Title 11, Chapter 4, Sections 4-12

11-4-4: Residential:

A. R-2 residential transitional (RT) single-family:

1. Purpose: To provide lands for the development of single-family dwellings, in areas that can be served by individual well and septic systems as approved by the Health Department.

2. Minimum Lot Size: One (1) acre minimum lot size requirement.

B. R-3 rural residential (RR) single-family:

1. Purpose: To provide lands for the development of single-family dwellings, in areas that can be served by individual well and septic systems as approved by the Health Department.


11-4-5: MR Multi-Family Residential:
B. Minimum Size: One (1) acre minimum lot size requirements in areas that can be served by individual well and septic systems as approved by the health department. (this may be reduced if lot is on a central water and sewer system).

11-4-6: MX MIXED USE DEVELOPMENT:

B. The minimum lot size shall be one (1) acre in areas that can be served by individual well and septic systems as approved by the health department, if on central or community water. The lot size shall also be determined by the health department requirements for septic system installation.

11-4-7: C-1 COMMERCIAL:

B. Minimum Size: One (1) acre minimum lot size requirements in areas that can be served by individual well and septic systems as approved by the health department, (this may be reduced if lot is on a central water and sewer system).

11-4-8: C-2 COMMERCIAL:

B. Minimum Size: One (1) acre minimum lot size requirements in areas that can be served by individual well and septic systems as approved by the health department, (this may be reduced if lot is on a central water and sewer system).

11-4-9: M-1 LIGHT INDUSTRIAL:

C. Minimum Size: One (1) acre minimum lot size requirements in areas that can be served by individual well and septic systems as approved by the health department, (this may be reduced if lot is on a central water and sewer system).

11-4-10: M-2 HEAVY INDUSTRIAL:

B. Minimum Size: One (1) acre minimum lot size requirements in areas that can be served by individual well and septic systems as approved by the health department, (this may be reduced if lot is on a central water and sewer system).

11-4-11: HT HIGH TECH:

B. Minimum Size: One (1) acre minimum lot size requirements in areas that can be served by individual well and septic systems as approved by the health department, (this may be reduced if lot is on a central water and sewer system).

11-4-12: P PUBLIC:
B. Minimum Size: One (1) acre minimum lot size requirements in areas that can be served by individual well and septic systems as approved by the health department, (this may be reduced if lot is on a central water and sewer system).

TITLE 12, CHAPTER 3, SECTION 6, TABLE 3-2, FOOTNOTE 1

Notes:
1. For subdivisions proposing individual septic systems, in lieu of submitting preliminary septic drawings with the subdivision permit application, the applicant may submit a copy of the predevelopment meeting form, signed by Southwest district health department, stating a nutrient-pathogen study is not required. If a nutrient-pathogen study is required, this item will not be waived and preliminary construction drawings will be required with the application. Percolation tests will be accepted when done in the preliminary process and completed before the final plat. Individual septic systems are prohibited on lots less than 2 acres.

TITLE 12, CHAPTER 3, SECTION 7 MINOR SUBDIVISION REVIEW AND APPROVAL:

The minor subdivision process may not be used when the proposed subdivision lies in a floodplain or on a hillside. If a minor subdivision lies within a floodplain or deemed as hillside it shall meet the standards of Section 12-7 for special development subdivisions.

An applicant may, upon written request, combine the application for a minor subdivision permit and the application for final plat approval so that the review processes for each application are conducted together.

TITLE 12, CHAPTER 3, SECTION 7-2: NOTICE:

B. No hearing will be conducted by the Administrator/Hearing Examiner unless specifically requested in writing by the applicant or an affected person. An applicant must request a hearing at the time the application is submitted. An affected person must request a hearing at least eighteen (18) days prior to the date set for review. In the event an applicant or affected person requests a hearing, the review by the Administrator/Hearing Examiner shall be conducted as a public hearing at which the applicant and affected persons shall have an opportunity to be heard.

C. A transcribable record shall be made of the hearing and the hearing shall take place within thirty (30) days from the date of application acceptance. Written comments or responses must be received by the Administrator not less than
seven (7) days prior to the date of the review hearing. In addition to the above notice requirements, the Administrator shall ensure that, at least fifteen (15) days prior to the review hearing, notice of the hearing shall be mailed to owners of properties that are within three hundred feet (300') of the property boundaries. Such notice shall provide the time and place of the review hearing, a description of the location of the proposed minor subdivision, a brief statement summarizing the request, and the time by which written comments must be received.

TITLE 12, CHAPTER 3, SECTION 7-3: REVIEW:

The Administrator, who may act as Hearing Examiner, or a Hearing Examiner shall conduct a minor subdivision review, along with appropriate staff and agencies, to ensure that all applicable ordinance provisions are followed or completed. Minor subdivision review shall include, but not be limited to:

A. Review of lot size and dimensions for conformance with the Gem County zoning ordinance.

B. Determination that there are adequate provisions to serve the minor subdivision with all necessary infrastructure.

C. Review of the location of fire hydrants or other fire suppression mechanisms as required by the local fire district.

D. Review of the location for the installation of streetlights if determined to be necessary by the Gem County Road and Bridge Department.

E. Determination of whether mitigation of any development impact is warranted.

F. Determination of the scope of improvements and dedications required (curb, sidewalk, paving, water, sewer, drainage, easements, right of way dedication, etc.).

G. Evaluation of the location of potential rights of way to access adjoining parcels.

H. Conformance of the proposed subdivision with the Comprehensive Plan policies and land use map.

The applicant may be required by the Administrator/Hearing Examiner to submit a resubmittal letter in response to the County’s review comments.

TITLE 12, CHAPTER 3, SECTION 7-4: ACTION:
The Administrator/Hearing Examiner shall forward the minor subdivision application to the Board with a written recommendation within fourteen (14) days after the minor subdivision review/hearing. A copy shall be delivered or mailed to the applicant. The written recommendation shall set forth the relevant standards and criteria, the relevant facts relied upon, and the rationale for the recommendation. The Administrator/Hearing Examiner may recommend approval, approval with conditions, or denial of the minor subdivision. A recommendation to deny shall indicate reasons for denial and indicate what steps are necessary to obtain approval.

Upon issuance of the Administrator’s/Hearing Examiner’s recommendation, the application shall be scheduled for a regularly scheduled Board meeting. Within fourteen (14) days after the date on which the application is considered by the Board, the Board shall issue a written decision on the application. The decision shall be based upon the record created by the Administrator during the minor subdivision review/hearing process. The Board shall consider the recommendations of the Administrator/Hearing Examiner. The decision shall set forth the relevant standards and criteria, the relevant facts relied upon, and the rationale for the decision. A denial by the Board shall indicate reasons for denial and indicate what steps are necessary to obtain approval.

**TITLE 12, CHAPTER 3, SECTION 7-5: REQUIRED FINDINGS FOR APPROVAL OF MINOR SUBDIVISION APPLICATIONS:**

No minor subdivision permit application shall receive a recommendation of approval from the Administrator/Hearing Examiner or be approved by the Board unless each of the following findings and conclusions are made:

- **A.** Adequate provisions have been made for a domestic water supply system that meets or exceeds the adopted water quality standards within Gem County and the State of Idaho.

- **B.** Adequate provisions have been made and approvals from the health authority sought for treatment of wastewater within the proposed minor subdivision.

- **C.** All areas of the proposed minor subdivision that may involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions.

- **D.** The area proposed for minor subdivision is zoned for the proposed use and the use conforms to other requirements found in this code and the Comprehensive Plan.

- **E.** The applicant has made adequate plans to ensure that Gem County and its citizens will bear no more than their fair share of costs to provide services, by
paying fees, furnishing land, or providing other mitigation measures for off site impacts to roads, parks, and other public facilities within Gem County.

F. The proposed minor subdivision complies with the design and improvement standards set forth in this title.

G. The proposed subdivision complies with all other standards set forth in this title or any other applicable ordinance or statute.

**TITLE 12, CHAPTER 4, SECTION 3.E.8: STATEMENTS**

8. County Engineer's Statement: With the exception of a minor subdivision plat, unless it is a hillside or floodplain development, the engineer shall sign and state that: