

## CHAPTER 3

**PRELIMINARY PLAT**

## SECTION:

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10-3-1:           **CONSULTATION:** Each person who proposes to subdivide land in unincorporated Cassia County shall consult with the planning and zoning department before preparing any plats, charts, or plans, in order to become familiar with the requirements of this title and the comprehensive plan for the territory in which the proposed subdivision lies, and to discuss the proposed plan of development of the tract. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002)

10-3-2:           **FILING:** A preliminary plat shall be prepared in conformance with the standards, rules, and regulations contained herein; and three (3) prints thereof shall be submitted to the planning and zoning commission staff along with the preliminary plat fee. The preliminary plat and accompanying information shall be submitted to the planning and zoning commission staff, allowing that staff at least twenty (20) working days for completion of review for each submittal. The staff will determine if the submittal is sufficient to be put on the agenda for the next available planning and zoning commission meeting. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002; amended Ord. 2009-04-02, 4-14-2009)

10-3-3:           **REQUIREMENTS:** The subdivision application and preliminary plat shall meet the provisions hereinafter set forth, and the plat shall be drawn to a scale clear enough to show detail, as determined by the county and shall be on paper no smaller than eighteen inches by twenty four inches (18" x 24"). The application, plat, and attached documentation shall show:

(amended Ord. 2009-04-02, 4-14-2009).

- A. Name: The proposed name of the subdivision.
- B. Location: The subdivision location as forming a part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the part submitted shall be considered in light of adjustments and connections with the future street system of the larger area. The preliminary plat shall show all property owned or optioned by the subdivider pertaining to the proposed subdivision at hand.
- C. Legal Description: Sufficient information to locate accurately the property shall be shown on the plat including a legal description and rural addressing or street coordinates. A copy of the county ownership plat is to be submitted.
- D. Personal Information: The names and addresses of the subdivider, the surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.
- E. Boundary Lines: The boundary lines of the tract to be subdivided, including total acreage proposed for subdivision.
- F. Dimensions Of Features: The location, widths, and other dimensions of all existing or platted streets and other important features such as easements, railroad lines, watercourses (including irrigation canals and ditches), exceptional topography, bridges and buildings within or immediately adjacent to the tract to be subdivided.
- G. Power Lines And Storm Drains: Existing power lines, sanitary sewer, storm drains, water supply mains, and culverts within the tract and immediately adjacent thereto.
- H. Flood Hazard Boundaries: The flood hazard boundaries according to the federal flood insurance administration maps.
- I. Location And Dimensions Of Streets: The locations, widths, and other dimensions of proposed public streets, private streets, alleys, utility easements, parks, other open spaces and lots, with proper labeling of spaces dedicated to the public, or designated as private streets laid out so they will connect with existing streets without causing bottlenecks.
- J. North Point: North point, scale, and date.
- K. Covenants: A review copy of proposed protective covenants, if applicable.

- L. Natural Features Analysis: The following features shall be mapped, described, or noted as not applicable in the natural features analysis:
1. Hydrology: Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas or other areas subject to flooding, poorly drained areas, permanent high ground water areas, and seasonal high ground water areas throughout the site.
  2. Soils: Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils most susceptible to erosion, and soils suitable for development. The analysis of soils shall be based on the Cassia County soils survey (United States department of agriculture, natural resources conservation service).
  3. Topography: Analysis of the site's terrain including mapping of elevations and delineation of slope areas greater than twenty five percent (25%), between fifteen percent (15%) and twenty five percent (25%), between eight percent (8%) and fifteen percent (15%), and less than eight percent (8%). Contour lines based on USGS datum of 1988 with intervals of not more than five feet (5') for properties with a general slope of greater than five percent (5%), or intervals of not more than two feet (2') for properties with a general slope of less than or equal to five percent (5%). Contour lines shall extend a minimum of three hundred feet (300') beyond the proposed development boundary. If a drainage channel borders the proposed development, the contour lines shall extend the additional distance necessary to include the entire drainage facility.
  4. Vegetation: Analysis of existing vegetation of the site including, but not limited to, dominant tree, plant, and ground cover species.
  5. Sensitive Plant And Wildlife Species: Analysis of sensitive plant and wildlife species of the site including, but not limited to, those species listed in the Idaho conservation data center (state of Idaho department of fish and game).
  6. Historic Resources: Analysis of existing historic resources.
  7. Hazardous Areas: Location and identification of all potential hazardous areas including, but not limited to, land that is unsuitable for development because of flood threat, poorly drained areas, high ground water, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered.

8. Impact On Natural Features: The applicant shall provide a written statement explaining how the design of the plat protects or mitigates impacts on the natural features of the site.
  9. Map Features: The map shall show important features, including, but not limited to, the following: outline of existing structures, watercourses, wetlands, power lines, telephone lines, railroad lines, airport influence areas, any existing easements, municipal boundaries, and section lines.
  10. Other Supplemental Data: Other supplemental data may be required by the county including, but not limited to, the following:
    - a. Approximate location of any areas of fill.
    - b. The elevations of all corner points on the boundaries of the proposed plat.
- M. Ground Water Quantity: Adequate information must be provided to ensure that new or existing wells will provide sufficient water for the subdivision, without negatively affecting nearby property owners. The following are required:
1. Subdivisions served by a well on each lot: Documentation by an Idaho licensed professional engineer (PE) or geologist (PG) that the aquifer proposed for water supply has sufficient production capability to provide drinking water to all of the lots in the proposed subdivision, and that a location is available within each lot for installation of a well without conflicting with proposed sewage systems.
  2. Subdivisions served by a new water system composed of one or more shared wells: Documentation by an Idaho licensed PE or PG that the sources proposed for water supply have sufficient production capability to provide drinking water to the lots in the proposed subdivision.
  3. Subdivisions served by a new public drinking water system: DEQ written approval of an engineering report prepared by an Idaho licensed PE or PG demonstrating that an adequate water supply is available to meet the estimated demand for water from the lots in the proposed subdivision.
  4. Subdivisions served by connection to an existing public water system: A letter from the owner of the system indicating it has sufficient reserve production capacity to supply water to the lots in the proposed subdivision.

5. At a minimum, available well logs within one-half ( $\frac{1}{2}$ ) mile of the boundary of the site must be provided as part of the above submittals. For residential uses, one thousand five hundred (1,500) gallons per day, with a minimum flow of five (5) gallons per minute for four (4) hours, per residence, will be considered adequate if no more than one-half ( $\frac{1}{2}$ ) acre of property will be irrigated. For low flow wells, storage may be provided to meet this requirement. If conformance with these requirements is questionable, the applicant shall secure an option for a secondary water source that does meet the requirements. If necessary to demonstrate compliance, the Commission may require additional information, such as historic and current static water levels in the area (2 copies).
- N. Conceptual Site Disturbance and Storm Water Plan: A plan, developed by a design professional, proposing suitable methods and locations for storm water treatment systems. Proposed systems must conform to approved best management practices (BMPs), such as the "State of Idaho Catalog of Storm Water Best Management Practices for Idaho Cities and Counties." For minor subdivisions, when land disturbing activity is proposed in areas where the natural slope is less than fifteen percent (15%), a conceptual site disturbance and storm water plan does not need to be submitted as part of the application package.
- O. Lots: The proposed layout, dimensions, size, and number of each lot.
- P. Phasing of subdivisions and improvements is permitted, providing it is requested in the preliminary application, each phase includes at least ten (10) lots, and a proposed completion schedule is provided.
- Q. Construction And Fencing: Proposed construction and permanent fencing along appropriate subdivision boundaries must be included on the plat, if determined to be necessary by the planning and zoning commission. The fencing shall be as indicated in the subdivision improvements (chapter 6 of this title). (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002; amended Ord. 2009-04-02, 4-14-2009)
- R. County Weed Plan: A plan developed in conjunction with the Cassia County Weed Department setting forth suitable methods, managements and practices for controlling weeds on and involved with the proposed development herein. Weeds shall be defined by state of Idaho noxious weed statutes, laws and regulations. (Ord. 2011-08-01, 8-25-2011).

10-3-4: **COMMISSION REVIEW AND PRELIMINARY DECISION:**

- A. The preliminary plat shall be reviewed by the planning and zoning commission. The planning and zoning commission may approve or reject the preliminary plat, or grant approval with conditions stated. If need be, the Commission may continue the hearing to allow for additional information or testimony. If the hearing is continued, action must be taken within nine (9) weeks, unless otherwise waived in writing by the applicant, such waiver being approved by the Commission. (amended Ord. 2009-04-02, 4-14-2009).
- B. Thereafter, action taken (approval, approval with conditions, or rejection) shall be made within thirty (30) days after the planning and zoning commission has completed its review and closed the review process to consideration of additional information or testimony concerning the preliminary plat. (amended Ord. 2009-04-02, 4-14-2009).
- C. Any form of approval of the preliminary plat by the planning and zoning commission shall not constitute final acceptance of the subdivision by the planning and zoning commission. If approved, one copy of the preliminary plat signed by the chairman will be given to the subdivider which shall be authorization to proceed with preparation of the final plat and detailed construction drawings and specifications for the improvements required in this title. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002; amended Ord. 2009-04-02, 4-14-2009)

10-3-5: **TIME LIMITATION:** Approval of the preliminary plat by the planning and zoning commission shall be effective for a maximum period of one year after approval unless, upon application of the subdivider, the planning and zoning commission grants an extension. If the final plat has not been submitted within one year, or the approved extension period, the preliminary plat must again be submitted to the planning and zoning commission for consideration. However, preliminary approval of a large tract shall not be voided; provided, that the final plat of the first phase is submitted for final approval within the one year period. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002)

10-3-6: **GRADING LIMITATION:** No construction, excavation, grading, or regrading shall take place on any land for which a preliminary subdivision plat has been submitted until the final plat has been given final approval and is recorded by the county recorder. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002)

10-3-7: **MINOR SUBDIVISION:** The minor subdivision process may be used to create up to and including four (4) lots, when no shared infrastructure or improvements, other than a water system and/or a common driveway that does not require engineering, must be constructed to meet the requirements of the county or other agencies, and when the property has not been divided to create a total of more than eight (8) lots since the County's adoption of a subdivision ordinance on April 29, 1978. This is an administrative process that does not require a public hearing.

- A. **Application Requirements:** The subdivision application and plat contain the information that the county needs to make a decision on a subdivision proposal. To gain approval, adequate information must be provided to demonstrate that the project can meet the requirements of the county and of other agencies.

For a minor subdivision, the applicant is required to submit one complete application packet to the county. An application shall be governed by the rules and policies in effect on the day a complete application is submitted to the Planning and Zoning Office.

The items that constitute a complete application for a minor subdivision are listed in subsections 10-2-1, 10-3-1, 10-3-2, and 10-3-3 of this chapter, except items "N" and "P" of 10-3-3.

- B. A Minor Subdivision shall also meet the following criteria:
1. Comply with all minimum standards and requirements of the Cassia County Zoning Ordinance, and no zone change is required.
  2. All lots must adjoin an existing public right-of-way. Dedication of additional right-of-way width for present or future improvements may be required as a condition of approval.
- C. **Approval Process And Requirements:**
1. Any violations of county ordinances shall be corrected prior to application.
  2. **Subdivision Design:** The applicant and their design consultant lay out the subdivision, and the project surveyor then draws the plat.
  3. **Application:** The applicant submits a complete application packet for the county and submits copies of the preliminary plat and any applicable utility or other load information to the applicable highway district, school district, fire district, fuel company, electric power company, South Central Public Health District, irrigation company,

sewer district, and culinary water district for review and comment. Incomplete applications will not be processed.

4. **Comment Period:** After all required agency letters are received, the Planning and Zoning Office will review the application and schedule it for a thirty (30) day public comment period. The Planning and Zoning Office publishes a notice of the comment period in the newspaper, said expense to be prepaid by applicant. The applicant shall mail notice of the comment period to property owners within three hundred feet (300') of the site (including any contiguous lots or parcels under the same ownership). Notices to neighbors must be mailed on or before the first day of the comment period. Information submitted prior to the close of the comment period will become a part of the record on the application.
5. **Order Of Decision And Required Findings:** After the close of the comment period, the Zoning Administrator reviews the relevant evidence in the record and issues an order of decision. The order shall cite the applicable legal standards; state the evidence and conclusions on which the decision was based; explain any relevant contested facts and his evaluation of these facts; and if the decision is a denial, the actions, if any, the applicant could take to gain approval. The applicant bears the burden of demonstrating compliance with requirements. To approve a minor subdivision, the Zoning Administrator must make the following findings:
  - a. The applicant provided adequate information to determine compliance with requirements.
  - b. The plat meets the requirements of this title and Idaho Code title 50, chapter 13.
  - c. The project and the lots meet the requirements of this title.
  - d. The plat, the project and the lots are in compliance with other county ordinances without variances (e.g., zoning, road naming, area of city impact and flood ordinances).
  - e. The plat, the project and the lots meet the requirements of other agencies.
  - f. The design and proposed uses are compatible with existing homes, businesses and neighborhoods, and with the natural characteristics of the area. The subdivision creates lots of reasonable utility and livability, capable of being built upon without imposing an unreasonable burden on future owners. Areas not suited for development are designated as open space.
  - g. Negative environmental, social and economic impacts have been, or will be, mitigated. Driveway construction and disturbance of the

terrain, vegetation and drainageways will be minimized and will not result in soil erosion. The design adequately addressed site constraints or hazards.

- h. Services and facilities for subdivision residents are available and adequate; if necessary and authorized by law, payments have been made to mitigate the impacts of the subdivision, so that it does not compromise the quality or increase the cost of services. Mitigation actions must be commensurate with the impacts of the subdivision.
  - i. The sanitary restrictions will be lifted prior to recordation.
  - j. If any land, shared infrastructure, or improvements will be privately maintained, documents establishing the maintenance organization have been approved by the Zoning Administrator, and are ready to be recorded with the plat.
  - k. Any required easements or other documents are ready to be recorded with the plat.
  - l. Public notice and the processing of this application met the requirements set forth in this title and Idaho Code.
  - m. Unless otherwise approved by the applicant, the Zoning Administrator shall make a decision within five (5) weeks of the close of the comment period. If the proposal meets these requirements, it shall be approved. If it does not meet these requirements, or if insufficient information was provided to determine compliance, it may be denied. Conditions may be attached to the approval, and the county will check for compliance with these conditions before the plat is recorded. The Zoning Administrator's decision may be appealed in accordance with the process outlined in section 10-9-2 of this title.
6. Recordation: Within one hundred twenty (120) days of approval, the applicant must meet any conditions and submit the final plat, which shall comply with provisions of Title 50, Chapter 13, Idaho Code and any associated documents in a form ready to record. The applicant obtains all signatures on the plat and documents, except county signatures. All signatures and stamps must be in reproducible, quick drying, permanent, indelible, black ink. A current title report, or similar document verifying ownership, must also be submitted with the plat. The Planning and Zoning Office obtains the county signatures and with the applicant records the plat and other documents. If the plat is not submitted within one hundred twenty (120) days, and an extension is not granted by the Zoning Administrator, approval is null and void and a new application must be submitted. An extension of time for recordation may be granted by the Zoning Administrator for cause. As

part of a subsequent application, updated agency letters may be required, if conditions or approvals may have changed.

7. Lot Sales: If a portion of the property that is the subject of a subdivision request is divided prior to recordation of the plat, the application becomes null and void, and a new application must be filed by the owners. If the property is not divided, and is sold in its entirety, a new application is not required and the new owner or owners may proceed through the subdivision process with the existing application. (Ord. 2009-04-02, 4-14-2009).