

CHAPTER 8 SUBDIVISION ORDINANCE

1.0 General Provisions

This ordinance shall be known and may be cited as the Clark County/City Subdivision Ordinance.

A. Purposes

The general purpose of this ordinance is to protect and promote the public health, safety, convenience and welfare by establishing regulations and a process of review for all proposed subdivisions of land. This ordinance establishes standards for land subdivision in order to accomplish the following:

1. To promote orderly, harmonious, and integrated development of land;
2. To link subdivisions to the underlying zone requirements;
3. To provide safe, adequate, and efficient pedestrian and vehicular traffic systems and circulations;
4. To provide adequate all-weather ingress and egress to subdivisions and lots therein;
5. To prevent overcrowding of land and congestion on streets and highways;
6. To provide for adequate air, light, solar access, privacy, and open space;
7. To provide for adequate fire protection;
8. To prevent inadequate or inappropriate provision of water, sewer, streets, pedestrian easements and public expenditures to provide such improvements;
9. To protect and conserve wildlife, streams, natural topography, and other desirable natural features by providing for maximum retention of natural topographic features and qualities such as, but not limited to, skyline and ridge tops, knoll ridges, established trees and shrub masses, top soil, stream beds and banks, drainage swales, and preventing damage to the natural environment or scenic beauty;
10. To safeguard and enhance the character, appearance, and economic stability of the community;
11. To provide adequate and uniform monumenting of land subdivisions and promote accurate legal descriptions;
12. To protect the economic base of the community, including property values;
13. To provide access to public lands and waters;
14. To insure the provision and construction of adequate improvements including, but not limited to, water, sewer, and other utilities, streets, bridges, drainage, street lighting, and easements;
15. To encourage and promote energy conservation and alternative energy sources as well as other advanced building technology;
16. To encourage preservation of open spaces including but not limited to the following:
 - a. The regulatory 100-year floodplain;

- b. Buffer zones of at least 75 ft width along all perennial and intermittent streams;
 - c. Slopes above 25 percent of at least 5,000 square feet contiguous area;
 - d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
 - e. Populations of endangered or threatened species, or habitat for such species; and,
 - f. Archaeological sites, cemeteries and burial ground
 - g. Important historic sites;
 - h. Existing healthy, native forests of at least one acre contiguous area;
 - i. Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line;
 - j. Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
 - k. To preserve prime agricultural lands and land that has historically been used for agricultural purposes; and,
 - l. Existing trails that connect the tract to neighboring areas.
17. To insure conformance of proposed subdivisions with the above stated purposes and to ensure design and construction of improvements in conformance with the standards and purposes of this ordinance and all other municipal ordinances relating thereto, including subsequent amendments.

B. Jurisdiction

The regulations and procedures as set forth in this ordinance shall apply to each and every subdivision of land within the jurisdictional limits of the County of Clark, Idaho.

C. Scope

The regulations and procedures contained in this ordinance shall be complied concurrent with any of the following:

- 1. Division of a parcel of land into two or more tracts, lots, or parcels for transfer of ownership, building development, leasing, or encumbering with mortgage or deed of trust;
- 2. The establishment of a condominium, planned unit development, or conservation subdivision as herein defined;
- 3. Addition to or creation of a cemetery;
- 4. The change or modification of boundary lines whether or not any additional lot(s) are created;
- 5. Any alteration, modification, change, addition to or deletion from any plat of record, and including boundary shifts and/or removal of lot lines between existing platted or unplatted lots or parcels of land.

D. Exceptions

These regulations shall not apply to the following:

1. The subdivision of land into parcels of forty (40) acres or more.
2. The unwilling sale of land by legal condemnation;
3. The enlargement of municipal streets, facilities and easements;
4. The acquisition of collector or arterial street right of way by any public agency in conformance with the comprehensive plan.
5. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements and does not change the original number of lots in any block of the recorded plat.
6. Widening of existing streets to conform to the Comprehensive Plan.
7. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage.
8. The dividing of the original lot, tract, or parcel of land for the purpose of transfer of ownership as an addition to and contiguous with adjoining land for the purpose of enlarging the adjoining parcel size and not for increasing the number of dwellings that can be built on the lot or parcel.
9. The land owned, purchased, or sold by a municipality, body politic, local improvement district, or organization owning a community water system, or other public agency, for the furtherance of any public purpose of such entity.

E. Interpretation

All proposed subdivisions of land shall comply with the regulations of this ordinance. Density and availability of building permits is determined by the zoning of the property. The regulations contained in this ordinance shall be considered minimum standards. The regulations of this ordinance are in addition to all other regulations and where at variance with other laws, regulations, ordinances, or resolutions of the County of Clark, or any other governmental body having jurisdiction there over, the more restrictive requirements shall apply. Furthermore, where appropriate for the protection of the public health, safety, convenience or welfare, more stringent standards may be imposed by the Board.

F. Administration

The Board shall appoint an administrator to receive and process all subdivision applications and make recommendations to the commission and the Board with regard thereto. The administrator shall serve at the will of the Board.

2.0 Definitions:

For interpretation of this ordinance and other land use ordinances contain in the Clark County Development Code, certain terms and words are hereby defined. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural shall include the singular; the word "shall" is always mandatory and the

word “may” indicates the use of discretion in making the decision. A complete listing of all definition is found in Chapter 12 of this title.

Procedure for Subdivision Approval:

A. Administration

The administrator shall have the duty of administering the regulations contained in this ordinance, and shall prepare and require the use of such forms as are necessary for the reasonable administration of these regulations.

B. Plat Approval Required

Any person desiring to subdivide land shall submit an application therefore to the administrator. No final plat shall be filed with the county recorder until the same has been acted upon by the commission and approved by the Board or appropriate City Council as a preliminary plat and as a final plat. No lots or parcels of land described by metes and bounds or otherwise shall be sold until a final plat thereof has been recorded in the office of the Clark County recorder.

C. Lot Splits

1. The lot split procedure cannot evade the County's subdivision requirements using multiple lot splits. The lot-split procedure may be used to create four additional lots.
2. Newly created lots must meet the requirements of the zone of the parcel being split, i.e. minimum lot size, setbacks, etc. Both lots must have safe legal access, including access for utilities.
3. If the parent parcel is later developed into a subdivision as defined herein, the lots created by the lot split will be required to be included in the subdivision plat and all improvements required for subdivision will be made to the lot(s) created from the original split.
4. In the rural living zone, subdividing below the underlying zone requirement for legitimate agricultural purposes or to satisfy legitimate financial requirements is permissible and not subject to subdivision requirements. Building permits shall not be permitted on the parcels created by subdividing below underlying zone requirements but construction of non-residential, agriculture-related structures will be allowed.
5. Procedure. The developer shall file a properly completed application form, the required supporting materials and the required application fee with the administrator.
6. The administrator shall place the application on the agenda of the next regular commission meeting.
7. The commission shall determine whether the proposed lot split is in compliance with the comprehensive plan and this ordinance. If it finds that the proposed lot split complies, it shall approve the application. If it finds that the proposed lot split is not in compliance, it shall disapprove the application. Conditions may be attached to an approval, as provided herein.

8. The administrator shall notify the developer and interested parties of the commission decision within 10 days. A record of survey of the lot split(s) shall be filed.
9. The commission decision may be appealed to the Board using the appeals procedure herein.
10. Approval of a lot split does not constitute or imply approval of a permit for any prospective use of the lot created.

D. Combining Preliminary and Final Plats

1. The applicant may request that the subdivision application be processed as both a preliminary and final plat (minor subdivision) if all the following exist:
 - a. The proposed subdivision does not exceed four (4) lots.
 - b. The proposed subdivision meets all applicable requirements of this ordinance.
 - c. No new street dedication or street widening is involved.
 - d. Access to the minor subdivision via a private or public street with egress and ingress off of an existing county owned and maintained roadway meeting the requirement of Clark County Development Code Chapter 4.
 - e. All required improvements must be constructed and verified prior to final plat approval.
 - f. No special development considerations are involved, such as development in a flood plain, slopes greater than 15%, etc.
 - g. The entire property must be surveyed and monumented by a registered land surveyor and a plat recorded with the Clark County Recorder.
 - h. All required information for both preliminary and final is complete and in an acceptable form.
2. When the Planning and Zoning Administrator deems the minor subdivision preliminary plat application complete and valid, and all relevant agencies have been notified, the Administrator may then take the preliminary and final plat to the Board for a public hearing and their review and decision. The commission is not engaged in the review of a minor subdivision preliminary/final plat application, unless the Administrator or the Board requests their review.

E. Preliminary Plat Procedure

Prior to the submission of an application, the applicant shall attend a conference with the Administrator to discuss the application and procedures. The applicant may also request to be placed on the Commission's agenda to discuss general concepts but no approvals shall be given prior to the submission of an application.

1. Application. The subdivider shall file with the administrator copies of the completed subdivision application form and preliminary plat data as required by this ordinance.
2. Acceptance by Administrator. Upon receipt of the completed preliminary plat application and data, the administrator shall declare the application as complete and affix the date of acceptance thereon. Thereafter, the administrator shall place said

preliminary plat on the commission agenda for consideration at a regular meeting of the commission.

3. Review by Departments and Agencies. After receipt of a completed preliminary plat application, the administrator shall transmit one copy of the application and preliminary plat to other County or City departments and to such other government agencies as have jurisdiction over, or interest in the proposed subdivision including Idaho Department of Fish and Game, US Fish and Wildlife Service and US Army Corps of Engineers, for their recommendation and review. If no written recommendation or request for extension of time is received from any such department or agency within thirty (30) days from date of transmittal, the approval of the preliminary plat by such department or agency will be considered granted.
4. Review by Administrator. The administrator shall review the preliminary plat application and data as well as the recommendations received from the various departments and agencies to insure that said application and plat are in conformance with all applicable rules and regulations. The administrator shall report and make recommendations to the commission.

F. Contents of Preliminary Plat

The preliminary plat, together with all application forms, title insurance report, deeds, maps, and other documents reasonably required, shall constitute a complete subdivision application. The preliminary plat shall show the following (unless otherwise indicated):

1. The plat shall have dimensions of not less than twenty four inches by thirty six inches (24" x 36"), shall be drawn to a scale of not less than one inch to one hundred feet (1" = 100'), and shall show the drafting date and north arrow.
2. Four (4) sets of preliminary engineering plans (not meant to be cross sections or detailed designs) for streets, water, sewers, sidewalks and other required public improvements.
3. Two (2) electronic copies of the preliminary plat and preliminary engineering plans.
4. The name of the proposed subdivision, which shall not be the same or confusing with the name of any other subdivision in Clark County, Idaho,
5. The name and address of the owner of record, the subdivider, and the engineer, surveyor, or other person preparing the plat,
6. Legal description of the area platted,
7. The names and the intersection boundary lines of adjoining subdivisions and parcels of property,
8. A contour map of the subdivision with contour lines and a maximum interval of five feet to show the configuration of the land based upon the United States Geodetic Survey data, or other data approved by the County engineer; the map should show soil types and wetlands, flood hazard areas, and potential geological hazards; the map will also depict the presence of any Threatened or Endangered species as recognized by the US Fish and Wildlife Service and any state sensitive species and wildlife corridors as recognized by the Idaho Department of Fish and Game,

9. The scaled location of existing buildings, water bodies and courses and location of the adjoining or immediately adjacent dedicated streets, roadways, and easements, public and private,
10. Boundary description and the area of the tract,
11. Existing zoning of the tract,
12. A statement of the intended use of the proposed subdivision;
13. The proposed location of street right-of-ways, lots, and lot lines, easements, including all approximate dimensions and including all proposed lot and block numbering and proposed street names,
14. The boundaries of record of the tract, area of the tract, the proposed location, approximate grade, right-of-way width and pavement width of streets and alleys, locations of sidewalks; the proposed location and width of easements and setback lines, proposed lot lines, the radii of all curves, lot size and approximate lot dimensions.
15. The location, approximate size, and proposed use of all land intended to be dedicated for public use or for common use of all future property owners within the proposed subdivision,
16. The approximate location of existing buildings with approximate distances shown to proposed property lines, water bodies or courses,
17. The location, size, and type of sanitary and storm sewers, water mains, culverts and other surface or subsurface structures existing within or immediately adjacent to the proposed sanitary or storm sewers (a minimum distance of 100 feet), water mains, and storage facilities, street improvements, street lighting, curbs, and gutters, and all proposed utilities (may be shown only on the engineering plans),
18. The direction of drainage, flow, and approximate grade of all streets (may be shown only on the engineering plans),
19. The location of all drainage canals and structures, the proposed method of disposing of runoff water, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed plat, The approximate location, size and type of all irrigation ditches, channels, pipes, structures within and immediately adjacent, a minimum distance of 100 feet, to the proposed subdivision (may be shown only on the engineering plans);
20. All percolation tests and/or exploratory pit excavations required by district health authorities,
21. A copy of the provisions of the articles of incorporation and by-laws of homeowner's association and/or condominium declarations to be filed with the final plat of the subdivision,
22. Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application,

23. Vicinity Map. An 8-1/2" x 11" vicinity map, suitable for public presentation drawn to a scale of 1" = 300' or larger (i.e., 1" = 200', etc.) which includes the proposed development and sufficient area around it to provide adequate orientation and landmark identification for someone unfamiliar with the vicinity. All the following elements are to be included:
 - a. A minimum distance of 600' beyond all boundaries of the proposed development.
 - b. A north point.
 - c. Location and names of all streets and roadways, including the nearest collector or arterial in both north/south and east/west directions.
 - d. Clear identification of the boundary of the proposed development and its proposed roadway alignments labeled with proposed street names.
24. The boundaries of the floodplain, and floodway shall also be clearly delineated and marked on the preliminary plat,
25. Building envelopes shall be shown on each lot, all or part of which is within a floodway and floodplain; or any lot that is adjacent to a waterway; or any lot a portion of which has a slope of twenty-five (25) percent or greater; or upon any lot which will be created adjacent to the intersection of two or more streets,
26. Lot area of each lot,
27. Existing mature trees and established shrub masses,
28. A current title report shall be provided at the time that the preliminary plat is filed with the administrator together with a copy of the owner's recorded deed to said property,
29. For multi-phase developments, the proposed boundaries of each phase and the sequence of phases to be developed. The phasing sequence used should utilize consistent lot and block numbering patterns.
30. Approximate location and identification of known (to either the applicant or his representatives or the reviewing agency) potentially dangerous areas, including geologically hazardous areas, areas subject to inundations, or flood hazard, and areas of high groundwater.
31. A plan that ensures that open space areas are adequately maintained.
32. Any other information determined by the County to be necessary for review of the preliminary plat application.
33. A list of the owners of the properties within three hundred (300) feet of the exterior boundaries of the proposed project. The owners list shall include the name of all owners, their addresses, and a general description of the property owned by each.
34. Thirty copies of the preliminary plat and all required information shall be filed with the administrator. Five copies shall be 24" x 36". The remaining copies may be 11" x 17".

35. The location and turnout area for solid waste pickup meeting the approval of the county road and bridge superintendent.
36. The location and turnout area for mail cluster boxes meeting the approval of the county road and bridge superintendent and postal service.

G. Commission Action on Preliminary Plat

Consideration by the commission of a subdivision application and data shall take place at a regularly scheduled commission meeting, unless a special meeting of the commission is requested by the subdivider and granted by the commission. At that meeting, the commission shall do the following:

1. Public Hearing. The commission shall hold a public hearing on all subdivision applications.
2. After the public hearing, the commission shall review the preliminary plat and supporting data, recommendations of administrator, testimony of the subdivider, and the public. The commission shall recommend, recommend with specific conditions, or not recommend the preliminary plat. If the preliminary plat is not recommended, the reasons for such action shall be stated in writing, and a copy signed by the administrator attached to one copy of the preliminary plat shall be returned to the applicant.
3. Upon review by the commission of a preliminary plat, the administrator shall transmit to the Board or appropriate City Council the subdivision application, preliminary plat and other data and a copy of the commission findings and report.

H. Board or Council Action on Preliminary Plat

Submission of a preliminary plat upon review by the commission to the Board or appropriate City Council shall be mandatory. The Board/Council shall consider the subdivision application at its next available regular meeting. The subdivider, at his request, shall be entitled to at least one continuance. The Board/Council shall consider the preliminary plat, subdivision application and data, the report and recommendations of the commission along with the commission's report of testimony from the subdivider, witnesses, interested citizens and representatives of the commission. At its discretion, the Board/Council may hold an additional public hearing. If an additional hearing is held, procedure outlined in the land use ordinance shall be adhered to. Upon conclusion of its consideration of the preliminary plat, the Board/Council shall approve, conditionally approve, or disapprove the plat and make findings consistent with law and this Ordinance. Upon approval of the preliminary plat by the Board/Council, the subdivider shall prepare required improvement design plans in accordance with this ordinance and additional condition(s) imposed by the Board/Council. Upon approval of the improvement designs by the County engineer, the subdivider shall commence construction on the required improvements.

I. Final Plat Procedures

After approval of the preliminary plat, the subdivider shall cause the subdivision to be surveyed and a final plat to be prepared in conformance with the preliminary plat as approved, and Title 50, Ordinance 13, Idaho Code. Upon completion of said final plat, the subdivider shall file same and all other documents required, with the administrator. Then the

administrator shall place said final plat upon the Commissioner or Council's next available regular meeting agenda. In the event that the Board/Council finds that final plat does not substantially conform to the approved preliminary plat, the Board shall consider said plat a revised preliminary plat and remand the revised preliminary plat to the commission for an additional public hearing and review. The subdivider shall submit the final plat and plan specifications of all required improvements together with a current title report showing proof of ownership in the land to be subdivided. When submitted to the administrator, the final plat shall bear all required certificates, acknowledgments and signatures. Upon receipt of a final plat in compliance with all requirements and all conditions placed upon the preliminary plat, the Board/Council shall approve the final plat and the Chairman of the Board or Mayor shall affix the date of acceptance and his signature thereon.

J. Contents of Final Plat

The final plat shall be drawn at such a scale and contain such lettering as to enable same to be placed upon sheets of eighteen (18) inch by twenty-four (24) inch Mylar paper with no part of the drawing nearer to the edge than one-half inch, and shall be in conformance with the provisions of Title 50, Ordinance 13, Idaho Code.

The reverse side of said sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications, certificates, signatures, and other information.

The contents of the final plat shall include all items required under Title 50, Ordinance 13, Idaho Code and also shall include the following:

1. Point of beginning of subdivision description tied to at least two governmental survey corners,
2. Location and description of monuments set,
3. Tract boundary lines, property lines, lot lines, street right-of-way and center lines, other rights-of-way and easement lines, building envelopes as required on the preliminary plat, lot area of each lot, boundaries of floodplain and floodway, all with bearings, accurate dimensions in feet and decimals thereof, in degrees and minutes and radii, arcs, central angles, tangents, and chord lengths of all curves to the above accuracy,
4. Names and locations of all adjoining subdivisions,
5. Name and right-of-way width of each street and other public rights-of-way,
6. Location, dimension, and purpose of all easements, public or private,
7. The lots numbered consecutively throughout each block,
8. The outline of any property other than a street, alley, or easement which is offered for dedication to public use, fully dimensioned by distances and bearings with the area marked "Dedicated to the County of Clark for Public Use", together with any other descriptive language with regard to the precise nature of the use of the land so dedicated,
9. The title which shall include the name of the subdivision, the name of the county and state, and the location and description of the subdivision referenced to section, township, range,

10. Scale, north arrow and date,
11. Location, width, names of all existing or dedicated streets, and other public ways within or adjacent to the proposed subdivision,
12. A provision in the owner's certificate referencing the county recorder's instrument number where the condominium declaration(s) and/or articles of incorporation of homeowner's association governing the subdivision are recorded,
13. Certificate by registered surveyor preparing the map certifying to the accuracy of surveying plat,
14. A current title report of all property contained within the plat,
15. Certification of owner(s) of record, and all holders of security interest(s) of record with regard to said property,
16. Certification and signature of reviewing surveyor verifying that the subdivision meets all County requirements,
17. Certification and signature of the County engineer verifying that the subdivision and design standards meet all County requirements,
18. Certification and signature of the County clerk of the County of Clark verifying that the subdivision has been approved by the Board,
19. Certification and signature of the County treasurer of the County of Clark verifying that all County taxes are paid on the property.
20. Notation of any additional restrictions imposed by the Board on the development of said subdivision to provide for the public health, safety, and welfare.
21. Addresses shall be provided for each lot on the final plat, calculated per the Clark County Addressing System.

K. Final Plat Copies

Ten copies of the final plat shall be filed with the administrator prior to being placed upon the Board's agenda. Three copies shall be 24" x 36". The remaining copies may be 11" x 17". One copy of the final plat as approved by the Board and signed by the County clerk shall be filed with the administrator and retained by the County.

L. Acceptance of Dedications

Approval of the final plat by the Board/Council shall constitute acceptance of all dedications for public streets, rights-of-way, easements, and other lands dedicated for public purpose or use as shown thereon. As a condition precedent to the acceptance of any streets or required improvements, the Board/Council shall require that the subdivider install said improvements in accordance with the construction standards, and that condition shall be noted on the final plat.

M. Time Limitations

The failure to obtain final plat approval by the Board/Council of an approved preliminary plat within eighteen months after approval by the Board/Council shall cause all approvals of said preliminary plat to be null and void unless the subdivider applies for, and is granted, a

written extension by the Board/Council. The final plat shall be filed with the Clark County recorder within one year after final plat approval by the Board/Council. Failure to file said final plat within that time shall cause all approvals of said final plat to be null and void. No lots shall be sold and no building permit shall be issued with regard to any parcel of land within a proposed subdivision until the final plat has been recorded.

N. Readjustment of Lot Lines

An owner or subdivider wishing to readjust lot lines, as hereinabove defined, shall be required to file two copies of a plat and application with the administrator for administrative review. Additional information reasonably required for thorough review of the application and plat may be required by the administrator to be provided by the applicant. The administrator shall provide written notice of said application to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners they may comment on the application during a period of not less than ten (10) days after mailing of the notice and prior to final action on said application. Following expiration of the said comment period, and upon a finding by the administrator that the plat conforms to the readjustment of lot line definition and is in compliance with the provisions of this ordinance, the administrator shall approve same or approve with conditions necessary to find same in compliance with the provisions of this ordinance. Upon a finding by the administrator that the application does not conform to said definition or is not in compliance with this ordinance, the administrator shall deny said application and shall state the reasons therefore in writing and a copy signed by the administrator attached to one copy of the plat shall be returned to the applicant. Upon approval of an application and upon satisfaction by the applicant of any conditions attached thereto, the administrator shall inform the County clerk and the County clerk shall sign the plat. Any questions with regard to the interpretation and/or applicability of this section or other sections shall be referred to the Board/Council by the administrator for determination.

3.0 Development and Design:

A. Required Improvements

The improvements set forth in this section shall be shown on the preliminary plat and installed prior to approval of the final plat unless the conditions of Section C. Guarantee of Completion of Improvements are met. Construction design plans thereof shall be submitted and approved by the County engineer. All such improvements shall be in accordance with the comprehensive plan and constructed in compliance with construction standard specifications adopted by the County. Existing natural features which enhance the attractiveness of the subdivision and community, such as mature trees, water courses, rock outcroppings, established shrub masses, and historic areas shall be preserved through design of the subdivision.

B. Improvement Plans

Prior to approval of final plat by the commission, the subdivider shall complete the installation of all infrastructure improvements and file two copies of the engineered drawings with and the County engineer who shall inspect and approve the construction for all improvements required in the proposed subdivision. Said plans shall be prepared by a civil

engineer licensed in the State of Idaho. The installation of infrastructure improvements may be completed after the issuance of final plat, if the conditions in C below are met.

C. Guarantee of Completion of Infrastructure Improvements

1. Financial Guarantee Arrangements: In lieu of the actual installation of required infrastructure public improvements before filing of the final plat, the Board may require the subdivider to provide a financial guarantee of performance in one or a combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement.
2. Cash deposit, certified check, or irrevocable bank letter of credit:
 - a. One hundred twenty five percent (125%) of the estimated cost of construction for the specific infrastructure public improvement, as estimated by the Clark County/City engineer and approved by the board/council. A cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit for time periods of more than two years shall be equal one hundred fifty percent (150%) of the total estimated cost for completing construction of the specific public improvement.
 - b. Treasurer, escrow agent or trust company: a cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, such surety acceptable by the board/council shall be deposited with an escrow agent or trust company.
 - c. Dollar value: the dollar value of the cash deposit, certified check, or an irrevocable bank letter of credit, shall be equal to one hundred twenty five (125%) of the estimated cost of construction for the specific public improvement, as estimated the Clark County/City engineer and approved by the board. For time periods of more than two years the dollar value shall be equal one hundred fifty percent (150%) of the total estimated cost for completing construction of the specific public improvement.
 - d. Escrow time: the escrow time for the cash deposit, certified check, or irrevocable bank letter of credit, shall be for a period to be specified by the board.
 - e. Progressive payment: in the case of cash deposits or certified checks, an agreement between the board and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvement, in accordance with a previously entered into agreement.
3. Condition approval of final plat: With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:
 - a. The construction of improvements required by this ordinance shall have been completed by the subdivider and approved by the Board/Council.
 - b. Surety acceptable to the Board/Council shall have been filed in the form of a cash deposit, certified check, an irrevocable bank letter of credit or surety bond.

4. Penalty in case of failure to complete the construction of a public improvement: In the event the subdivider shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements the Board/Council may proceed to have such work completed. In order to accomplish this, the Board/Council shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, or irrevocable bank letter of credit that the subdivider may have deposited as included in a written agreement between the Board/Council and the subdivider.
5. Performance Bonding, equal to 125% of the reclamation cost, to ensure reclaiming of disturbed land may be required in those instances where severe alterations to the physical conditions of the land, e.g., cuts, fills, grading improvements, is required to install or construct infrastructure.

D. As-Built Drawing

Prior to acceptance by the Board/Council of any improvements installed by the subdivider, two sets of "as-built" plans and specifications certified by the subdivider's engineer shall be filed with the County/City engineer. Within ten (10) days after completion of improvements and submission of "as-built" drawings, the County/City engineer shall certify the completion of the improvements and the acceptance thereof, and shall submit a copy of said certification to the administrator and the subdivider. If a performance bond has been filed, the administrator shall forward a copy of the certification to the County/City clerk. Thereafter, the County/City clerk shall release the performance bond upon application by the subdivider.

E. Monumentation

Following completion of construction of the required improvements and prior to certification of completion by the County/City engineer, certain land survey monuments shall be reset or verified by the subdivider's engineer or surveyor to still be in place. These monuments shall have the size, shape, type of material as shown on the subdivision plat. The monuments shall be located as follows:

1. All angle points in the exterior boundary of the plat,
2. All street intersections, points within and adjacent to the final plat,
3. All street corner lines ending at boundary line of final plat,
4. The point of beginning of the subdivision plat description.

F. Lot and Block Requirements

1. Lot size, width, depth, shape, and orientation, and minimum building setback lines shall be in compliance with the zoning district in which the property is located and compatible with the location of the subdivision and the type of development.
2. Whenever a proposed subdivision contains lot(s), in whole or in part, within the floodplain, or which contain land with a slope in excess of twenty-five (25) percent based upon natural contours, or create corner lots at the intersection of two or more streets, building envelopes shall be shown for the lot(s) so affected on the preliminary and final plats. The building envelopes shall be located in a manner designed to promote harmonious development of structures, minimize congestion of structures,

and provide open space. Building envelopes shall also be located to promote access to the lots and maintenance of public utilities, to minimize cut and fill for roads and building foundations, and minimize adverse impact upon environment, water courses and topographical features. Structures may only be built on buildable lots. Lots shall only be created that meet the definition of "buildable lot." Building envelopes shall be established outside of hillsides of 25% or greater and outside of the floodway.

3. Corner lots shall have a property line curve or corner of a minimum radius of twenty-five (25) feet unless a longer radius is required to serve an existing or future use.
4. Side lot lines shall be within twenty (20) degrees to a right angle or radial line to the street line.
5. Double frontage lots shall not be created. A planting strip shall be provided along the boundary line of lots adjacent to arterial streets or incompatible zoning districts. Should a double frontage lot, or lots, be created out of necessity, then such lot(s) shall be reversed frontage lot(s).
6. Minimum lot sizes in all cases shall be reversed frontage lot(s).
7. Every lot in a subdivision shall have a minimum of twenty (20) feet of frontage on a dedicated public street unless the Board/Council approves a private street.

G. Block Requirements

The length, width, and shape of blocks within proposed subdivisions shall conform to the following requirements:

1. No block shall be longer than one thousand five hundred (1,500) feet, nor less than four hundred (400) feet between the street intersections, and shall have sufficient depth to provide for two tiers of lots,
2. Blocks shall be laid out in such a manner as to comply with the lot requirements,
3. The layout of blocks shall take into consideration the natural topography of the land to promote access within the subdivision and minimize cuts and fills for roads and minimize adverse impact on environment, water courses and topographical features,
4. Corner lots shall contain a building envelope outside of a seventy-five (75) foot radius from the intersection of the streets.

H. Street Improvement Requirements

1. The arrangement, character, extent, width, grade, and location of all streets put in the proposed subdivision shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, topography, public convenience and safety, and the proposed uses of the land,
2. All new streets and roadways shall have a minimum sixty foot easement. At final plat a legal description, dedicating the roadway right-of-way easement to Clark County must be recorded with the County Clerk Recorder. For developments that face out onto an existing Clark County owned and/or maintained roadway a thirty foot easement, measured from the street or roadway centerline, shall be established. At

final plat a legal description, dedicating the easement or right of way to Clark County, must be recorded with the County Clerk Recorder.

3. The maintenance, including snow removal, of new streets/roads may or may not be accepted by the County until a suitable tax basis exists to cover the costs of maintenance and snow removal. For specific requirements see Clark County Development Code Chapter 4 Access Performance Standards.
4. The drivable surface width of minor streets or roadways shall be a minimum of 24 feet wide. Where fire hydrants are located along the roadway, the minimum width of the travelway shall be 28 feet. This may be accomplished by construction of a turnout providing an overall travelway width of 28 feet and 40 feet in length at the hydrant location.
5. Where a subdivision abuts or contains an existing or proposed arterial street, railroad, or limited access highway right-of-way, the Board/Council may require a frontage street, buffer or similar design features.
6. Streets may be required to provide access to adjoining lands and provide proper traffic circulation through existing or future neighborhoods. Where an easement for a future street for these purposes is allowed, it shall be recorded on the plat and property deed as an irreversible easement.
7. Street grades shall not be less than three-tenths percent and not more than eight (8%) percent so as to provide a safe movement of traffic and emergency vehicles in all weather and to provide for adequate drainage and snow plowing; a grade up to ten percent may be permitted in special circumstances where the Board/Council determines that such increased grade is beneficial,
8. In general, partial dedications shall not be permitted; however, the Board/Council may accept a partial street dedication when such a street forms a boundary of the proposed subdivision and is deemed necessary for the orderly development of the neighborhood, and provided the Board/Council finds it practical to require the dedication of the remainder of the right-of-way when the adjoining property is subdivided. When a partial street exists adjoining the proposed subdivision, the remainder of the right-of-way shall be dedicated,
9. Dead-end streets may be permitted only when such street terminates at the boundary of a subdivision and is necessary for the development of the subdivision or the future development of the adjacent property. When such a dead-end street serves more than two lots, a temporary turn-around easement shall be provided which easement shall revert to the adjacent lots when the street is extended,
10. A cul de sac, court, or similar type street shall be permitted only when necessary to the development of the subdivision and provided that no such street shall have a maximum length greater than five hundred (500) feet from entrance to center of turn-around, and all cul de sacs shall have a minimum turn-around radius of sixty (60) feet at the property line and not less than forty-five (45) feet at the curb line; provided that larger cul-de-sacs may be allowed or required by the Board/Council in extenuating circumstances,

11. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy (70) degrees,
12. Where any street deflects an angle of ten (10) degrees or more, a connecting curve shall be required having a minimum center line radius of three hundred (300) feet for arterial and collector streets, and one hundred twenty-five (125) feet for minor streets,
13. Streets with center line off-sets of less than one hundred twenty-five (125) feet shall be prohibited,
14. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets,
15. Proposed streets which are a continuation of an existing street shall be given the same names as the existing street. All new street names shall not duplicate or be confusing with the names of existing streets within Clark County, Idaho. The subdivider shall obtain approval of all street names within the proposed subdivision from the commission before submitting same to Board/Council for preliminary plat approval,
16. Street alignment design shall follow natural terrain contours to result in safe streets, useable lots, and minimum cuts and fills. All cuts and fills shall be revegetated,
17. Street patterns of residential areas shall be designed to create areas free of through traffic, but readily accessible to adjacent collector and arterial streets,
18. Buffer strips controlling access to public streets shall be permitted under conditions specified and shown on the final plat and all landscaping and irrigation systems shall be installed as required improvements by the subdivider,
19. In general, the center line of a street shall coincide with the center line of the street right-of-way and all crosswalk markings shall be installed by the subdivider as a required improvement,
22. Street lighting may be required by the commission or City Council in the Residential Zoning District where appropriate, and shall be installed by the subdivider as a required improvement,
21. Private streets may be allowed upon recommendation by the commission and approval by the Board/Council. Private streets shall be constructed to meet the design standards of public streets as specified in this Ordinance and other applicable standards, private streets/roadway easements must be recorded with the Clark County Clerk.
22. Street signs shall be installed by the subdivider as a required improvement of a type and design approved by the administrator and shall be consistent with the type and design of existing street signs elsewhere in the County or the City as appropriate.
23. Bridges: Whenever a proposed subdivision requires construction of a new bridge, or will create substantial additional traffic which will require construction of a new bridge or improvement of an existing bridge, said construction or improvement shall be a required improvement by the subdivider. Said construction or improvement shall be in accordance with adopted standard specifications therefore.

24. Sidewalks, curbs, and gutters may be a required improvement installed by the subdivider.

I. Alley Improvement Requirements

Alleys shall be provided in commercial and industrial zoning districts. The width of an alley shall be not less than twenty (20) feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be provided to permit safe vehicular movement. Dead-end alleys shall be prohibited. Improvement of alleys shall be done by the subdivider as required improvement and in conformance with design standards specified in this section.

J. Required Easements

Easements, as set forth hereinafter, shall be required for location of the utilities and other public services, to provide adequate pedestrian circulation and access to public waterways and lands.

1. A public utility easement at least ten (10) feet in width shall be required within the street right-of-way boundaries of all private streets. A public utility easement at least five feet in width shall be required within any property boundary as determined by the County engineer to be necessary for the provision of adequate public utilities.
2. Where a subdivision contains or borders on a water course, drainage way, channel or stream, an easement shall be required of sufficient width to contain said water course and provide access for private maintenance and/or reconstruction of said water course.
3. All subdivisions which border a watercourse shall dedicate meet the set back requirements as specified in easement upon which no permanent structure shall be built in order to protect the natural vegetation and wildlife along the river bank and to protect structures from damage or loss due to river bank erosion.
4. No ditch, pipe, or structure for irrigation water or irrigation waste water shall be constructed, re-routed, or changed in the course of planning for or constructing required improvements within a proposed subdivision unless same has first been approved in writing by the ditch company or property owner holding the water rights thereto. A written copy of such approval shall be filed as part of required improvement construction plans.
5. Non-vehicular transportation system easements including pedestrian walkways, bike paths, equestrian paths, and similar easements may be required and if required, may be within the sixty foot street or roadway right of way easements previously required provided they are dedicated by the subdivider to the County.
6. No subdivision shall eliminate any historic public access to public lands that is still in current use. A ten (10) foot easement shall be provided to allow the public to access such public lands. The Board may approve a relocation of the historic access point provided that the relocated access does not significantly impair public access.

K. Sanitary Sewage Disposal Improvements

Central sanitary sewer and treatment systems shall be installed in all subdivisions in the City of Dubois. All sewer systems within the City of Dubois area of impact shall also be connected to the City sewer system. The use of private septic or packaged sewer plants is permitted providing the minimum lot size meets the requirements set forth by the Eastern Idaho Public Health Districts sewer permit. Construction plans and specifications for central sanitary sewer extension shall be prepared by the subdivider and approved by the City engineer, Council, and Eastern Idaho Public Health District prior to final plat approval.

L. Water System Improvements

A central domestic water distribution system shall be installed in all subdivisions in the City of Dubois. All water system within the City of Dubois area of impact shall also be connected to the City water system. For those lots outside of this area private domestic wells, permitted by IDWR are permissible.

M. Buffer Strip Improvements

Buffer strips shall be required improvements. When a predominantly residential subdivision is proposed for land adjoining incompatible uses or features such as highways, railroads, commercial or industrial districts or off-street parking areas, the subdivider shall provide buffer strips to screen the view of such incompatible features. The subdivider shall submit a landscaping plan for said buffer strip with the preliminary plat application and the landscaping shall be a required improvement.

N. Cuts, Fills, and Grading Improvements

Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts, fills, alterations of topography, streams, drainage channels, and disruption of soils and vegetation. The design criteria shall include the following:

1. A preliminary soil report prepared by a qualified engineer may be required by the commission and/or Board/Council as part of the preliminary plat application.
2. Preliminary grading plan prepared by a civil engineer shall be submitted as part of all preliminary plat applications. Said plan shall contain the following information:
 - a. Proposed contours at a maximum of five (5) foot contour intervals;
 - b. Cut and fill banks in pad elevations;
 - c. Drainage patterns;
 - d. Areas where trees and/or natural vegetation will be preserved;
 - e. Location of all street and utility improvements including driveways to building envelopes. Any other information which may reasonably be required by the administrator, commission, or Board/Council to adequately review the affect of the proposed improvements.
3. Grading shall be designed to blend with natural land forms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.

4. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.
5. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction. Until such times as said revegetation has been installed and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.
6. Where cuts, fills, or other excavation are necessary, the following development standards shall apply:
 - a. Fill areas shall be prepared by removing all organic material detrimental to proper compaction for soil stability.
 - b. Fills shall be compacted to at least ninety-five (95) percent of maximum density as determined by AASHO T 99 (Am. Assoc. State Highway Officials) and ASTM D 698 (Am. Std. Testing Methods).
 - c. Cut slopes shall be no steeper than two horizontal to one vertical. Subsurface drainage shall be provided as necessary for stability.
 - d. Fill slopes shall be no steeper than two horizontal to one vertical. Neither cut nor fill slopes shall be located on natural slopes of three to one or steeper, or where fill slope toes out within twelve (12) feet horizontally of the top and existing or planned cut slope.
 - e. Toes of cut and fill slopes shall be set back from property boundaries a distance of three feet plus one-fifth of the height of the cut or the fill, but may not exceed a horizontal distance of ten (10) feet; tops and toes of cut and fill slopes shall be set back from structures at a distance of at least six feet plus one-fifth of the height of the cut or the fill. Cuts and slopes shall be revegetated as provided in Section N (5). Additional setback distances shall be provided as necessary to accommodate drainage features and drainage structures.

O. Drainage Improvements

The subdivider shall submit with the preliminary plat application, such maps, profiles, and other data prepared by an engineer to indicate the proper drainage of the surface water to natural drainage courses or storm drains, existing or proposed. The location and width of the natural drainage courses shall be shown as an easement common to all owners within the subdivision and the County or City on the preliminary and final plat. All natural drainage courses shall be left undisturbed or be improved in a manner that will increase the operating efficiency of the channel without overloading its capacity. An adequate storm and surface drainage system shall be a required improvement in all major subdivisions and shall be installed by the subdivider. Culverts shall be required where all water or drainage courses intersect with streets, driveways, or improved public easements and shall extend across and under the entire improved width thereof including shoulders.

1. Culverts to be a minimum of 12" in diameter with a crush resistance as defined by AASHTO T99 Standards,

2. Natural drainage channels should be used when available,
3. Catchment basins to be designed to contain runoff during a one (1)- 25 year storm event,
4. All runoff to be contained on site,
5. Measures should be taken to prevent storm water from entering irrigation canals,
6. Easements shall be provided along drainages adequate to contain that watercourse and any further width necessary for maintenance or reconstruction.

P. Utilities

In addition to the terms mentioned hereinabove, all utilities including but not limited to, electricity, natural gas, telephone, and cable services shall be installed underground as a required improvement by the subdivider. Adequate provision for expansion of such services within the subdivision or to adjacent lands including installation of conduit pipe across and underneath streets shall be installed by the subdivider prior to construction of street improvements.

Q. Off-Site Improvements

Where the off-site impact of a proposed subdivision is found by the commission or Board/Council to create substantial additional traffic, improvements to alleviate that impact may be required of the subdivider prior to final plat approval, including, but not limited to, bridges, intersections, roads, traffic control devices, water mains and facilities, and sewer mains and facilities. Such off-site improvements must be roughly proportional to the impacts of the proposed subdivision and must have a rational nexus to the impacts of the proposed subdivision.

R. Common Open Space

Subdivisions shall have a minimum of twenty five (25%) percent of the gross land area reserved for usable common open space and recreational facilities for the residents or users of the area being developed. A common open space usage management plan shall be provided for approval of the Commission.

S. Fire Protection

In areas where Impact Fees have not been established the subdivider shall be required to locate and install an adequate means of fire suppression within the proposed subdivision according to specifications and requirements of the County, under the supervision of the Clark County Fire District and other regulatory agencies having jurisdiction there over. The fire suppression system may include a pressurized hydrant system, water storage in ponds or tanks, structures with permanent sprinklers, or a combination of systems. Fire water system shall have sufficient storage or flow for fire protection according to the International Fire Code. All such permanent fire water piping systems installed shall be engineered to provide sufficient water flow at each hydrant location as described in #5 below. Ponds constructed for water storage shall have an approved water right (if applicable) prior to construction and may not be stocked with fish until a stocking permit is obtained by Idaho Department of Fish and Game.

Fire protection facilities, hydrants, storage, or other appurtenances shall be included in the preliminary plat and delineated thereon, adequate provision for access by firefighting personnel and equipment to and from all such fire protection facilities, including, but not limited to hydrants, storage, structure sprinklers, and appurtenances. Such access shall be approved by the fire chief and the owner may be required to dedicate to the County as a condition of approval of the preliminary plat, an easement sufficient for access by firefighting equipment to such fire protection facilities. All such access easements shall be maintained in such a manner as to provide clear and unobstructed ingress and egress by firefighting personnel and equipment at all times.

1. On-site fire protection facilities may be altered or repaired with the written consent of the fire chief subject to the provisions of this ordinance.
2. Fire hydrants shall comply with NFPA Standards and be a two (2) butt hydrant, minimum of 6" piping,
3. Water mains shall be a minimum 6",
4. Fire hydrant spacing: No dwelling more than 400' from a hydrant. Hydrants shall have equal spacing of 700'.
5. Storage capacity on site shall be designed such that it provides 1,000 gallons per minute (gpm) for 2 hours at 20 P.S.I. for dwellings less than 3,600 square feet, and 1,500 gallons gpm for dwellings greater than 3,600 square feet. Storage capacity alternatives may be approved with the concurrent approval of the Fire District provided that such alternatives provide equivalent fire protection.
6. The subdivider shall encourage xeriscaping and/or firewise landscaping in conditions covenants and restrictions when development is within close proximity of the wildland urban interface

T. Address Signage

1. All direction and location signs to be constructed of non-flammable material.
2. Lettering and numbering of location and direction signs to be of sufficient size to be easily read from 75' and constructed of light reflecting material.
3. Signs shall be located in the dedicated county right of way, or in the case of private roads signs, shall be placed 15 feet from travel surface.

4.0 Condominiums Developments:

A. Purpose

The purpose of this section is to set forth special provisions for property created or converted pursuant to the Condominium Property Act, Title 55, Chapter 15,

Idaho Code, as amended, revised, or compiled. The provisions of this section are found necessary in order to provide for the public health, safety, welfare of purchasers and residents of such condominiums.

B. Preliminary Plat Procedure

The subdivider of the condominium project shall submit with the preliminary plat application a copy of the proposed by-laws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control and maintenance of all common areas, recreational facilities, and open space. The Commission and Board shall act on the preliminary plat pursuant to procedures herein.

C. Final Plat Procedure

The final plat procedure contained herein shall be followed. However, the final plat shall not be signed by the County Clerk and recorded until the condominium has received:

1. Prior to final plat approval, the subdivider shall submit to the County a copy of the final by-laws and condominium declarations which shall be filed with the Clark County Recorder, including the instrument number(s) under which each document was recorded.

D. Garage

All garages shall be designated on the preliminary and final plat and on all deeds as part of the particular condominium units. No garage may be condominiumized or sold separate from a condominium unit.

E. Storage Areas

Adequate storage areas shall be provided for boats, campers, and trailers, as well as adequate interior storage space for personal property of the resident of each condominium unit.

F. Maintenance Building

A maintenance building or room shall be provided of adequate size and location for the type and size of the condominium project for storage of maintenance equipment and supplies for common areas.

G. Open Space

The subdivider shall dedicate to the common use of the homeowners adequate open space of such shape and area useable and convenient to the residents of the condominium subdivision. Location of building sites and common area shall maximize privacy and solar access. A plan must be provided that ensures the continued and perpetual maintenance of open space.

H. General Applicability

All other provisions of this ordinance and all applicable ordinances, rules and regulations of the County and all other governmental entities having jurisdiction shall be complied with by condominium subdivisions.

5.0 Townhouse Developments:

A. Purpose

The purpose of this section is to set forth provisions for real property subdivided into townhouse sublots, said provisions found necessary in order to provide for the public health, safety, and welfare of purchasers and residents of such townhouse developments.

B. Townhouse Owners' Documents

The subdivider of the townhouse project shall submit with the preliminary plat application a copy of the proposed party wall agreement and any proposed document(s) creating an association of owners of the proposed townhouse sublots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the subdivider shall submit to the County a final copy of said documents and shall file said documents prior to recordation of the plat, which shall reflect the recording instrument numbers thereupon.

C. Preliminary Plat Procedure

The subdivider may apply for preliminary plat approval from the commission pursuant to the procedures herein. The Commission may recommend, not recommend or conditionally recommend said preliminary plat. The preliminary plat, other data, and the commission's findings shall then be transmitted to the Board. The Board shall act on the preliminary plat pursuant to the procedures herein.

D. Final Plat Procedure

The final plat procedure contained herein shall be followed.

E. Garage

All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sublots, provided that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

F. General Applicability

All other provisions of this ordinance and all applicable ordinances, rules and regulations of the County and all other governmental entities having jurisdiction shall be complied with by townhouse subdivisions.

6.0 Variances

A. Variance

Variance of any of the requirements of this ordinance may be granted by the Board/Council on a case by case basis upon the recommendation of the commission. Application for such variance(s) must be in writing and must show that there are special physical characteristics or conditions affecting the property in question where literal enforcement of this ordinance would result in undue hardship not the result of actions by the subdivider, and that the variance would not be detrimental to the public welfare, health, and safety, nor injurious to property owners in the immediate area. Such waiver must be minor in scope and not affect the overall intent of this ordinance.

B. Application for Variance

Applications shall be made to the administrator in writing at the time of subdivision application. Said variance, together with such related data and maps as are necessary to fully

illustrate the relief sought shall be filed at that time. Such applications shall be processed and considered with the preliminary plat application.

7.0 Fees:

The subdivider shall pay to the County or appropriate City by depositing with the Planning and Zoning Administrator certain fees and costs. There shall be a preliminary plat application fee, and a final plat application fee. At the time of submission of an application for a plat, the applicant shall pay a processing fee in accordance with the fee schedule established by the County Board or appropriate City Council. The Board or Council shall establish the amount of the plat fee and shall include pertinent engineering, legal, planning, postage, publication, copying fees and all other costs incurred by the County or City in processing the application. Such cost reimbursement may exceed the initial estimate. All outstanding fees and costs must be paid before a plat application will be approved. Fees shall be set resolution.

8.0 Time Periods for Approval:

- A. The planning commission shall have sixty (60) days to examine and consider all applications made pursuant to this ordinance and to make its recommendations with regard thereto. Said sixty (60) day period shall commence upon the first meeting at which said commission considers such an application. If no recommendation is made within said period, the application shall be placed upon the appropriate agenda without recommendation.
- B. The Board or appropriate City Council shall have sixty (60) days to examine and consider all applications made pursuant to this ordinance and make its finding(s) and/or decision(s) with regard thereto.
- C. The time periods set forth above may be extended for a reasonable period of time by the planning commission or Board/Council upon a finding that due to the complexity of an application, or changes made in an application during the review process additional time to examine or consider same is reasonably required.

9.0 Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions thereto are a proper exercise of valid police Clark granted to the County by Article XII, Section 2 of the Idaho Constitution. The subdivider has the duty of compliance with reasonable conditions laid down by the Board and commission for design, dedication, improvement, and restrictive use of land so as to conform to the physical and economic development of the County and the safety and general welfare of future plat owners in said subdivision and the public at large.