

ORDINANCE NO. 24

AN ORDINANCE OF GOODING COUNTY, AMENDING ORDINANCE NUMBER NINE, BY AMENDING ARTICLE II TO REDEFINE THE DEFINITION AND TERM "SUB-DIVISION"; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GOODING COUNTY, IDAHO:

SECTION I:

That Article II, Ordinance Number 9, be, and the same is hereby amended to read as follows:

ARTICLE

DEFINITIONS

SECTION A. INTERPRETATION OF TERMS OR WORDS

Terms or words used herein shall be interpreted as follows:

1. The present tense includes the past or future tense, the singular includes the plural, and the plural includes the singular.
2. The word "shall" is mandatory; "may" is permissive; and the word "should" is preferred.
3. The masculine shall include the feminine.

SECTION B. MEANING OF TERMS OR WORDS

ADMINISTRATOR: An official, having knowledge in the principles and practices of subdividing, who is appointed by the board to administer this ordinance.

BLOCK: A group of lots, tracts, or parcels within well defined boundaries, usually streets.

BOARD: The Board of County Commissioners of Gooding County, Idaho.

BUILDING: A structure designed or used as the living quarters for one or more families, or a structure designed or used for occupancy by people for commercial or industrial uses.

BUILDING SET BACK LINE: An imaginary line established by a zoning ordinance that requires all buildings to be set back a certain distance from lot lines.

BUILDING SITE: An area proposed or provided and improved by grading, filling, excavation or other means for erecting pads for buildings.

CEMETERY: A lot that has been platted for the selling of sites for the burial of animal or human remains.

CITY: The city having jurisdiction of the parcel of land under consideration.

COMMISSION: The Gooding County Planning Commission, appointed by the Board.

COMMITTEE: That Technical Committee, appointed by the Board upon recommendation from the commission, to assist with the technical evaluation of subdivisions, and to make recommendations to the commission. The membership of the committee shall include, but not be limited to, persons that are engaged in either private or public work with specific knowledge in the following areas:

- a. Road design and construction.
- b. Sewer and water facility design and construction.
- c. Health requirements for water and sewer facilities.
- d. Environmental planning criteria such as: geology, water systems, vegetation and noise.
- e. Solid waste.
- f. Recreational and open space.

A COMPREHENSIVE PLAN OR COMPREHENSIVE DEVELOPMENT PLAN: The document shall show the general location and extent of present and proposed development, including, but not limited to, housing, industrial and commercial uses, streets, parks, schools and other community facilities.

CONDOMINIUM: An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof; together with a separate interest in real property, in an interest or interests in real property, or in any combination thereof. (Section 55-101B, Idaho Code)

COUNTY RECORDER: The office of the Gooding County Recorder.

COVENANT: A written promise or pledge.

CULVERT: A drain that channels water under a bridge, street, road or driveway.

DEDICATION: The setting apart of land or interest in land for use by the public by ordinance, resolution, or entry in the official minutes as by the recording of a plat. Dedicated land becomes public land upon the acceptance by the Board.

DEVELOPER: Authorized agent(s) of a subdivider or the subdivider himself.

DWELLING UNIT: Any building or other structure proposed or built for occupancy by people.

EASEMENT: A grant by a property owner to specific persons or to the public to use land for specific purposes. Also, a right acquired by prescription.

ENGINEER: Any person who is licensed in the state to practice professional engineering.

FLOOD PLAIN: The relatively flat area or low land adjoining the channel of a river, stream, lake or other body of water which has been or may be covered by water of a flood of one hundred year frequency. The flood plain includes the channel, floodway and floodway fringe, as established per the engineering practices as specified by the Army Corps of Engineers, as follows:

- a. "Flood of one hundred year frequency" shall mean a flood magnitude which has a one percent (1%) chance of being

- equalled or exceeded in any given year.
- b. "Flood" shall mean the temporary inundation of land adjacent to and inundated by overflow from a river, stream, lake or other body of water.
 - c. "Channel" shall mean a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
 - d. "Floodway" shall mean the channel or a watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water of any watercourse.
 - e. "Floodway fringe" shall mean that part of the flood plain which is beyond the floodway. Such areas will include those portions of the flood plain which will be inundated by a flood of one hundred year frequency but which may be developed when such development will not have a significant effect upon the flood water carrying capacity of the floodway and the flood water levels. Such areas are characterized by shallow flood depths and low velocities of water flow.

GOVERNING BODY: The Board of County Commissioners of Gooding County, Idaho.

HILLSIDE SUBDIVISION: Any subdivision, or portion thereof, having an average slope of ten percent (10%) or more.

HIGHWAY: A street designated as a highway by an appropriate state or federal agency.

IMPROVEMENT: Any alteration to the land or other physical constructions associated with subdivision and building site developments.

LARGE SCALE DEVELOPMENT: A subdivision, the size of which consists of twenty (20) or more lots or dwelling units.

LOT: A parcel, plot, tract, or other land area of suitable size as required in these regulations and the existing zoning ordinance; and created by subdivision for sale, transfer, or lease.

LOT AREA: The area of any lot shall be determined exclusive of street, highway, alley, road, or other rights of way.

LOT TYPES: As used in these regulations, lot types are as follows:

- a. A corner lot is a lot located at the intersection of two or more streets.
- b. An interior lot is a lot other than a corner lot, with frontage on only one street.
- c. A thru lot is a lot with frontage on more than one street other than a corner lot.

MOBILE HOME SUBDIVISION: A subdivision designed and intended for exclusive mobile home residential use:

- a. Designed for long-term occupancy, and contained sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connection provided for attachment to outside systems.
- b. Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detached wheels.

- c. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to utilities, and the like.

MONUMENT: Any permanent marker either of concrete, galvanized iron pipe, or iron or steel rods, used to indentify any tract, parcel, lot or street lines, as specified in Section 50-1303, Idaho Code.

OPEN SPACE: An area open to the sky for outdoor recreation activity, exclusive of streets, building, or other covered structures.

ORIGINAL PARCEL OF LAND: A lot or tract as recorded on any plat or record on file in the office of the Gooding County Recorder, or any unplatted contiguous parcel of land held in one ownership and of record at the effective date of the ordinance.

OWNERSHIP: The individual, firm, association, syndicate, partnership or corporation having any interest in the land to be subdivided.

PERFORMANCE BOND: An amount of money or other negotiable security paid by the subdivider or his surety to the Gooding County Clerk and Recorder which guarantees that the subdivider will perform all actions required by the governing body regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provision of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

PLANNED UNIT DEVELOPMENT SUBDIVISION: A subdivision designed as a combination of residential, commercial and industrial uses planned for a tract of land to be developed as a unit under single ownership or control, which is developed for the purpose of selling individual lots or estates, whether fronting on private or dedicated streets which may include two or more principal buildings.

PLAT: The drawing, mapping, or planning of a subdivision, cemetery, townsite or other tract of land or a replatting of such including certifications, descriptions and approvals:

- a. Preliminary Plat-the first formal presentation by drawings of a proposed subdivision.
- b. Final Plat-the final and formal presentation by drawings of an approved subdivision development, the original and one copy of which is filed with the Gooding County Clerk and Recorder.

RESERVE STRIP: A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street extension or widening.

RIGHT OF WAY: A strip of land dedicated or reserved for use as a public way which normally includes streets, sidewalks and other public utilities or service areas.

STANDARD SPECIFICATIONS: Shall be the specifications as specified in this ordinance or as officially adopted by the Board.

STREET: A right of way which provides access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, and other such terms:

- a. Alley-A minor street providing secondary access at the back or side of a property otherwise abutting a street.
- b. Minor-A street which has the primary purpose of providing access to abutting properties.
- c. Collector-A street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.
- d. Arterial-A street designated for the purpose of carrying fast and/or heavy traffic.
- e. Loop-A minor street with both terminal points on the same street of origin.
- f. Cul-de-sac-A street connected to another street at one end only and provided with a turnaround space at its terminus.
- g. Frontage-A minor street, parallel to and adjacent to an arterial street to provide access to abutting properties.
- h. Partial-A dedicated right of way providing only portion of the required street width, usually along the edge of a subdivision or tract of land.
- i. Private-A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

STATE: The State of Idaho.

SUBDIVIDER: A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndicate, trust, or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this ordinance. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

SUBDIVISION: The original parcel of land divided into four (4) or more lots, parcels or sites for the purpose of sale or building development, whether immediate or future; provided that this definition shall not include a bona fide division or partition of agricultural land for agricultural purposes. A bona fide division or partition of agricultural land for agricultural purposes shall mean the division of land into lots, all of which are twenty (20) acres or larger, and maintained as agricultural lands.

SURVEYOR: Any person who is licensed in the State as a public land surveyor to do professional surveying.

UTILITIES: Installations for conducting water, sewage, gas electricity, television, storm water, and similar facilities providing service to and used by the public.

VARIANCE: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship.

VICINITY MAP: A small scale map showing the location of a tract of land in relation to a larger area.

SECTION 2:

This ordinance shall be in full force and effect upon publication following passage and approval.

Regularly passed and adopted by the Board of County Commissioners of Gooding County, Idaho, on this 10th day of May, 1982.

/s/ Frederick G. Brailsford
Chairman

/s/ Robert E. Tupper

/s/ Will H. Thomas



Margaret F. Clements
Clerk

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