**

Street and road location shall conform to the following:

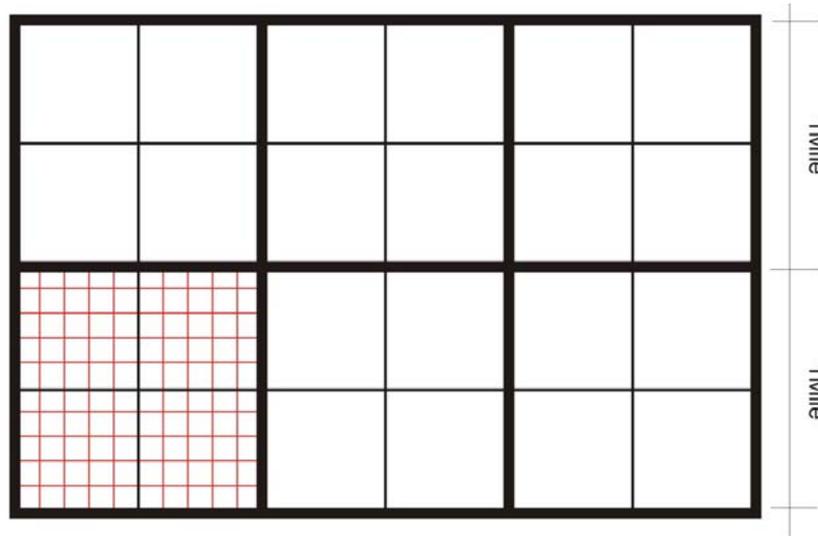
- A. When major street and road *plans* have been adopted, subdivision streets and roads shall conform to such plans.
- B. Local or minor streets and roads shall be so arranged as to discourage their use by *through traffic*.
- C. The *arrangements* of streets and roads shall provide for the continuation of existing streets from adjoining areas into new subdivisions and future roadways as identified in the Madison County Comprehensive Plan and the Madison County Transportation Plan, unless otherwise approved by the Board and the department or agency having jurisdiction over such streets. Generally, all County quarter-section lines should be preserved as possible future road

right-of-ways. There is hereby established a sixty (60) foot setback from all quarter-section lines within which no construction of permanent improvements is allowed, unless otherwise approved as part of a subdivision or other development project.

D. Subdivision streets and roads shall be arranged in a grid to ensure connectivity to adjacent or future development. A modified grid may be used as needed to account for *natural topography* so as to result in useable lots, safe streets, and acceptable gradients. See diagrams below for examples of modified grid street arrangements.



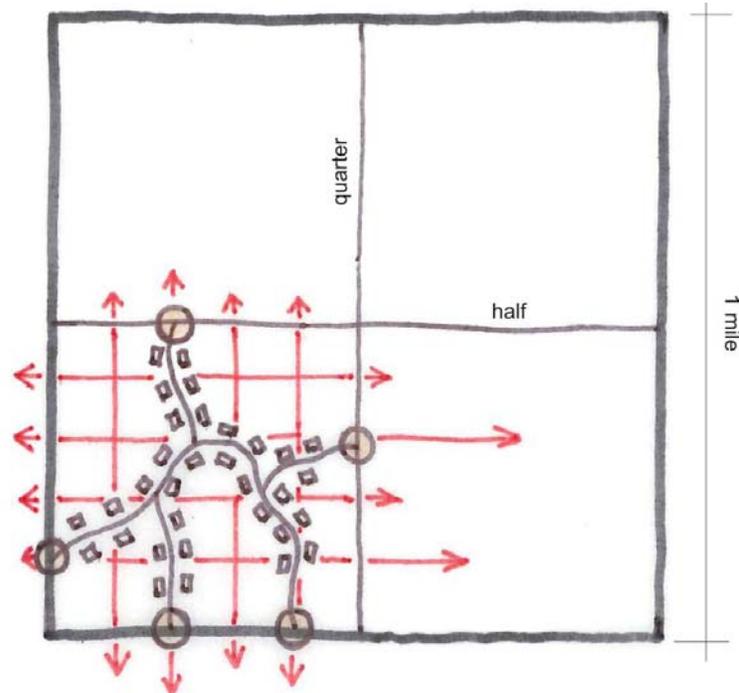
E. Streets and roads will be laid out so as to connect with existing streets, the street grids of historic town site plats, and the overall County grid of 10 blocks per mile to the extent possible. The Planning and Zoning Commission may provide for some flexibility in the street grid standards in some circumstances, such as development proposed to connect to historic town sites with an existing



- Section lines = 1 mile grid
- Half (↔) & Quarter (↕) section lines = 1/4 mile grid
- Ten block per mile grid

street grid system in place.

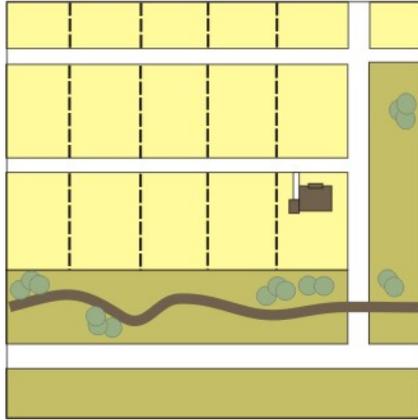
- F. The street grid shall also provide at least three access points/street/road connections per section mile within the subdivision, and ensure connection to all section, half, and quarter section lines adjacent to the development parcel. Intersections should match up with the overall County 10 block per mile grid whenever possible.



- G. Existing roads and roadways shall remain at all times in their historic locations, unless in a rare occasion relocation of the roadway is deemed necessary by the Administrator, Commission, and the Board, and approved by all.
- H. Access points must be located no less than 250 feet apart so as to provide safe entry to and exit from the connecting streets.
- I. *Alleys* shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for services access and off-street loading and parking. Dead-end alleys shall be prohibited in all cases.
- J. *Cul-de-sac* streets shall not be more than five hundred feet (500') in length and shall terminate with an adequate turn-around having a minimum radius of fifty feet (50') with the appropriate right-of-way.
- K. *Half streets* shall be prohibited except where unusual circumstances make them necessary to the reasonable development of a tract in conformance with this Ordinance, and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or a partial street, the other part of the street shall

be dedicated within the tract.

- L. **Frontage Roads** and **Reverse frontage streets** with a 20 ft. minimum open space buffer strip shall be required on County section line roads. See below for an example of a reverse frontage road with open space buffer.



- M. **Stub Streets** will be required where subdivision roads are to connect to a future county roadway as designated in the Comprehensive Plan, or to another phase of the subdivision, or to an adjacent platted development. Generally, stub streets for connections to future county roadway corridors will fall on County section and quarter-section lines.

#### 4.6 Street and Road Specifications

- A. **Street and road right-of-way and pavement widths** shall conform to all adopted plans and the rules of the appropriate departments having jurisdiction. Right-of-way lines of intersecting or connecting streets shall be connected with curves having at least a twenty-five foot (25') radius. New roadways within the County should follow the street cross-sections outlined in the Madison County Comprehensive Plan and Madison County Transportation Master Plan, and the following:

**Table 1.  
Madison County Street and Roads Standards**

Type of Street and Road	Travel Lanes	Total ROW Width
Rural Cluster, Ag/Rec Residential	2 @ 12' ea.	68'
Residential Collector	2 @ 12' ea.	68'
	2 @ 12' ea.	79'
Minor Arterial	2 @ 12' ea. 12' center turn optional	83 – 101'

Major Arterial

2 @ 12' ea.  
12' center turn optional

85 – 125'

**B. *Width of improved surface/improvement standard*** shall be as follows:

1. All streets as defined in Section 4.5, unless already existing and paved, shall be improved to a width of not less than twenty-four feet (24').
2. The level of improvement shall meet or exceed the improvement standard of the County or State road or highway that it adjoins. In the case where a subdivision adjoins a County or State road or highway at two locations and the standards of the County or State road or highway differ, the subdivision shall be required to meet the stricter standard of the two. In no case may the local roads within the subdivision be less than the Madison County standards set for gravel surfacing, no matter what the condition or standard of the road which it connects to.
3. All street improvements shall be completed within six months (6) of the sale of the first lot in the subdivision, and shall at least meet all minimum Madison County standards for the quality and type of road base, and the top coat will be hot mixed. For phased developments, streets may be completed in phases provided that no illegal cul-de-sacs are created, and all fire and emergency access meets County standards. Building permits will be issued upon lots with unimproved streets. However, an occupancy permit (allowing the structure to be occupied) will not be issued until all subdivision improvements are completed and accepted by Madison County.
4. All private roads must meet the residential street standards outlined in the preceding sections. All private roads that are not through roads will be required to have a turnaround with a minimum of a fifty-foot (50') radius. All bridges on private roads must be at least twenty-four (24') feet wide and structurally designed for emergency vehicles. All roads must be built as all-weather roads, as shown in the County road standards, with a gravel base and select gravel top-coat.

**C. *Street grades*** shall not exceed nine percent (9%) on either local or collector streets and no street grade shall be less than one-half of one percent (0.5%). All public and private roads, excluding private driveways, shall be elevated such that at all times during a one hundred (100) year thunder shower or rainfall or snowmelt event, flood waters over the road do not exceed one (1) foot in depth over a twelve (12) foot width of the road surface.

**D. *Street alignment curves*** shall be designed as appropriate for the level of traffic anticipated, and are subject to the County Engineer's review and approval.

E. **Additional Criteria** and other design criteria shall be as presented in the AASHTO Policy on geometric design.

#### 4.7 Street names

The naming of streets shall conform to the following requirements:

- A. Street names shall not duplicate any existing street name, except where a new street is a continuation of an existing street. Street names should refer to the address grid outlined in the Madison County Comprehensive Plan Chapter 8 Future Transportation Plan.
- B. Streets shall be numbered on the grid pattern set forth in the Madison County Comprehensive Plan, Chapter 8, Future Transportation Plan. Meandering streets are discouraged, but exceptions may be made where they are required to address natural and topographical features.

#### 4.8 Intersections

Intersections shall conform to the following requirements:

- A. Streets shall **intersect** at ninety degrees (90) or as closely thereto as possible, and in no case shall streets intersect at less than eighty degrees (80).
- B. Minimum clear **sight distance** at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred twenty-five feet (125') from the center of an intersection.
- C. **"T" intersections** may be used whenever such design will not unduly restrict the free movement of traffic.
- D. A nearly **flat grade** with appropriate drainage slopes is required within intersections. This flat section shall be extended fifty feet (50') to one hundred feet (100') each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain, and four percent (4%) in hilly terrain, will be permitted.

#### 4.9 Pedestrian and bicycle ways

All residential subdivisions must provide for safe pedestrian and bicycle circulation within the subdivision. Pedestrian ways should be configured so as to provide for safe and efficient walkways to schools, shopping areas, parks, trail systems, and other similar destinations. Pedestrian ways may be traditional sidewalks along or separated from streets and roadways, or may be designated trails. Multiple-uses and physical mobility limitations should be considered when deciding on trail or path surfacing materials. Sidewalks shall be at least five feet (5') wide, and trails or other pedestrian paths at least ten (10') wide. Rights-of-way for pedestrian walkways in the middle of long blocks shall be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. All pedestrian paths should provide logical connections to and through

adjacent residential neighborhoods and amenities identified in the Madison County Comprehensive Plan, Chapter 8, Transportation (Pedestrian and Bicycle Facilities). Pedestrian ways connecting gated communities to adjacent neighborhoods are not required, but the length of interior roads in gated communities is limited to 750' from the gate or access point to ensure adequate pedestrian access around the development.

#### **4.10 Utility, Drainage and Irrigation**

- A. Unobstructed *multi-purpose easements* (utility, irrigation, and drainage) shall be provided along front lot lines, rear lot lines and/or side lot lines when deemed necessary. The width shall be as needed for facilities, but shall not be less than twelve (12) feet if parallel and adjacent to front lines, or shall not be less than twenty (20) feet otherwise. Other easements that are on lots that are not parallel to and abutting the right-of-way or roadway easement, which are needed for drainage, irrigation, utilities, or other uses, shall be a minimum of twenty (20) feet wide. Easements parallel to the side and rear lot lines shall not straddle property lines, but shall be on one lot in total. Drainage easements are required to preserve historic drainage systems and channels unless approved otherwise and must be wide enough to encompass drainage conveyance and backwater ponding from the greater of the 100-year thunderstorm or winter rain fall on snowmelt on frozen ground. Easements must be provided for all culvert back water ponding that encroaches on private property. The Subdivider shall consult with the appropriate utility, Irrigation Company or facility user, or other public service providers to determine the size and location of easements
- B Drainage systems and stormwater management shall be in accordance with Stormwater Design Criteria and Procedures for Madison County, Idaho.
- C. Irrigation systems shall be designed in accordance with industry standards and common engineering practice and are subject to review by the county engineer.

#### **4.11 Lots**

Lots shall conform to the following requirements:

- A. *Side lot lines* shall be essentially at right angles to straight streets and shall conform to the radius of curved streets.
- B. *Narrow, deep lots* shall be avoided.
- C. *Corner lots* shall have sufficient extra width to permit appropriate building setback from either streets or orientation to both streets.
- D. *Uninhabitable areas* including lands subject to instability or flooding, or which shall otherwise be deemed to be uninhabitable, shall not be platted for residential purposes or for any other use that may increase or create a danger to

health, life or property, or which may increase or create a surface failure or flood hazard. Such land within a subdivision shall be set aside for other use such as parks or other open space.

- E. **Back-up lots**, or lots with their rear lot line adjacent to a County road, shall be prohibited.
- F. There shall not be more than one dwelling constructed on each subdivided lot. With a Conditional Use Permit a detached garage may be allowed to have a living space with no more than 3 bedrooms. This will be counted as a separate living space for septic sizing but septic must be part of the primary residence's septic system.  
This living area may only be occupied by a single family and shall only be allowed if in conformance with the covenants of the subdivision.

**4.12 Planting strips and reserve strips** shall conform to the following requirements:

- A. **Planting strips** shall be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses to screen the view from residential properties. Such screens shall be a minimum of twenty feet (20') wide, and shall not be a part of the normal roadway right-of-way or utility easement.
- B. **Reserve strips:**
  - 1. Private: Privately held reserve strips that control access to public streets shall be prohibited.
  - 2. Public: A five foot (5') reserve strip may be required to be placed at the end or along "Stub", dead end, or half streets which terminate at subdivision boundaries. These reserve strips shall be deeded in fee simple to the County for future street purposes.

**4.13 Public sites and open spaces** shall conform to the following requirements:

- A. Where approved, park, playground, school or other *public uses* shall provide adequate public open space and improvements for the circulation, recreation, education, and service needs of the tract when fully developed and populated.
- B. A **Large Scale Development** bounded by major streets or natural physical barriers shall contain public areas of sufficient size for schools, playgrounds, parks or other public facilities necessary to serve the residents of the development.

**4.14 Public Access.** Access to public lands, waterways, and other culturally significant areas shall be maintained and preserved without exception and outlined in the plat. Traditional and historic public access points shall be maintained and preserved for public access in plat layouts.

**4.15 Exterior Lighting.** Exterior lighting shall meet the following standards:

- A. **Total cut-off luminaries and fixtures.** Luminaries and other light fixtures shall have a total cut-off of light at an angle less than 90 degrees and shall be located so that the bare light bulb, lamp, or light source is completely shielded from direct view from a vantage point five (5) feet above the ground at the perimeter of the lighted area. The light furthermore shall be contained entirely on-site. The maximum permitted mounting height of the luminary or fixtures are as follows:

**Table. 19.1**  
**Maximum Luminary Illumination and Height**

Use	Max. Permitted Illumination (in Foot- candles)	Max. Permitted Height
All residential uses	1.0	15'
All non-residential uses	1.5	18'

The standards of this section are not meant to prohibit the use of decorative antique, or "period" light fixtures, ground lighting, or bollard lighting, provided that the light source is diffused by a frosted lens or globe, or is otherwise filtered, shielded, or screened.

- B. **Exempt uses.** Because ball diamonds, playing fields, outdoor rinks, ski areas, tennis courts and some commercial developments such as gas stations have unique requirements for nighttime visibility and may have limited hours of operation, they shall be exempt from the exterior lighting standards of Section 4.15 A., total cut-off luminaries and fixtures, if the following standards are met:
1. *Complies with requirements.* The proposed development meets all other requirements in this Subdivision Ordinance and the applicable standards as contained in the current edition of illuminating Engineering Society of North America Lighting Handbook, as determined by the Planning and Zoning Administrator.
  2. *Maximum Height.* Exterior light sources shall not exceed a maximum post height of forty (40) feet, unless an alternative height is approved via issuance of a Conditional Use Permit pursuant to Madison County Ordinance No. 176.
- C. **Luminary shielded.** If the luminary is shielded in either its orientation or by landscaping to prevent light and glare spill-over to adjacent residential property, then the luminary may exceed a total cut-off angle of ninety (90) degrees. The maximum permitted illumination at the nearest interior setback line for a principal residential structure shall not exceed one and one half (1.50) foot-candles.

- D. **Prohibited lights.** Notwithstanding any other provision of this section, the following lighting is prohibited for all uses in this Ordinance:
1. *Flickering or flashing lights.* No flickering or flashing lights shall be permitted.
  3. *Searchlights.* No searchlights, laser lights, or holograms are permitted.
  3. *Strings of Light.* Strings or strands of lights used to highlight a sign, perimeter of a sign, or any portion of a building are not permitted, except for Christmas-type decorative lighting.

## Chapter 5 – REQUIRED IMPROVEMENTS

### 5.1 Purpose

It is the purpose of this section to establish and define the public improvements that will be required to be constructed by the Subdivider as a condition of Final Plat approval. This section also sets forth the procedures and responsibilities of the Subdivider and the various public officials and agencies concerned with the administration, planning, design, construction and financing of public facilities, and further establishes procedures for assuring compliance with these requirements.

### 5.2 Responsibility for plans

- A. It shall be the responsibility of the Subdivider of every proposed subdivision to have a complete set of construction plans prepared by a registered Engineer, including profiles, cross-sections, specifications, and other supporting data, for all required streets, utilities and other facilities. The construction plans shall be based on preliminary plans which have been approved with the Preliminary Plat, and shall be prepared in conjunction with the Final Plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the public agencies' standards and specifications.
- B. All required construction plans shall be completed and a copy filed with the Administrator prior to approval of the Final Plat.

### 5.3 Required public improvements

Every Subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

- A. **Monuments** shall be set in accordance with Section 50-1303, Idaho Code.
- B. All **streets and alleys** shall be constructed in accordance with the standards and specifications set forth herein, and as adopted by the Board.
- C. **Curbs, gutters, and sidewalks** shall be required in all subdivisions unless all three of the following conditions are met:

1. All streets in the subdivision are paved and otherwise meet all County standards; and
  2. All lots within the subdivision contain an area of one acre (1) or larger; and,
  3. Adequate provision for pedestrian circulation within the subdivision is otherwise provided by trails, paths, or other pedestrian ways approved by the Board.
- D. Underground *utilities* are recommended and may be required by the Board in areas where overhead facilities would not be compatible with the surrounding properties.
- E. Where curbs and gutters are required, all *driveway* openings in the curb shall be constructed as specified by the County Road Engineer or Road Supervisor.
- F. A *storm drainage* system shall be required in all subdivisions that conforms to the criteria specified in paragraph 4.10.B and is consistent with the plans and report provided per Subsection 3.5.A.
- G. If there is not an existing or accessible public water system for the common use of the lots within the subdivision approved by the Department of Environmental Quality, individual wells may be permitted in accordance of the Department of Health and Welfare, the State Department of Environmental Quality, and the Idaho Department of Water Resources. In all case, the Subdivider shall comply with Idaho Code § 50-1326 through § 50-1329 as amended.
- H. A fire suppression system shall designed and analyzed that is in conformance with the Madison County Fire District adopted fire code.
- I. Onsite Wastewater Systems** This subsection pertains to all individual and subsurface sewage disposal systems, which are referred to as onsite wastewater systems (OWWS). This subsection applies to all such systems proposed within subdivisions in Madison County.
- 1. DEQ Standards** All OWWS shall conform to Idaho Department of Environmental Quality (DEQ) regulations, including the following:
    - a. IDAPA 58.01.03 Individual Subsurface Sewage Disposal Rules;
    - b. IDAPA 58.01.16 Wastewater Rules;
    - c. IDAPA 58.01.17 Rules for the Reclamation and Reuse of Municipal and Industrial Wastewater;
    - d. Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems (TGM);
  - 2. Additional Madison County Standards** Additional regulations apply in Madison County.

- e. **Steep Slopes** All OWWS on steep slopes per DEQ's TGM shall be designed by a licensed engineer;
- f. **Site Investigation** An *OWWS Suitability Study* shall be provided that consists of the following:
  - i. **Site suitability** should include but is not limited to property boundaries, easements, water wells, water lines, existing onsite wastewater treatment systems (including that on adjacent properties), limiting surface and subsurface features, topography, underground and overhead utilities, buildings, vegetation, water features, surface drainage patterns, depth to groundwater including seasonal water table (see paragraph (iii) below), and other geographical limitations.
  - ii. **Soil suitability** should include but not be limited to soil texture, structure, profile, depth to limiting layers, and other geological limitations. Soil suitability should include test holes/pits that extend to a minimum 14 feet depth unless a limiting layer of bedrock is encountered, and there shall be, as a minimum, at least one test hole/pit for each 2-1/2 acres up to the first 10 acres, and 1 test hole/pit for each additional 10 acres. If the soil is found to vary much on the site, more test holes may be required. If no groundwater or signs of groundwater are encountered in the 14 foot of depth, this should be verified by an engineer, EIPHD, or the County Engineer; otherwise, groundwater monitoring per the subsequent paragraph will be required.

**Groundwater monitoring** shall be conducted during high groundwater conditions if any groundwater or signs of groundwater was found within 14 feet of the surface during the *soil suitability* test. At locations that are irrigated, bordering irrigated areas, or otherwise has groundwater affected by irrigation, high groundwater is anticipated during the months of August through October. At other locations, high groundwater is anticipated following snowmelt and high runoff during the months of April through June. This monitoring must be done by an engineer or EIPHD. Monitoring shall consist of no less than one measurement per week during the seasonal high groundwater period and spanning at least thirteen weeks. Monitoring well pipes shall be left in place for review agency check through the development application process.

- g. **Lots Less Than 2 Acres in Size** will require a Complex Alternative System be designed by a licensed engineer. For a proposed subdivision having any lots less than 2 acres in size, the OWWS shall be designed by a licensed engineer and a *Ground Water Quality Impact Analysis* (Nutrient-Pathogen Study or Evaluation or N-P Study was the old name) per DEQ guidelines. This may be a Level 1 as a minimum. The study will determine the maximum allowed total nitrogen (TN) in the effluent that may be discharged to the soil for further treatment, and the selected treatment process shall reduce the TN to or below that level as approved by DEQ in the TGM, Policies, Total Nitrogen Reduction Policy, Table 1.

- h. **2,500 to 25,000 GPD – Feasibility Planning Study** Any subdivision application for which all phases would generate from 2,500 to 25,000 gallons per day of effluent shall be required to include a Feasibility Planning Study, which consists of:
  - i. An *OWWS Suitability Study* per Subsection 5.3.I.2.b above;
  - ii. A *Ground Water Quality Impact Analysis* (N-P Study) per Subsection 5.3.I.2.c above; and
  - iii. A **Feasibility and Cost Analysis** Wastewater collection, treatment and disposal options for the proposed subdivision should be evaluated for feasibility and costs. These options should include collection treatment and disposal for: individual onsite (on-lot) wastewater systems; cluster onsite wastewater systems; and a lift station to service the subdivision, neighborhood, or region with a force main to an acceptable discharge point into a central wastewater collection system that discharges into an EPA permitted mechanical treatment facility. In addition to system design/build costs, the long term operations and maintenance costs and associated sinking fund expenses should be included. This study must address the ability to obtain conformance to the requirements of DEQ, Eastern Idaho Public Health Department, and Madison County, and address operation, maintenance, and long-term verification of conformance to requirements. The findings of the study will determine the types of wastewater management system that are allowable or required.
  
- i. **25,000 GPD Or More** Any subdivision application for which all phases will generate equal to or greater than 25,000 gallons per day of effluent shall be required to include a Feasibility Planning Study as specified in paragraph (d) above. Additionally, if the location of the subdivision is over 2 miles from a centralized system, or if a substantial amount of rural residential development exists or is soon anticipated in the area, or if there are other special circumstances that the Planning and Zoning Administrator or County Engineer deem justifiable, then the Feasibility Planning Study must also include a feasibility cost evaluation of a regional mechanical wastewater treatment facility. The findings of the study will determine whether a regional mechanical wastewater treatment facility should be considered or required.

I. *Street name signs* shall be installed in the appropriate location at each street intersection in accordance with Madison County Road and Bridge Department standards. The actual cost of street signs, as determined by the Madison County Road and Bridge Department, shall be paid by the Subdivider.

J. Unless waived under Section 5.3.C.3. above, *Sidewalks* may be required on

both sides of the street. Where the average width of lots, as measured at the street frontage line or at the building setback line, is over one hundred feet (100'), sidewalks on only one side may be required by the Commission.

***Pedestrian Walkways***, when required, shall have easements at least ten feet (10') in width and shall include a paved walk at least five feet (5') in width, located generally along the centerline of the easement, and dedicated as a public pedestrian walkway. Sidewalks and crosswalks shall be constructed in accordance with the standards and specifications as adopted by the Commission.

- K. ***Greenbelts*** may be required for the protection of residential property so as to have greenbelts or landscaped screen planting located between a residential development and adjacent major arterial streets and railroad rights-of-way. When required, the Subdivider desires to protect their development in this respect; a proposed subdivision plat shall show the location of the greenbelts and provisions for maintenance.

#### **5.4 Guarantee for completion of required improvements**

- A. In lieu of requiring the complete installation of required improvements in a subdivision before allowing recordation of the Final Plat, the Board shall require the Subdivider to provide a ***financial guarantee*** of performance of all or part of the required construction with an escrow agreement, as described below:

***Escrow agreement*** – With the approval of the Board, a Subdivider may deposit security subject to an escrow agreement approved and furnished by the Board. A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, or other surety acceptable by the Board, shall be deposited with an ***escrow agent*** or ***trust company***. The ***dollar value*** of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to one hundred and ten percent (110%) of the total estimated cost of construction of the specific required improvements, as estimated by the County engineer and approved by the Board. The period of the escrow shall be specified by the Board. In the case of cash deposits or certified checks, an agreement between the Board and the Subdivider may provide for the ***progressive release of funds*** out of the cash deposit, or for reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvements, in accordance with the terms of the escrow agreement.

- B. Where the only significant required improvements are improved streets, the Subdivider shall not be required to supply any financial guarantee of performance if the Subdivider constructs the required streets to the improvement standards set forth in Section 4.6., for each lot before it is sold.

- C. Conditional approval of Final Plat. Final approval of all final subdivision plats, and release for recordation by the County Recorder, shall be conditioned on the accomplishment of one of the following:
  - 1. The construction of all Required Improvements has been completed by the Subdivider and approved by the Board;
  - 2. A financial guarantee, acceptable to the Board, has been filed to ensure installation of the required improvements; or
  - 3. Streets are the only significant required improvements and the Board finds that the County has adequate assurance that the required streets will be improved, as set forth in Section 4.4., to each lot before it is sold.
  
- D. Inspection of required improvements. Before approving the Final Plat, construction plans, and specifications for public improvements, the Subdivider and the Board shall agree on a program to provide for checking or inspecting the construction and conformity of the required improvements to the approved plans.
  
- E. Penalty. In the event the Subdivider shall, in any case, fail to complete construction of the required improvements, or any portion thereof, within the period of time required by the conditions of the financial guarantee for the completion of public improvements, the Board or any other person with proper standing may proceed to have such work completed. In order to accomplish this, the Board or other persons shall pay for the cost and expense of construction of the required improvements by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the Subdivider may deposit in lieu of a surety bond, and may take such other steps as may be necessary to require performance by the bonding or surety company and as included in a written agreement between the Board and the Subdivider, provided neither the Board nor any person shall be required to pay or suspend more than the total amount of the financial guarantee.

## **Chapter 6 - SPECIAL DEVELOPMENTS**

### **6.1 Purpose**

The purpose of this section is to identify the various types of special developments that normally pose special concerns to the Commission and Board when reviewing and acting upon subdivision requests. This section outlines the general plan submittal requirements and design standards that shall be taken into consideration when acting on special developments. The provisions of this section are in addition to the plan requirements, design standards and improvement standards that are required as set forth in this ordinance. The additionally required information shall be submitted to the Administrator with the Preliminary Plat Application.

### **6.2 Condominium Developments**

- A. The developer shall provide a colored rendering of adequate scale to show a

completed *site development plan* that will include at least the following:

1. Architectural style and building design;
2. Building material and color;
3. Landscaping;
4. Screening;
5. Garbage areas;
6. Parking; and,
7. Open spaces.

B. *Private street* construction standards shall meet all County standards.

C. *Homeowner's Association (HOA)* bylaws and other similar deed restrictions which provide for the control and maintenance of all common areas, streets, recreation facilities, or open spaces must be approved by the Board. Any and all powers as specified in such agreements may be required to also be assigned to the applicable jurisdictional agency to insure continued and adequate maintenance of all such common areas, recreational facilities, or open spaces, the ability to assess properties for delinquencies, and to provide for enforcement of motor vehicle speed restrictions is in the best interest of the owners involved and of the general public.

D. *Storage areas* shall be provided for the anticipated needs of boats, campers and trailers. For typical residential developments, one (1) adequate space shall be provided for every three (3) living units. This may be reduced by the Board if there is a showing that the needs of a particular development are less.

E. One (1) additional *parking space* beyond that which is required by County Ordinance may be required for every three (3) dwelling units to accommodate visitor parking.

F. A *maintenance building* shall be provided with the size and location to be determined by the type and service needed for the necessary repair and maintenance of all common areas.

G. The location and uses of common areas and *open spaces* shall be appropriate to the development and shall be of such shape and area to be useable and convenient to the residents of the development.

H. Single ownership or *control during development* shall be required and a time limit may be imposed to guarantee the development is constructed as planned.

### 6.3 Development within Flood Plains

A. *Flood areas*: For any proposed subdivision that is located within a flood plain, the developer shall meet the standards and requirements outlined in the

Sensitive Lands Overlay Zone (Ord. No. 337), and provide the Commission with a development plan of adequate scale and supporting documentation that will show and explain at least the following:

1. Location of all planned improvements, specifically those in areas prone to flooding or in other sensitive or hazardous areas;
2. The location of the present water channel;
3. Any planned rerouting of water ways;
4. All major drainage ways;
5. Areas of frequent flooding;
6. The flood elevation height to be used to establish the first floor elevations of the buildings in the subdivision;
7. Means of flood proofing commercial buildings; and,
8. Means of insuring loans for improvements within the flood plain.

**B. *Justification for development:*** Upon the determination that buildings are planned within the flood plain or that alterations of any kind are anticipated within the flood plain area that will alter the flow of water, the developer shall through design, demonstrate conclusively to the Commission and County Engineer, that such development will not present a hazard to life, limb, or property, or have a adverse affects on the safety, use or stability of a public way or drainage channel and further will not have an adverse impact on the natural environment. That there be no adverse affects on the safety, use or stability of a public water way or drainage channel and further will not have an adverse impact on the natural environment or on neighboring properties.

**C.** No subdivision or part thereof shall be approved if levees fill structures, or other features within the proposed subdivision will individually or collectively *increase flood flows, heights or damages*. If only part of a proposed subdivision can be safely developed; the Board shall limit development to that part and shall require that the development proceed consistent with that determination. In determining the appropriateness of subdivision for land located within a flood plain, the Commission shall consider the objectives of this Ordinance, and at least the following:

1. The danger to life and property due to the increased flood height or velocities caused by subdivision fill, roads, and intended uses.
2. The danger that intended uses may be swept on to other lands or down-stream to the injury of others.
3. The adequacy of proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions under flood conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the subdivision for a waterfront location.
7. The availability of alternative locations not subject to flooding for the

- proposed subdivision and land uses.
8. The compatibility of the proposed uses with existing development and anticipated development in the foreseeable future.
  9. The relationship of the proposed subdivision to the flood plain management program for the area.
  10. The safety of access to the property for emergency vehicles in times of flooding.
  11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
  12. The costs of providing governmental services during and after flood conditions, including the maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

**D. *Flood proofing plans*** must be individually approved by the Board and subject to review by the County Engineer, upon recommendation from the Commission before such uses are constructed. Flood proofing may include but not be limited to the following:

1. Anchoring to resist flotation and lateral movement.
2. Installation of water-tight doors, bulkheads and shutters, or similar methods of closure.
3. Reinforcement of walls to resist water pressures.
4. Use of paints, membranes or mortars to reduce seepage through walls.
5. Addition of mass or weight to structures to resist flotation.
6. Installation of pumps to lower water levels in structures.
7. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
8. Installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures.
9. Building design and construction to resist rupture or collapse caused by water pressure or floating debris.
10. Installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent back-ups of sewage and storm waters into buildings or structures.
11. Location and installation of all electrical equipment circuits and electrical appliances so that they are protected from inundation.
12. Location of storage facilities for chemicals, explosives, buoyant materials, flammable liquid or other toxic materials which could be hazardous to public health, safety and welfare at elevations above the height associated with the regulatory protection elevation, or design of such facilities to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.

## **Chapter 7 - MOBILE HOME PARKS AND TRAVEL TRAILER PARKS**

### **7.1 Special requirements**

Mobile home parks and travel trailer parks shall, in addition to the requirements of this Ordinance, also meet or comply with the following: (In the event there is a conflict between the other provisions of this Ordinance and the following special requirements for mobile home and travel trailer parks, the special requirements shall control).

### **7.2 General provisions**

Mobile home parks and travel trailer parks shall be established or enlarged in Residential-1 Zones only, and in accordance with the following standards:

- A. Design, construction, operation, and maintenance will be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will not change the essential character of the area;
- B. Operation will not be hazardous or detrimental to existing or neighboring uses and the use will be consistent with the intent and purpose of this Ordinance;
- C. Parks will be screened by sight-obscuring fences and/or shrubbery for the protection of park residents or adjacent uses when deemed necessary by the Commission/Board;
- D. Vehicular approaches to the property will be designed so as not to create an interference with traffic on surrounding public streets; and,
- E. Minimum health standards as set forth by the appropriate health authorities will be met.

### **7.3 Minimum area requirements**

- A. The minimum area required for a new mobile home park shall not be less than two (2) acres. Expansion of any existing mobile home parks or trailer parks shall increase the overall size to not less than two (2) acres. Any increase or expansion of a mobile home park shall be in one (1) acre or larger increments. In addition to this minimum area, the following is required:
  - 1. Density shall not exceed seven (7) mobile homes per acre including road area requirements; and,
  - 2. A recreation area shall be required to serve the needs of park residents for any park over two (2) acres in size. The size of the recreation area shall be a minimum of five percent (5%) of the overall park size.
- B. Mobile home parks and travel trailer parks may be combined; however, the minimum area requirement shall be as provided above, and the uses shall be separate.

### **7.4 Standards for mobile home parks**

- A. The Commission and Board shall review the proposed plans for each new or expanding mobile home park in terms of the following minimum standards and shall determine if there is adequate evidence showing that each has been addressed and complied with:
1. Space
    - a. The average size of a mobile home space shall not be less than four thousand (4000) square feet and no space shall have a width of less than thirty six feet (36').
    - b. Each mobile home space shall be provided with a minimum outdoor living area of three hundred (300) square feet.
    - c. Each mobile home space shall be provided with a patio paved with asphalt, concrete or suitable hard-surface material which shall have a minimum area of one hundred forty square feet with a minimum width of ten feet (10'). Such patio may not occupy more than one-half (1/2) of the outdoor living area.
  2. Stands
    - a. Occupied mobile homes shall be parked on stands paved with asphalt or concrete surfacing or with crushed rock contained within concrete curbing or other approved methods.
    - b. Minimum space between stands shall be fourteen feet (14'), end to end; twenty five feet (25'), side to side; one side yard, twenty feet (20'), and one side yard five feet (5').
    - c. Temporary or permanent structures situated in one space shall be separated by at least five feet (5') from temporary or permanent structures or mobile homes in an adjoining space.
  3. Setbacks
    - a. A mobile home park shall observe a twenty foot (20') setback from all abutting properties.
    - b. Setbacks from any street or road shall be the same as required in Chapter 4, herein.
  4. Access ways
    - a. Access ways shall connect each mobile home space to a public roadway and shall be constructed to conform to standard engineering practice based on the bearing ratio of the soil.
    - b. Access ways shall have the following minimum widths:
      1. Entrance and collector access ways with guest parking on both sides, thirty six feet (36').
      2. Collector access ways with parking on one side, twenty eight feet (28').
      3. Minor access way to Cul-de-sac with no parking, twenty feet (20').
      4. Cul-de-sac diameter, seventy five feet (75').
  5. Walkways
    - a. Walkways shall be provided from each mobile home space to the service building and recreational area or areas and from the patio to the access way.
    - b. Common walkways shall have a minimum width of two and one half

feet (2.5'), and shall be constructed to conform to standard engineering practice.

- c. Access ways may be considered as part of the walkway to the service buildings and recreation areas provided said access way shall be widened by three feet (3') over the minimum requirements set forth by county ordinance and policies.
- d. Walkways shall be lighted at night.

#### 6. Parking

- a. One (1) vehicle parking space of at least twenty feet (20') by twenty feet (20') in size for each mobile home space shall be provided and said space shall have unobstructed access to an access way.
- b. One (1) guest vehicle parking space for each mobile home space shall be provided.

#### 7. Structures

- a. Structures located on any mobile home space shall be limited to a storage building and/or, garage, or carport.
- b. Each permanent storage structure shall contain a minimum of thirty-two (32) square feet of floor area and will not be less than seven feet (7') in height.
- c. The storage structure, garage, or carport may be combined as one structure.
- d. No structural additions shall be built onto or become part of any mobile home and no manufactured home shall support any building in any manner. Structural additions shall not be construed to exclude the construction of an awning, patio cover, decks or cabana adjacent to a manufactured home.
- e. Skirting of mobile homes is encouraged, but such skirting shall not attach the mobile home permanently to the ground, provide shelter for rodents or animals, or create a fire hazard.

#### 8. Storage

- a. A general fenced storage area shall be provided for the storage of accessory items such as boats, vacation trailers, campers, and related equipment owned by park residents.
- b. Such items shall be stored in the storage area and not parked beside the mobile homes.

#### 9. Refuse disposal

- a. Where available, public or private refuse collection must be used.
- b. Where public or private collection is not available, the following standards shall be followed:
  - 1. Storage, collection, and disposal of refuse in the park shall be so managed as to create no health hazards.
  - 2. All refuse shall be stored in rodent proof containers which shall be provided in sufficient number and capacity to prevent refuse from overflowing.
  - 3. All refuse shall be collected and disposed of weekly by the

manufactured home park owner.

10. Utilities

- a. All gas shall be installed as regulated by appropriate code or ordinance.
- b. An electrical outlet supplying at least two hundred (200) amps shall be provided for each mobile home space and lines for service to light poles and mobile home spaces shall be underground and waterproof.
- c. Provisions for adequate drainage shall be made.
- d. Sewage disposal must meet all rules and regulations of the Health Authority.
- e. An accessible, adequate, and safe central supply of water shall be provided if connection to a City water supply is unavailable.

**7.5 Standards for travel trailer parks**

- A. Standards for mobile home parks shall also apply to travel trailer parks with the following exceptions:
  1. Travel trailer stands shall be a minimum of twenty feet (20') by fifty feet (50'), located at least five feet (5') from all access ways, and shall be so placed as to maintain at least fifteen feet (15') between stands.
  2. One parking space shall be provided for each travel trailer space and shall be within fifty feet (50') thereof.
  3. No patio or storage building shall be allowed on individual trailer parking spots.
  4. A convenience store may be allowed as a part of the park.
  5. Service buildings shall be:
    - a. Located at least fifteen feet (15'), but not more than four hundred feet (400'), from any travel trailer space.
    - b. Of permanent construction of moisture-resistant material to permit frequent washing and cleaning.
    - c. Adequately lighted and well ventilated with all openings effectively screened.
  6. Travel trailer parks shall have no trailer parked in a space longer than ninety (90) days.
- B. Travel trailer parks shall provide adequate flush type toilet fixtures and laundry facilities. The following shall be the minimum required facilities:
  1. One (1) laundry unit for every ten (10) travel trailer spaces, but in no instance shall there be less than one (1) laundry unit. Such unit shall be separate from the toilet rooms and shall have an exterior entrance only.
  2. One (1) shower for each sex for every ten (10) travel trailer spaces, but in no instance shall there be less than two (2) water closets, one (1) lavatory and one (1) shower for women, and one (1) shower for men. Each water closet and each shower shall be in a separate compartment with self-closing doors on all water closet compartments. The shower stall shall have a dressing compartment with a stool or bench.

## Chapter 8 - LARGE SCALE DEVELOPMENT

### 8.1 Purposes

Large Scale Developments in Madison County, particularly those outside the service areas of municipalities, place special burdens on the County to provide urban-type services and infrastructure. The successful design of large scale projects also requires consideration of factors that are not as significant in small scale developments, such as the natural character of the land, the proximity of available services, connectivity with other areas of the County, and the adequacy of public and private water, sewer, roads and other infrastructure.

Accordingly, Large Scale Developments, as defined herein, will be subject to review ~~and~~ the following requirements in addition to those required for other subdivisions and developments.

### 8.2 Definition

A Large Scale Development, within the meaning of these subdivision regulations, includes the following types and scales of development:

- Single-family residential projects of sixteen (16) or more lots or units;
- Multi-family residential projects of sixteen (16) or more units;
- Commercial projects with more than one structure, and commercial projects with one structure larger than 20,000 square feet in floor area, except for special use structures like commercial riding arenas;
- Master Planned Communities; and
- All mixed-use projects.

### 8.3 Provision of Infrastructure and Services

Applications for all Large Scale Developments must include, or be accompanied by, the following information:

- A. **Public Services** - Identification of the physical means and the identity of the proposed provider of all required public and private infrastructure and services to be provided to the development as a result of approval including, but not limited to fire protection, police protection, culinary water, sewer, road construction and maintenance, snow removal, storm water management, mail delivery, solid waste management, recreation, and schools.
- B. **Impact Analysis** - An estimate of the capital costs and on-going service costs of providing the identified infrastructure and services to the development. Madison County will assist by providing available cost of service and infrastructure cost information for use by the developer in preparing the cost estimates.
- C. **Financing and Tax Revenue** - A description of the proposed means of financing the construction, maintenance and operation of the infrastructure and

services for the development. This description must include an estimate of property tax revenues generated by the development at build-out for each of the affected taxing entities.

#### **8.4 Development Application Requirements**

In addition to the information required to accompany a Preliminary Subdivision Plat application, the following information must be submitted with, or be accompanied by, a Large Scale Development application:

- A. Appropriate identification clearly stating that the drawing is a large-scale development project;
- B. A vicinity map at a scale of one inch equals four hundred feet showing the development project property, adjacent property boundaries, and the zoning designations and land uses of the subject and adjacent properties;
- C. Names and addresses of the owners of record of properties within five hundred feet of the proposed development project boundaries;
- D. Location, widths and names of all existing streets, easements, rights-of-way and all other public and private ways within or abutting the development project;
- E. Location and flow direction of all existing water courses and natural features such as water bodies, rock outcroppings, marshes, wetlands, and significant vegetation within and adjacent to the project area;
- F. Contour lines having the following minimum intervals:
  - o On contours of 1% or less, use 1' contours, and if less than three contours show , then show sufficient spot elevations to allow understanding of site topography; and
  - o Slopes greater than 1% use 2' contours.
- G. Proposed roads, streets, trails, and other public and private ways including location, widths and approximate curve radii;
- H. Areas proposed for residential and commercial development, including types, sizes, and number of units proposed. And general access, easements, drainage, and utilities proposed for each development site;
- I. Any areas proposed for Community and Natural Open Space, including proposed trail corridors, parks, recreational features and other proposed development;
- J. Sites proposed for churches, schools and other public facilities, if any;
- K. Planned locations, widths and grades of all roads, streets, sidewalks, trails and

other public ways, with typical cross-sections showing widths and locations of curbs, sidewalks, utilities, and other features associated with the ways;

- L. Planned locations and sizes of sanitary sewers, storm drains, storm-water detention and drainage pre-treatment facilities, pumps, valves, and the culinary water distribution system, if required;
- M. Preliminary layout of all proposed development areas showing types and numbers and general locations of residential units, and size and type of proposed commercial developments, if any, together with associated access and parking areas;
- N. Locations, areas and connectivity of any community and Natural Open Space areas, public parks, trails, pedestrian ways and recreational facilities within or adjacent to the project area;
- O. Vegetation conservation, landscaping, and re-vegetation plans for the project area, if any;
- P. A circulation plan and traffic impact analysis identifying the likely vehicular circulation into and out of the project area, internal circulation in the project, volumes and timing of vehicular traffic impacts to roadways connecting to and in the vicinity of the project, and proposals for mitigating those traffic impacts;
- Q. A narrative description of the plan of development for the project, including the schedule for installation of required public improvements and infrastructure, and phasing of development, if applicable; and
- R. A description of the methods proposed for the long-term preservation and maintenance of any Community and Natural Open Space and parks, trails and recreational facilities.

### **8.5 Master Planned Communities**

Large Scale Development projects that are proposed outside the city Areas of Impact or more than one mile from the center of an identified existing Town site, as shown in the Madison County Comprehensive Plan, Chapter 6, Land Use and Agriculture, that produce equal to or greater ~~to~~ than 25,500 gallons per day of effluent shall be reviewed for approval as Master Planned Communities Ordinance No. 339, in accordance with Chapter 20 of the Madison County Zoning Ordinance, No. 175.

## **Chapter 9 - VACATIONS AND DEDICATIONS**

### **9.1 Application procedure**

Any property owner desiring to vacate an existing subdivision, public right-of-way, or easement or desiring to dedicate a street right-of-way or easement shall complete and file an application with the Administrator and also file such other applications as are

otherwise required by law. These provisions shall not apply to the widening of any street which is shown in the Comprehensive Plan, or the dedication of street, rights of way, or easement to be shown on a recorded plat of a subdivision.

### **9.2 Administrator action**

Upon receipt of the completed application and other information as he/she may require, the Administrator shall affix the date of application acceptance thereon. The Administrator shall, thereafter, affix the date of application on the agenda for the consideration at the next open agenda of a regular meeting of the Commission.

### **9.3 Commission/Board action**

A. Commission recommendations: The commission shall review the request and all agency responses and make a recommendation to the Board for either approval, conditional approval or denial.

B. Board action

1. When considering an application for vacation procedures, the Board shall establish a date for a public hearing and give such public notice as required by law. The Board may approve, deny, modify the application or table the request for further study or information.

Whenever public right-of-way or lands are vacated, the Board shall provide adjacent property owners with a quitclaim deed, prepared by the property owner desiring the vacation, for said vacated right of way in such proportions as are prescribed by law.

2. When considering an application for dedication procedures, the Board may approve, deny, modify the application modify the application or table the request for further study or information. When a dedication is approved, the required street improvements shall be constructed or a bond furnished assuring the construction, prior to acceptance of the dedication. To complete the acceptance of and dedication of land, the owner shall furnish the Board with a deed describing and conveying such land to be recorded with the County Recorder.

## **Chapter 10 - ENFORCEMENT AND PENALTIES**

### **10.1 Enforcement**

No subdivision plat required by this Ordinance or the Idaho Code shall be admitted to the public land records of the County or recorded by the County Recorder, until such subdivision plat has received final approval by the Board. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by this Ordinance until the Final Plat has received the approval of the Board.

### **10.2 Penalties**

Penalties for failure to comply with the provisions of this Ordinance shall be as follows:

- A. Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor, each day such violation continues shall be considered a separate and additional offense. The land owner, tenant, subdivider, builder, or any other person who commits, participates in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- B. For each separate offense, each person found guilty thereof may be fined not more than \$300.00, and/or sentenced to jail not more than 180 days. The exact penalty shall be left to the discretion of the court.
- C. In addition to criminal penalties, all persons violating any of the provisions of this Ordinance shall be liable to Madison County for any and all expenses of every kind and nature which may be incurred by the County as a result of the violation.

If, for example, roads are not completed or do not meet minimum quality standards and the County elects to complete said road and/or bring it to County Standards, all persons responsible for said violations shall be liable to the County for all costs thus incurred. The County may, upon learning of the violation, file a lien upon all unsold portions of the subdivision. After filing, it may proceed with foreclosure of its lien in a lawful manner. This right of the County to proceed, as set forth herein, does not put upon the County any obligation to do so, and shall not be construed as an acknowledgment of any such duty or obligation. Any such action shall be and is entirely at the sole and exclusive discretion of the Board. *Note: Use and reference to roads herein, is by way of illustration only, and in no way limits areas where the County may, at its discretion, elect to act.*

- D. In addition to all losses which may be incurred by the County, all persons violating any of the provisions of this Ordinance shall be responsible for payment of all court costs, reasonable costs of investigation, and for reasonable attorney's fees and costs incurred in enforcing and/or remedying any such violation.
- E. Nothing herein contained shall prevent the Board or any other public official or private citizen from taking such lawful action as is otherwise necessary to restrain or prevent any violation of this Ordinance or of Idaho Code.

## **Chapter 11 - AMENDMENT**

### **11.1 Process**

The Board may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance in the manner prescribed by Idaho Code Section 31-715. A proposed amendment, supplement or repeal may be originated by the Board, Commission

or by petition. All proposals not originating with the Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Board.

**Chapter 12 - EFFECTIVE DATE**

This Ordinance shall be in full force and effective from and after its passage, all as provided by law as set forth below,

PASSED AND APPROVED by the Board of County Commissioners of Madison County, Idaho, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

BOARD OF COUNTY COMMISSIONERS  
MADISON COUNTY

\_\_\_\_\_  
Bob Hansen

\_\_\_\_\_  
Kimber Ricks

\_\_\_\_\_  
Jon Weber

ATTEST:

\_\_\_\_\_  
Marilyn R. Rasmussen  
Madison County Clerk