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**IDAPA 41  
TITLE 03  
CHAPTER 01**

**41.03.01 - RULES OF THE SOUTHWEST DISTRICT HEALTH DEPARTMENT**

**000. LEGAL AUTHORITY.**

Title 39, Chapter 4 and Title 39, Chapter 36, Idaho Code, grants authority to Public Health District 3, (Southwest District Health Department to adopt rules and standards to protect the environment and health of the Public Health District 3. (7-1-93)

**001. TITLE.**

**002. SCOPE.**

An ordinance fixing rules for subdivisions outside the corporate limits of municipalities not served by central sewage systems within the Southwest District Health Department of the State of Idaho and defining terms used in said rules and providing for soil tests and percolation tests and fixing penalties for violations. (7-1-93)

**003. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201 (16) (6) (IV), Idaho Code, this agency has written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. The document is available for public inspection and copying at cost in the main office of the agency. (7-1-93)

**004. ADMINISTRATIVE APPEALS.**

Administrative appeals will be in accordance with IDAPA 04.11.01, Idaho Rules of Practice and Procedure. (7-1-93)

**005. APPLICABILITY.**

These rules governing lot size and elevation shall be applicable to any subdivision not served by a public sewer, where provision for such service has not been made. Provision for such service shall be considered to have been made only if the entire subdivision will be served by a public sewer at the time of occupancy of the first two (2) buildings constructed therein, or the municipality, town, or town sanitary district that has by resolution or other official action provided that public sewers will be extended to buildings within the subdivision as they are occupied. (7-1-93)

**006. DEFINITIONS.**

For the purposes of these rules, the following terms mean: (7-1-93)

01. Bedrock. Any solid rock exposed at the surface or overlain by unconsolidated material. (7-1-93)
02. Deep Absorption System. A seepage pit, seepage bed or trench system developed to a depth of more than 36 inches below the final grade. (7-1-93)
03. Detailed Soil Map. A map prepared by a State or Federal agency showing soil series, type and phases at a scale of not more than two thousand (2,000) feet to the inch. (7-1-93)
04. District. The Southwest Idaho Health District. (7-1-93)
05. Minimum Lot Area. The area established in Idaho Health Rule Section 100 as the minimum area for a given situation. (7-1-93)
06. Primary Plat Approving Authority. The plat approving authority of the municipality, town or county in which the proposed subdivision is located. (7-1-93)
07. Public Sewers. Sewers and treatment facilities used in connection therewith which are maintained and operated by a municipality, privately owned public utility, town or town sanitary district or sewer association. (7-1-93)
08. Central Sewer System. Same as Subsection 006.07. (7-1-93)

09. Public Water Supply Systems. A water system serving two (2) or more premises of mixed ownership. (7-1-93)

10. Shallow Absorption System. A seepage bed or trench system developed to a depth of thirty-six (36) inches or less below the final grade. (7-1-93)

11. Soil. All unconsolidated material overlying bedrock. (7-1-93)

12. Subdivision Plan. A map showing the numbers and the boundary lines of all lots and blocks. Such may be a copy of the plat or a proposed subdivision. (7-1-93)

**007. -- 099. (RESERVED).**

**100. LOT AREA.**

01. The area of any lot shall be sufficient to permit the use of sewage absorption system of a shallow or deep type and be based upon the results of soil percolation tests conducted in accordance with the procedure given in Section 400. To be considered for area reduction, plans of a public water supply to serve a subdivision shall be approved by the District Health Department.

02. The minimum lot areas shall be as follows:

Class	Minutes Required for Water to Fall One Inch		Minimum Lot Area Square Feet	
	Shallow Absorption Systems	Deep Absorption Systems	Private Water Supply Systems	Public Water Supply Systems
1	Under 3	Under 2	16,000	10,000
2	3-30	2-10	18,000	12,000
3	3-30	10-30	20,000	15,000
4	45-60	30-60	40,000	30,000

(7-1-93)

03. Pending installation of public sewers, the minimum lot area shown in the table may be provided through use of two (2) or more lots, if suitable combinations are designated on a subdivision plan and the primary plat approving authority has an ordinance which will permit it to control the erection of buildings on such combination of lots and there is evidence that there will be enforcement of such ordinance. Two (2) copies of any subdivision plan concerning aforementioned lot combinations shall be supplied to the district, one (1) copy of which, appropriately marked, shall be returned to the primary approving authority if the plan is acceptable to the district. (7-1-93)

**101. -- 199. (RESERVED).**

**200. LOT WIDTH AND LENGTH.**

Each lot of class 1, 2 or 3 shall have a minimum average width of seventy-five (75) feet or any average width of not less than the number obtained by dividing the minimum lot area by two hundred (200), whichever is greater. Each lot of class 4 shall have a minimum width of one hundred (100) feet. Any portion of lots in any class having a width of less than thirty (30) feet shall not be considered in determining conformity with Subsections 300.02. and 300.03.

**201. -- 299. (RESERVED).**

**300. ELEVATION.**

01. Flood Water. Ninety percent of the minimum lot area of each lot shall be at least four (4) feet above the highest known flood water elevation of any lake or stream affecting the subdivision, EXCEPTING when the highest flood frequency level has been established such shall be used. Where this is a factor, the plat shall show a contour four (4) feet above such water level. (7-1-93)

02. Ground Water. Eighty percent of the minimum lot areas of each lot shall be at least three (3) feet and twenty percent (20%) of the minimum lot area of each lot shall be at least six (6) feet above the highest ground water level as estimated by the person certifying the soil boring test data. There shall be no buildings or other obstructions placed in this area that would prevent the placement of the drainfield for which this area is set aside. Estimates shall be subject to verification by a plat approving authority and the district. Verification shall include, but not be limited to, a morphological study of soil conditions with particular reference to soil color and sequence of horizons. Where the natural soil condition has been altered by filling or other attempts to improve wet areas, verification may require observation of ground water levels under saturated soil conditions. (7-1-93)

03. Bedrock. Eighty percent (80%) of the minimum lot area of each lot shall have at least three (3) feet and twenty percent (20%) of the minimum lot area of each lot shall have at least six (6) feet of soil cover over bedrock. There shall be no buildings or other obstructions placed in this area that would prevent the placement of the drainfield for which the area is set aside. Depth to bedrock shall be determined by adequate soil investigation and shall be subject to verification by the district. (7-1-93)

04. Ground Slope. Fifty percent (50%) of the minimum lot area of each lot in the class indicated shall have ground slopes not exceeding the following:

Class	Slope
1	20%
2	15%
3	15%
4	10%

Areas containing ground slope exceeding the indicated percentage shall be accurately delineated on a subdivision plan by an engineer, architect or surveyor registered in Idaho and so certified to on the subdivision plan. Such information shall be submitted to the district for review and shall be subject to verification. (7-1-93)

05. Continuous Area Requirement. In addition to complying with Subsections 300.01 through 300.04, each lot shall have a continuous area equal to twenty percent (20%) of its minimum lot area which shall meet all of the following: (7-1-93)

- a. Is at least four (4) feet above the highest known or established flood water level. (7-1-93)
- b. Is at least six (6) feet above the highest ground water level. (7-1-93)
- c. Has at least six (6) feet of soil cover over bedrock. (7-1-93)
- d. Has ground slopes not exceeding the percentage listed for its class in Subsection 300.04. (7-1-93)

**301. -- 399. (RESERVED).**

**400. SOIL TESTS.**

01. Supervision. Soil boring and percolation tests shall be made by or under the direction and control of an engineer, architect, surveyor or Environmental Health Specialist registered in Idaho, or journeyman plumber

licensed in Idaho to install private sewage disposal systems. The person supervising the tests shall verify as to correctness of procedure and results. (7-1-93)

02. Soil Boring Tests. Sufficient borings shall be made in each subdivision to portray adequately the character of the soil, ground water levels and depths to bedrock. The borings shall be distributed as uniformly as possible and their locations shall be shown on a subdivision plan. At least one test per two (2) acres shall be made initially unless a detailed soil map for the area is available to the district in which at least one (1) test per five (5) acres shall be made initially. When borings show marked variation in soil, depth to water or depth to bedrock, at least (1) one boring per acre of area shall be made. All borings shall extend to a depth of six (6) feet, unless bedrock is at a lesser depth. Where deep absorption systems are proposed, bore holes shall extend four (4) feet below the expected depth of the absorption system. (7-1-93)

03. Percolation Tests. (7-1-93)

a. Sufficient percolation tests shall be made in each subdivision except as allowed in Subsections 400.03.b. and 400.03.c. of this section to determine adequately the ability of the soil to absorb sewage effluent. The percolation tests shall be distributed as uniformly as possible and their locations shall be shown on a subdivision plan. At least one (1) test per two (2) acres shall be made initially unless a detailed soil map for the area is available to the district in which case at least one (1) test per five (5) acres shall be made initially. When test results show marked variation in soil permeability, at least one (1) test per acre shall be made. All percolation tests shall be made at the depth at which the facilities for effluent disposal are to be installed. The final grade of the subdivision shall control test depth. For shallow absorption systems, the depth of the test holes shall not exceed that corresponding to a depth of thirty-six (36) inches on the basis of final grade. When soil borings disclose soil better suited for effluent disposal at a greater depth than thirty-six (36) inches, percolation tests to determine feasibility of disposal of effluent by deep absorption systems may be made. (7-1-93)

b. Where a sandy soil condition prevails and all lots of the subdivision are at least twenty thousand (20,000) square feet, percolation tests are not required. The district reserves the right when it deems it necessary to require proof that the minutes required for water to fall one (1) inch is under three (3). (7-1-93)

c. The district may waive the necessity for conducting soil percolation tests where a detailed soil map clearly indicates soil permeability equivalent to the class of lot proposed. Such waiver shall be obtained in writing from the district prior to the first submission of the plat. (7-1-93)

04. Interpretation. In interpreting percolation test results, the percolation rates for the same type of soil which establish larger minimum lot areas shall be used to determine conformity with Subsection 100.02. (7-1-93)

**401. -- 499. (RESERVED).**

**500. INDIVIDUAL LOT SOIL TESTS.**

Since there may be considerable variation in ability of soil to absorb sewage on the individual lot in an approved subdivision, attention is directed to the necessity of conducting individual lot soil percolation tests, prior to construction of a sewage absorption system. The subdivision soil absorption test data obtained in Section 400 are not to be used in designing soil absorption systems for the individual lots in the subdivision unless such data include results of at least three (3) tests conducted in the proposed disposal system area on each lot. In any case, where a provision of these rules is found to be in conflict with a provision of any State or local zoning, building, fire, safety, or health ordinance existing on the effective date of these rules, the provision which, in the judgement of the District Board of Health, establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case, where a provision of these rules are found to be in conflict with a provision of any other ordinance or code existing on the effective date of these rules which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of these rules shall be deemed to prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with these rules.

01. Technical Information. District personnel shall use the best available current technical information and expertise in the application of this rule. (7-1-93)

02. Invalidation. Should any Section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so determined to be invalid. (7-1-93)

**501. PENALTY.**

Any person, contractor, owner, lessee, or corporation violating any of the rules above set forth shall be guilty of a misdemeanor. (7-1-93)

**502. -- 999. (RESERVED).**