

ARTICLE 18

ADMINISTRATIVE LAND DIVISIONS

SECTION:

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07-18-01: PURPOSE:

The regulations of this article allow for the division of parcels without being subject to the subdivision regulation as set forth in article 17 of this chapter.

(Ord. 22-071, 9-14-2022)

07-18-03: APPLICABILITY:

(1) These regulations apply to:

A. Parcels of land created prior to September 6, 1979.

(Ord. 22-071, 9-14-2022)

07-18-05: APPLICATION AND PROCESS:

(1) The following shall be provided with all applications for land divisions pursuant to this Article:

A. Application;

B. Fees;

C. Site plan showing all lots and access locations;

D. An irrigation plan (if applicable);

E. Proof that any required conditions of county approvals are met (if applicable)

(2) Parcels divided pursuant to this Chapter with slopes greater than fifteen percent (15%) shall not be disturbed without an engineered grading and drainage plan consistent with section [07-17-33](#)(1)C.

(3) The subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code), the building code (chapter 6 of this code), and this chapter before the director can approve the application.

(4) Notification of the application shall be provided to the applicable fire and highway districts and shall provide such districts a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.

(5) Pre-approval Decision: the following shall be provided after receiving pre-approval of the site plan from director.

A. Record of Survey with metes and bounds descriptions of all lots that shows access from each parcel complies with the requirements of section 07-10-03: of this chapter, and that includes all existing and necessary easements;

(6) Decision:

A. If the application meets the requirements of this section, the director may approve the division. The director may attach conditions to the approval if applicable.

B. If the request is approved, the director shall issue a letter of approval setting forth the details and requirements of the division.

(7) Appeal by Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section 07-05-07 of this chapter.

(8) Required Language on Approvals: Language from the Idaho Right To Farm Act shall appear on administrative land division approvals.

(Ord. 22-071, 9-14-2022)

07-18-07: ADMINISTRATIVE DIVISION IN AGRICULTURAL ZONES:

(1) Purpose: The regulations of this section allow for a division of a parcel in an agricultural zone without being subject to the subdivision regulations as set forth in article 17 of this chapter.

(2) Standards: The proposed division of original parcels created prior to September 6, 1979, shall be allowed in accordance with the following:

Less than 80 acres	1 division (2 residential parcels)
80 to 119 acres	2 divisions (3 residential parcels)
More than 120 acres	3 divisions (4 residential parcels)

A. The proposed parcels created and its remnant shall be at least one (1) acre in size.

B. An additional parcel designated as agricultural only and at least five (5) acres in size may be created in accordance with this article and subject regulations in accordance with article 10 of this chapter.

(3) Once an administrative land division has been approved in the agricultural zoning district, there shall be no other administrative land divisions from that land regardless of ownership of any of the land involved except as permitted by this Article. Previously

approved divisions in the agricultural zoning district may be amended to provide for divisions of the original parcel that were entitled pursuant to Chapter 7 Article 18 but not taken when the first division was approved.

(Ord. 22-071, 9-14-2022)

07-18-09: ADMINISTRATIVE DIVISION OF NONVIABLE PARCELS IN AN AGRICULTURAL ZONE:

(1) Purpose: The director shall have the authority regarding the division of nonviable land within an "A" (Agricultural) zone, in whole or in part, where the result of the division limits negative impacts to adjacent agricultural uses.

(2) Minimum Parcel: The proposed parcel created and its remnant shall be at least one (1) acre in size.

(3) Application: The applicant shall submit to DSD an application for a director's administrative decision along with the appropriate fee, including requirements of Section 07-18-05 of this chapter. Submittal shall also include the following:

A. Evidence demonstrating the land, in whole or in part, is nonviable for agricultural use; and

B. Evidence demonstrating the result of the request will minimize potential negative impacts to adjacent agricultural uses.

(4) Notifications: Upon acceptance of an application, DSD shall, by mail, provide notification of the proposed division to the owners of parcels which are contiguous to the subject parcel(s) and to the owners of parcels which are within six hundred feet (600') of the external boundaries of the subject parcel(s) and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed division. Notification of the application shall also be provided to the applicable fire and highway districts and shall provide such districts a period of fifteen (15) calendar days from the date of notice to submit comments concerning the application.

(5) Evaluation and Determination of Application: The director shall evaluate each application on an individual basis and shall exercise discretion in determining whether or not to approve such an application with consideration given to each of the following requirements:

A. The parcel(s) must be eligible for division; and

B. The subject property shall be in compliance with the public nuisance ordinance (chapter 2, article 1 of this code) and the building code (chapter 6 of this code) before the director can approve the application; and

C. The parcel, in whole or in part, shall consist of land with site constraints and/or resource issues, such as lack of water, suitable soils, topography, land compatibility, lot size or configuration, that makes productive agricultural use extremely difficult; and

D. The division shall not create a negative impact to surrounding agricultural uses. The director may include conditions of approval to mitigate potential negative impacts.

(6) The applicant has the burden of proving that the application meets these requirements.

A. Deliberate action to withhold agricultural land from productive use strictly to qualify for a land division pursuant to this section shall disqualify such land from treatment under this section.

(7) Decision, Division of Nonviable Parcel:

A. If the application meets the requirements of this section, the director may approve the division into fewer than five (5) parcels from the original parcel. The director may attach conditions to the approval which limits the division or use.

B. If the request is approved, the director shall issue a letter of approval setting forth the details and requirements of the division.

C. The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.

(8) Appeal by Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section [07-05-07](#) of this chapter.

(9) Onetime Only Division: Once a nonviable parcel in an agricultural zone has been approved, there shall be no other administrative land division from that land regardless of ownership of any of the land involved.

(10) Required Language on Approvals: Language from the Idaho Right To Farm Act shall appear on administrative land division approvals.

(Ord. 22-071, 9-14-2022)

07-18-11: ADMINISTRATIVE DIVISION AND RELOCATION OF BUILDING PERMITS BETWEEN CONTIGUOUS PARCELS IN AN AGRICULTURAL ZONE:

(1) Purpose: The director shall have the authority to relocate available residential permits between said contiguous parcels for the purpose of clustering said residential building permits on a destination parcel.

(2) Minimum Parcel Or Lot Area: The minimum parcel or lot area of this section shall be one acre.

(3) Notifications: Upon acceptance of an application, DSD shall, by mail, provide notification of the proposed relocation to the owners of parcels which are contiguous to the destination parcel and to the owners of parcels which are within six hundred feet (600') of the external boundaries of the destination parcel and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed relocation.

(4) Evaluation And Determination Of Application: The director shall consider all comments that are received within the fifteen (15) day comment period prior to making a final decision concerning the relocation request. In considering comments, the director shall evaluate whether such comments articulate and demonstrate that the parcel is eligible for the relocation of building permits. The director shall evaluate each

application on an individual basis and shall exercise discretion in determining whether or not to approve such an application with consideration given to each of the following requirements:

A. The originating and destination parcels must be contiguous. "Contiguous" means touching at a point or along a boundary, including parcels divided by railroad, public right of way, canal, ditch, river, or stream; and

B. The originating parcels must be eligible for an administrative land division under this article or have a building permit available; and

C. The relocation uses the originating parcel's administrative land division/building permit and no other administrative land division is available for the parcel; and

D. The relocation must demonstrate at least one of the following:

1. Promotion of effective or efficient farming. If the applicant demonstrates that the relocation would create a more cost effective or efficient method of farming the originating parcels or make them more viable for the production of crops; or

2. Clustering of structures;

E. Deliberate action to withhold productive farm ground from production strictly in order to qualify for administrative relocation of building permits pursuant to this subsection shall disqualify such farm ground from treatment under this subsection.

(5) Approval, Division Of Destination Parcel:

A. The size, shape, and location of the destination parcel, as well as the parcels to which it will be divided into, shall be subject to the approval of the director.

B. If the application meets the requirements of this subsection, the director may approve the division of the destination parcel into no more than four (4) parcels. The director may attach limiting conditions to the approval.

C. If the request is approved, the director shall issue a letter of approval setting forth the details and requirements of the division including the size, shape, and location of the destination parcel.

D. The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.

(6) Appeal By Affected Person: Any affected person who is aggrieved by the decision may file a written notice of appeal in accordance with section [07-05-07](#) of this chapter.

(7) Onetime Only Division: Once an administrative land division has been approved, there shall be no other administrative land division from that land regardless of ownership of any of the land involved.

(8) Required Language On Approvals: Language from the Idaho right to farm act¹ shall appear on administrative land division approvals.

(9) Exceptions: If the land division does not qualify as an exception under the subdivision standards of subsection [07-17-03\(3\)](#) of this chapter, then all regulations of article 17 of this chapter shall apply.

(Ord. 22-071, 9-14-2022)

07-18-13: ADMINISTRATIVE DIVISION IN ALL OTHER ZONES:

(1) Purpose: The regulations of this section allow for a division of a parcel in a commercial, industrial, and residential zone without being subject to the subdivision regulations as set forth in article 17 of this chapter.

(2) An administrative land division of an original parcel in a commercial, industrial, and residential zone is allowed in accordance with the following:

A. Land may be divided into no more than four (4) parcels through the administrative land division process unless further restricted by provisions in Chapter 9 - Areas Of City Impact.

B. The minimum parcel or lot area shall be subject to the minimum lot size provisions of subsection [07-10-21\(2\)](#) of this chapter.

(Ord. 22-071, 9-14-2022)