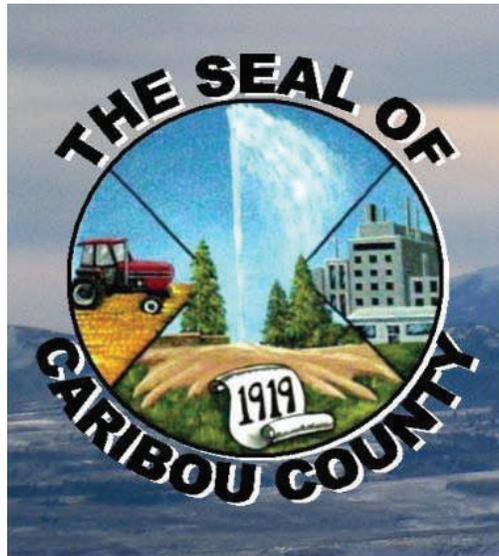


# **SUBDIVISION ORDINANCE OF CARIBOU COUNTY**



ADOPTED JUNE 9, 2003  
REVISED SEPTEMBER 27, 2004  
REVISED JULY 23, 2007

## TABLE OF CONTENTS

	Page
Title	1
Article I - General Provisions	4
Article II - Definitions	6
Article III - Procedure for Subdivision Approval	11
Article IV - Design Standards	20
Article V - Improvement Standards	23
Article VI - Special Development	26
Article VII - Vacations and Dedications	32
Article VIII - Variances	33
Article IX - Enforcement and Penalties	34
Article X - Effective Date	34

**Caribou County, Idaho**  
**SUBDIVISION ORDINANCE**

AN ORDINANCE ENTITLED “THE CARIBOU COUNTY SUBDIVISION ORDINANCE”, AMENDING ORDINANCE 83-2, PROVIDING FOR THE REGULATION AND CONTROL OF SUBDIVISIONS IN CARIBOU COUNTY, IDAHO; ESTABLISHING SUBDIVISION REGULATIONS; PROVIDING FOR THE ADMINISTRATION OF SAID REGULATIONS; PROVIDING FOR SEVERABILITY; DEFINING TERMS USED HEREIN; SETTING OUT THE PROCEDURE FOR APPROVAL OF SUBDIVISION PLATS; ESTABLISHING DESIGN STANDARDS FOR SUBDIVISIONS; ESTABLISHING CRITERIA FOR IDENTIFYING AND ACTING UPON SUBDIVISIONS THAT CONTAIN UNUSUAL OR SPECIAL FEATURES; ESTABLISHING PLAT VACATION AND DEDICATION PROCEDURES; ESTABLISHING VARIANCE PROCEDURES; ESTABLISHING DETECTION AND ENFORCEMENT PROCEDURES; PROVIDING FOR CRIMINAL AND/OR CIVIL REMEDIES FOR VIOLATIONS HEREOF; ESTABLISHING AMENDMENT PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CARIBOU COUNTY, IDAHO.

# **ARTICLE 1**

## **GENERAL PROVISIONS**

### SECTION A. TITLE

This ordinance shall be cited as the Subdivision Ordinance of Caribou Count, Idaho.

### SECTION B. PURPOSE

The purpose of these regulations are to promote the public health, safety and general welfare, and to provide for;

1. The harmonious development of the area.
2. The coordination of streets and roads within the subdivisions with other existing or planned streets and roads.
3. Adequate open space for travel, light, air and sanitary facilities.
4. Adequate transportation, water drainage and sanitary facilities.
5. The avoidance of scattered subdivision of land would result in either of the following:
  - A. The lack of water supply, sewer service, drainage, transportation, police protection, fire protection, or other public services.
  - B. The unnecessary imposition of an excessive expenditure of public funds for the supply of such services.
6. The requirements as to the extent and the manner which:
  - A. Roads shall be created and improved.
  - B. Water and sewer and other utility mains, piping connections, or other facilities shall be installed.
7. The manner and for of making and filing of any plat.
8. The administration of these regulations by defining the powers and duties of approval authorities.

### SECTION C. JURISDICTION

These regulations shall apply to the subdividing of all land within the unincorporated parts of the County, except those areas included within any area of City Impact unless negotiation procedures result in a determination to the contrary, and shall include the following:

1. The result of an act of dividing a lot, tract, or parcel of land into two (2) or more parts for the purpose of transfer of ownership, use, or development.

2. The dedication of any street or alley through or along any tract of land.
3. The re-division of an original parcel of land into two (2) or more parcels except as provided in the exceptions listed below.

Unless the method of disposition of real property is adopted for the purpose of evading this ordinance, this ordinance shall not apply to any of the following:

1. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, with, 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.
2. An allocation of land in the settlement of an estate of decedent or a court decree for the distribution of property.
3. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code.
4. The acquisition of street right-of-ways by public agency in conformance with the Comprehensive Plan.
5. The exchange of land for the purpose of straightening property boundaries that does not result in the change of the present land usage.
6. One division of any original parcel into not more than two (2) parcels, provided that each parcel resulting from such subdivision shall front upon a public street.

## **ARTICLE II DEFINITIONS**

### SECTION A. INTERPRETATION OF TERMS OR WORDS

Terms or words used herein shall be interpreted as follows:

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

### SECTION B. MEANING OF TERMS OR WORDS

Administrator: An official having knowledge in the principles and practices of subdividing, who may be appointed by the Board to administer this ordinance.

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

Board: The Board of County Commissioners of Caribou County, Idaho

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

Building set back line: A line established by a zoning ordinance that requires all buildings to be set back a certain distance from lot lines.

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

Commission: The Planning and Zoning Commission of Caribou County, Idaho, as appointed by the Board

Common well or septic system: One system that is designed and installed to provide culinary water and sewage disposal services to all areas of the subdivision

Comprehensive Plan: A Comprehensive Plan or parts thereof, providing for the future growth and improvement of the County and for the general location and coordination of streets and highways, schools and recreation areas, public building sites, and other physical development, which shall have been duly adopted by the Board.

Condominium: An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof; together with a separate interest in real property, in an interest or interests in real property, or in any combination thereof.

Contiguous Parcel: Any un-platted parcels of land under the same ownership that touch each other. If parcels are separated or divided by platted roads or highways they shall still be considered contiguous.

County: Caribou County, Idaho.

County Recorder: The office of the County Recorder of Caribou County, Idaho.

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

Developer: The sub-divider or authorized agent(s) of the sub-divider.

Development Agreement: A written agreement or a written commitment that affects the use of development of a parcel of property that is the subject of a rezone or development request. A written commitment shall also be known as a development agreement.

Dwelling Unit: Any building or other structure proposed or built for occupancy by people.

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

Engineer: Any person who is licensed or registered in the state to practice professional engineering.

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

- A. "Flood of one hundred year frequency" shall mean a flood magnitude that has a one percent (1%) chance of being equaled or exceeded in any given year.
- B. "Flood" shall mean the temporary inundation of land by overflow from a river, stream, lake or other body of water.
- C. "Channel" shall mean a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
- D. "Floodway" shall mean a natural or artificial watercourse and those portions of the floodplain that is beyond the floodway. Such areas will include those portions of the flood plain that will be inundated by a flood of 100-year frequency.
- E. "Floodway Fringe" shall mean that part of the flood plain that is beyond the floodway. Such areas will include portions of the flood plain that will be inundated by a flood of 100-year frequency.

Lot: A piece or parcel of land separated from other pieces or parcels by description, as in a subdivision or on a record survey map, or by metes and bounds, for purposes of sale, lease, or separate use.

Lot Area: The area of any lot shall be determined exclusive of street, highway, alley, road, or other right of way.

Lot Types: As Used in these regulations, lot types are as follows:

- A. Corner Lot is a lot located at the intersection of two or more streets.
- B. Interior Lot is a lot other than a corner lot, with frontage on only one street.
- C. Through Lot is a lot with frontage on more than one street other than a corner lot.

Master Plan: A preliminary master plan for development of a large land area, the platting of which is expected in progressive stages. A master plan may be designed by the sub-divider, developer, planner or engineer and shall be subject to approval of the Board.

Manufactured Home: A structure, constructed according to the HUD/FHA manufactured/mobile home construction and safety standards, built after July 1, 1976, transportable in one or more sections, which, in traveling mode, is fourteen (14') body feet or more in width or is forty (40') body feet or more in length, or when erected on site, is six hundred (600') or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 et seq. A manufactured home must meet the siting conditions as specified in the Performance Standards listed in Section VIII of the Zoning Code.

Mobile Home: A structure transportable in one or more sections, which is ten (10') body feet or more in width and is forty (40') body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. No mobile home may be placed on a single-family lot within the County after the effective date of this ordinance unless it meets the rehabilitation standards as specified in Title 44 of the Idaho Code and also meets the siting standards of a manufactured home as stated in Section VIII of Zoning Code. Mobile homes do not include recreational vehicles.

Manufactured/Mobile Home Park: A tract of ground under unified ownership developed for the purpose of providing rental space for parking mobile homes on individual spaces within its confines.

Monument: Any permanent marker either concrete, galvanized iron pipe, iron or steel rods, used to identify any tract, parcel, lot, or street lines.

Open Space: An area open to the sky for outdoor recreation activity, exclusive of streets, buildings, or other covered structures.

Original Parcel: A deeded tract of land existing as of April 11, 1983, as recorded in the office of the County Clerk.

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

Parcel: An area of land under one ownership.

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

Plat: A map of a subdivision.

- A. Preliminary Plat– A preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with this ordinance and the Idaho Code.
- B. Final Plat– A map of all or part of a sub-division providing substantial conformance to an approved preliminary plat, prepared by a registered surveyor in accordance with this ordinance and the Idaho Code.
- C. Recorded Plat– A final plat bearing all of the certificates of approval required in this ordinance and duly recorded in the County.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters, which is less than ten (10') body feet in width and is less than forty (40') body feet in length, for recreational, camping, or traveling use, which either has its own motor power or is mounted on or drawn by another vehicle. The basic entities are: travel trailers, camping trailers, truck camper, fifth wheel camper, and motor home.

Recreational Vehicle Lot: A parcel of ground in a recreational vehicle park intended to be rented as a place to park a recreational vehicle for temporary dwelling purposes.

Recreational Vehicle Park: A tract of ground under unified ownership developed for the purpose of providing rental space for parking of recreational vehicles on individual spaces within its confines.

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

Standard Specifications: Those specifications and drawings pertaining to the construction of streets, curb and gutter, sidewalk, sewers, water lines, fire hydrants, utilities, or other improvements within a subdivision as may be adopted by resolution of the Board.

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

- A. Alley– A local street providing secondary access at the back or side of a property otherwise abutting a street.
- B. Local– A street providing for streets and local streets and for direct access to abutting property.
- C. Arterial– A general term including expressways and major arterial streets; and interstate, state or county highways having regional continuity.
- D. Loop– A local street with both terminal points on the street of origin.
- E. Cul-de-sac– A street connected to another street at one end only and provided with a turnaround space at its terminus.
- F. Frontage– A local street, parallel to and adjacent to an arterial street to provide access to abutting properties.
- G. Partial– A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

- H. Private– A street that is not accepted for public use or maintenance that provides vehicular and pedestrian access.
- I. State Highway– A public road, including its entire right-of-way, under the jurisdiction of the State of Idaho. Contact: Idaho Transportation Department
- J. County Road– A public road, including its entire right-of-way, under the jurisdiction of Caribou County.
- K. City Street– A public road under the jurisdiction of an incorporated city.
- L. Private Road– A road which provides access to no more than three lots, parcels, areas or tracts of land and has been approved by the County for use as a private road. A private road shall be considered that portion of a lot or parcel that is used for access purposes as described by an easement. A private road is not repaired, plowed, or otherwise maintained by the County nor can the County contract for its maintenance.
- M. U.S. Forest Service Road– A federally owned easement or right-of-way which provide access to federally owned land. Direct access to residential, commercial, industrial, or other abutting land and for local traffic movements and connects to collector and/or major street.
- N. Collector– A street providing for traffic movement within neighborhoods of the County and between major arteries.

State: The State of Idaho.

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

Subdivision: The division of property into lots for the purpose of transfer of ownership. All lots of a sub division are required to be connected to a common water and/or septic system when the lot size is less than five (5) acres.

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

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

Vicinity Map: A small map, drawn to scale, which indicates the location of the area to be platted in relation to other known landmarks, roadways, public buildings, etc., within a three-mile radius.

## **ARTICLE III PROCEDURE FOR SUBDIVISION APPROVAL**

### **SECTION A. SUBDIVISION APPROVAL REQUIRED**

Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the Commission. No final plat shall be filed with the County or improvements made on the property until the plat has been acted upon by the Commission and approved by the Board. No lots shall be sold until the plat has been recorded in the office of the County Recorder.

### **SECTION B. PRE-APPLICATION**

1. **APPLICATION:** The sub-divider may submit a pre-application to enable the Commission to review and comment on the proposed subdivision. The application shall be submitted to the Commission at its regular monthly meetings. The pre-application shall include at least one (1) copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision, in schematic form and including the following:

- A. The general layout and approximate dimensions of streets, blocks and lots in sketch form.
- B. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site.
- C. The areas set aside for schools, parks, and other public facilities.
- D. The location of the water supply and/or septic system common to all lots of the subdivision if not connected to city utilities and the subdivision contains lots smaller than five (5) acres.

FEE: None required

2. **COMMISSION ACTIONS:** The Commission shall notify the sub-divider as to the general conformance or non-conformance of the proposal with this ordinance, and shall consider the following:

- A. Compliance of the proposed development with existing local or state policies, goals and objectives of the Comprehensive Plan.
- B. Determination if additional conditional use permit or ordinance conflicts, such as rezone, special development permit, or variance are needed and the manner of coordinating such permits.
- C. Consideration of any unique features or hazardous concerns that may be directly or indirectly associated with the subject property, such as flood plain, airport flight pattern and the like.
- D. Consideration of the other local and state agencies that the sub-divider should contact before preparing a preliminary plat.
- E. Advise the sub-divider lots smaller than five (5) acres require a nitrate reducing septic system.
- F. Consideration of a nutrient-pathogen study to show lot sizes will not have an impact on ground water.

## SECTION C. PRELIMINARY PLAT

1. APPLICATION: The sub-divider shall file with the Commission a complete subdivision application form and Preliminary plat data as required by this ordinance.
2. COMBINING PRELIMINARY AND FINAL PLATS: The applicant may request that the subdivision application be processed as both a preliminary and final plat if all the following exist:
  - A. The proposed subdivision does not exceed ten (10) lots.
  - B. No new street dedicating or street widening is involved.
  - C. No major special development considerations are involved such as development in flood plain, hillside development or the like.
  - D. All required information for both preliminary and final plat is complete and in an acceptable form.

A request to combine both preliminary plat and final plat into one application shall be acted upon by the Commission.

3. CONTENT OF PRELIMINARY PLAT: The contents of the preliminary plat and related information shall be in such a form as required by this ordinance; however, any additional maps or data deemed necessary by the Commission may also be required.

The sub-divider shall submit to the Commission at least the following:

- A. Six (6) copies of the Preliminary Plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated; each copy of the Preliminary Plat shall be on good quality paper, shall have dimensions of not less than 24 inches by 36 inches, shall be drawn to scale of not less than one (1) inch to two hundred (200) feet unless written waiver for a modified scale is obtained from the Commission.
  - B. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, planned unit development, flood plain, mobile home, large-scale development, hazardous and unique areas of development.
4. REQUIREMENTS OF PRELIMINARY PLATS: The following shall be shown on the Preliminary Plat or shall be submitted separately:
    - A. The name of the proposed subdivision.
    - B. The names, addresses, and telephone numbers of the sub-divider or sub-dividers and the engineer or surveyor who prepared the plat.
    - C. The name and address of all adjoining owners of property, whether or not bisected by a public right-of-way as shown on record in the County Assessor's Office.
    - D. The legal description of the subdivision.

- E. Scale, north point, and date of preparation including dates of any subsequent revisions.
- F. A statement of the intended use of the proposed subdivision, such as: residential single family; or two family and multiple housing; commercial; industrial; recreational; or agricultural; and showing of any sites proposed for parks, playgrounds, schools; churches, or other public uses.
- G. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development.
- H. A vicinity map showing the relationship of the proposed plat to the surrounding area (2 mile minimum radius, scale optional).
- I. The land use and existing zoning of the proposed subdivision and the adjacent land.
- J. Topography by contours related to USGS survey datum, or other datum approved by the County Engineer or Commission, or other water features; direction of flow; location and extent of areas subject to inundation whether such inundation be frequent, periodic, or occasional.
- K. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes, or other water features; location and extent of areas subject to inundation whether such inundation be frequent, periodic, or occasional.
- L. Location, widths, and names of all presently existing platted streets, railroad, utility rights-of-way of public record, public areas, permanent structures to remain, water wells, and municipal corporation lines.
- M. The acreage of the tract proposed to be subdivided.
- N. Name, book, and page numbers of any recorded adjacent subdivision having common boundary with the tract proposed to be subdivided.
- O. Street layout, including location, width, and propose names of street, alleys, crosswalks, and easement; connections to adjoining platted tracts.
- P. Lot lines and block showing the dimension and numbers of each.
- Q. A site report as required by the appropriate health district where individual wells or septic tanks are proposed.
- R. A copy of any proposed restrictive covenants and or deed restrictions.
- S. Any dedications to the public and or easements, together with a statement of location, dimensions, and purpose of such.
- T. A statement designating the method of disposal of sewage within the subdivision and a statement indicating the method by which culinary water will be provided to all lots within the proposed subdivision. A written statement of approval from the District Health Department as to the proposed water supply and sewage disposal system shall accompany the preliminary plat.

- U. A preliminary calculation and layout of the proposed system for storm water disposal and locations of outlets subject to approval of the Commission.
  - V. Any additional information as required by the Commission after review of the pre-application.
  - W. A written statement as to whether a variance requested and the reason therefore.
  - X. A master plan for successive stage subdivisions.
  - Y. Increased road maintenance costs created by the subdivision will be born by the subdivision and not the County.
5. FEE: Fees shall be set by resolution of the Board.
6. CERTIFICATION: Upon receipt of the preliminary plat and all required data as provided herein, the County shall certify the application as complete and affix the date of application acceptance thereon. Said preliminary plat shall therefore be placed on the Commission agenda for consideration at the next regular meeting of the Commission.
7. AGENCY REVIEW: The County may transmit one (1) copy of the application to the county departments and such agencies that have jurisdiction or an interests in the proposed subdivision for their review and recommendations. This shall include:
- A. Other governing bodies having joint jurisdiction.
  - B. The appropriate utility companies, irrigation companies, or districts and drainage districts.
  - C. The superintendent of the school district.
  - D. All public safety departments including fire and law enforcement.
  - E. County mapping department
  - F. Other agencies having an interest in the proposed subdivision as suggested on the application form.

If no written reply is received by the county from any of the various departments or interested agencies within ten (10) days from the date of notification, approval of the preliminary plat by such department or agency will be considered to be granted.

8. PUBLICATION NOTIFICATION:
- A. NOTIFICATION TO PROPERTY OWNERS: The Commission shall notify all adjoining property owners who appear on the list of property owners' names and addresses that shall be mailed at least ten (10) days prior to the Commission meeting.
  - B. FAILURE TO NOTIFY: The Commission's failure to comply with the notification provision shall not invalidate the Commission's action, provided the spirit of the procedure is observed.

9. COMMISSION ACTION:

- A. HEARING BY COMMISSION: Within a reasonable time period following submission of the preliminary plat, the Commission shall review the preliminary plat and comment from concerned persons and agencies to arrive at a decision on the preliminary plat. The Commission may require a public hearing to be held at the next regular meeting.
- B. COMMISSIONS FINDINGS: In determining the acceptance of a proposed subdivision the Commission shall consider the objectives of this ordinance and at least the following:
  - (1) The conformance of the subdivision with the comprehensive plan.
  - (2) The availability of public services to accommodate the proposed development.
  - (3) The continuity of the proposed development with the capital improvement program.
  - (4) The public financial capability of supporting services for the proposed development.
  - (5) The other health, safety, or environmental problems that may be brought to the Commission's attention.
- C. ACTION ON PRELIMINARY PLAT BY COMMISSION: The Commission may approve, approve conditionally, disapprove, or table the preliminary plat for additional information. Such action shall occur a reasonable time period from the date of the regular meeting at which the plat is first considered by the Commission. The action, and the reason for such action shall be stated in writing by the Commission, and forwarded to the applicant. The Commission shall also forward a statement of the action taken and the reason for such action, together with a copy of the preliminary plat to the Board for their information and record.
- D. ACTION ON PRELIMINARY PLAT BY BOARD: The Board shall act upon the report of the Commission within a reasonable time period following the receipt of the report. At the meeting of the Board, it shall hear testimony of representatives of the Commission, and any witnesses in its behalf including interested citizens affected by the proposed subdivision.

Upon conclusion of the meeting, the Board shall base its findings upon the testimony presented before it and the report of the Commission, and within a reasonable time period will declare its findings. It may sustain, modify, or reject the recommendations of the Commission and may make such findings as are not inconsistent with the provisions of this ordinance, the comprehensive plan, and the Idaho Code.

10. APPROVAL PERIOD:
  - A. Failure to file and obtain the certification of the acceptance of the final plat application by the Commission within one (1) year after action by the Commission shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the sub-divider and granted by the Commission.
  - B. In the event the development of the preliminary plat is made in successive contiguous segments in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of one (1) year may be considered for final approval with resubmission for preliminary plat approval.
11. ACTION ON COMBINED PRELIMINARY AND FINAL PLAT: If the Commission's conclusion is favorable to the sub-divider's request for the subdivision to be considered as both a preliminary plat and final subdivision, then a recommendation shall be forwarded to the Board in the same manner as herein specified for a final plat. The Commission may recommend that the combined application be approved, approved conditionally, or disapproved.

SECTION D: FINAL PLAT:

1. APPLICATION: After the approval or conditional approval of the preliminary plat the sub-divider may cause the total parcel, or any part thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The sub-divider shall submit to the Commission the following:
  - A. Three (3) copies of the final plat.
  - B. Three (3) copies of the final engineering construction drawings for streets, water, sewer, sidewalks, and other improvements.
2. CONTENTS OF FINAL PLAT: The final plat shall include and be in compliance with all items required hereunder and Title 50, Chapter 13 of the Idaho Code. All plats offered for record in Caribou County shall be prepared in black opaque image upon stable base drafting film with a minimum base thickness of 0.003 inches by either a photographic process using a silver image emulsion or by use of a black opaque drafting film ink, by mechanical or handwritten means. The drafting film and image thereon shall be waterproof, tear resistant, flexible, and capable of withstanding repeated handling, as well as providing archival permanence. If ink is used on drafting film, the ink surface shall be coated with a suitable substance to assure permanent legibility. The drafting film must be of a type that can be reproduced by either photographic or diazo process. Plats shall be eighteen (18) inches by twenty-seven (27) inches in size, with a three (3) inch marginal the left end for binding and a one-half (1/2) inch margin on all other edges. No part of the drawing or certificates shall encroach upon the margins. Signatures may be in reproducible black ink. The sheet or sheets which contain the drawing or diagram representing the survey of the subdivision shall be drawn at a scale of not less than one (1) inch equals two hundred (200) feet unless a written waiver for a modified scale is obtained from the Commission. In the event that any subdivision is of such magnitude that the drawing or diagram cannot be placed on a single sheet, serially numbered sheets shall be prepared and match lines shall be indicated on the drawing or diagram with appropriated references to other sheets. The required dedications, acknowledgment, and certifications shall appear on one (1) of the serially numbered sheets. The final plat shall be accompanied by and include the following:
  - A. A written application for approval of such final plat as stipulated by the Commission.

- B. Proof of current ownership of the real property included in the proposed final plat.
- C. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof.
- D. Conformance with all requirements and provisions of this ordinance.
- E. Acceptable engineering practices and local standards.
- F. A title which includes the name of the subdivision and its location by number of section, township, range, and county.
- G. Name, address, and registration number of seal of the registered professional engineer or registered land surveyor preparing the plat.
- H. Scale, north arrow, and date of plat preparation.
- I. Boundaries of the tract to be subdivided fully balanced and closed, showing all bearings and distances, determined by accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
- J. Any excepted parcel(s) within the plat boundaries shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
- K. Location and description of cardinal points to which all dimensions, angles, bearings, and similar data on the plat shall be referenced; each of two (2) corners of the subdivision traverse shall be tied by course and distance to separate section corners or quarter-section corners.
- L. Location of all physical encroachments upon the boundaries of the tract.
- M. Name, right-of-way lines, courses; lengths, width of all public streets, alleys, crosswalks and utility easements, radii points of tangency and central angles of all curvilinear streets and alleys, radii of all rounded street line intersections.
- N. All drainage ways shall be shown on the plat. The rights-of-way of all major drainage ways, as designated by the County Engineer, shall be dedicated to the public.
- O. All easements for right-of-way provided public services or utilities and any limitations of the easements. Construction within the easements shall be limited to utilities; and wood, wire, or removable section type fencing.
- P. Location and all dimensions of all residential lots.
- Q. All residential lots shall be numbered by consecutive numbers throughout the plat. "Exceptions", "tracts", and "private parks" shall be so designated, lettered, or named and clearly dimensioned.
- R. Location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public, will be clearly indicated and intended use specified.

- S. Location of all adjoining subdivisions with date, book, and page number of recordation noted, or if unrecorded, so marked.
  - T. Any proposed private deed restrictions to be imposed upon the plat or any part or parts thereof pertaining to the intended use of the land shall be typewritten and attached to the plat and to each copy submitted.
  - U. Dedication: Statement of dedication of all streets, alleys, crosswalks, drainage ways, pedestrian ways, and other easements for public use by the person holding title of record, by persons holding title as venders under land contract, and by wives of said parties. If lands dedicated are mortgaged the mortgagee shall also sign the plat.  
  
Dedication shall include a written location by section, township, and range, of tract. If the plat contains private streets, public utilities shall reserve the right to install and maintain utilities in the street right-of-way.
  - V. Acknowledgement of Dedication: Execution of dedication acknowledged and certified by notary public.
  - W. Certification by the registered professional engineer or registered land surveyor making the plat, that the plat is correct and accurate, and that the monuments described in it have been located as described.
  - X. Certificate of plat approval by the Commission.
  - Y. Certificate of plat approval by a City if the proposed subdivision is located within one (1) mile of the corporate limits.
3. FEE: Fees shall be set by resolution of the Board.
4. COMMISSION REVIEW:
- A. HEARING BY COMMISSION: The final plat, prepared in accordance with Title 50, Chapter 13, Idaho Code, and the provisions set forth herein, shall be filed with the Commission.  
  
In the event of the final plat does not conform to the approved preliminary plat, the Commission shall so inform the sub-divider and proceed to assign the final plat to the Commission agenda for its action as a Preliminary plat.
  - B. ACTION OF COMMISSION ON FINAL PLAT: The commission at its next meeting following receipt of the final plat by the county, shall consider the plat, and following the said meeting shall approve, approve conditionally, disapprove, or table the final plat for additional information within a reasonable time period from the date of the regular meeting at which the plat is first considered.
5. BOARD ACTION: The final plat, following Commission action and recommendations thereon, shall be submitted to the Board at its next meeting following completion of review by the Commission. The Board shall consider the Commission's findings and comments from concerned persons and agencies to arrive at a decision on the final plat. The Board shall approve, approve conditionally, disapprove, or table the final plat for additional information within a reasonable time period from the date of the regular meeting at which the plat is first considered.

6. APPROVAL PERIOD: Final plat shall be filed with the County Recorder within one (1) year after written approval by the Board, otherwise such approval shall become null and void unless prior said expiration date an extension of time is applied for by the sub-divider and granted by the Board.
7. METHOD OF RECORDING: Upon approval of the final plat by the Board, the sub-divider's prepayment of recording fees for construction of off-site improvements or posting of surety bond, and the inclusion of the following signatures on the final plat, the Commission shall submit the final plat to the County Recorder for recording:
  - A. Certification and signature of the Board verifying the subdivision has been approved.
  - B. Certification and signature of the County Clerk verifying the subdivision meets the County requirements and has been approved by the Board.
  - C. Certification of the sanitation restrictions on the face of the plat as per Section 50-1326, Idaho Code and by proper representative of the District Health Department or other authorized state agency.
8. SALE OF LOTS: All lots within a subdivision must be sold and developed as plotted, approved, and recorded.

## **ARTICLE IV DESIGN STANDARDS**

### SECTION A. MINIMUM DESIGN STANDARDS REQUIRED

All subdivisions shall conform to the standards of the County Comprehensive Plan, the Zoning Ordinance of the County, this Ordinance, any standard specifications and drawings for the construction of improvements of the Count, and other ordinances and regulations of the County.

### SECTION B. STREETS

1. The arrangement, character, extent, width, grade and location of all streets shall conform to the County Comprehensive Plan, Subdivision Ordinance, and any standard specifications and drawings adopted by the Board (see section b no.16) and shall be constructed in relation to existing and planned streets, to topographical conditions to public convenience and safety and in there relation to the proposed uses of the land to served by such streets.
2. Local or minor residential streets shall be designed as to discourage their use by through traffic.
3. Where a subdivision abuts or contains an existing or proposed arterial street, railroad, or limited access highway, the County may require frontage streets, reverse frontage streets, or such other treatment for the appropriate use of the tract.
4. There shall be provided rights-of-way of such width and as provided for in the County Comprehensive plan, Subdivision Ordinance, and standard specifications and drawings adopted by the Board, provided, however, that the width of said right-of-way shall in no case be less than the following unless otherwise set forth in standard specifications and drawings adopted by the Board:

<u><b>TYPE OF STREET</b></u>	<u><b>RIGHT-OF-WAY WIDTH</b></u>
Arterial	80 feet
Collector	60 feet
Local	60 feet

5. Cul-de-sac streets shall terminate in a circular turnaround with a right-of-way **radius** of at least seventy-five (75) feet. The Board may approve an equally convenient form of turning space where extreme conditions justify. The maximum length shall be four hundred (400) feet from the entrance to the center of a turn-around or as determined by the Commission based upon topography, lot size or other conditions affecting the proposed subdivision.
6. Dead-End streets will not be approved except in locations designated by the Board as necessary to future extensions in development of adjacent lands. In any case, a dead-end street serving more than four (4) lots, shall provide by easement a permanent turning circle with a seventy-five (75) foot radius or other acceptable design to accomplish adequate access.
7. The length of loop streets shall be determined by terrain and the Road and Bridge Department.
8. Streets shall be planned to intersect as nearly as possible ad right angles, but in no event less than seventy (70) degrees. Streets intersecting an arterial shall do so at a ninety (90) degree angle.

9. Where any street deflects at 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 local streets.
10. Streets with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
11. A tangent at least one hundred (100) feet long shall be provided between reverse curves for collector and arterial streets.
12. At street intersections, property line centers shall be rounded by a circular arc, said arc having a minimum tangent length of twenty (20) feet.
13. Street intersections with more than four (4) legs and Y-type intersections where legs meet at acute angles shall be avoided.
14. Maximum grades of seven percent (7%) for all streets and roads.
15. Approaches leaving or entering County roads will be allowed a minimum of a 1/4 mile apart.

#### SECTION C. BLOCKS

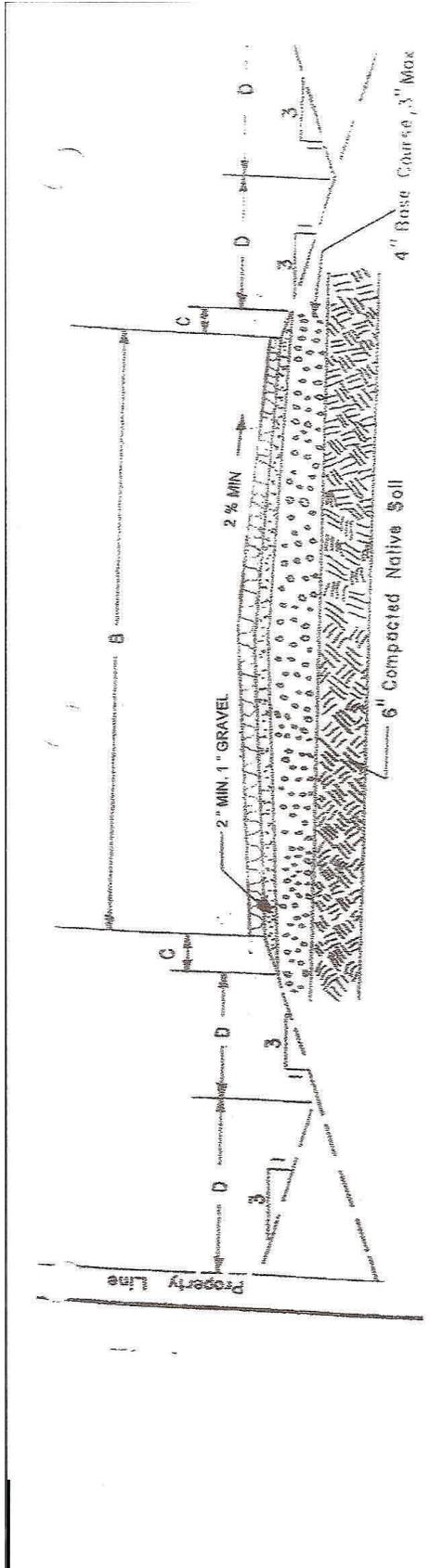
1. Block lengths shall not exceed fifteen hundred(1500) feet nor shall they be less than four hundred (400) feet: except where the average lot size is one-half (1/2) acre or more, in which case the maximum block length may be exceeded.
2. Block designs shall provide for two (2) tiers of lots except under special conditions where this is not feasible or practical.

#### SECTION D. PEDESTRIAN WALKWAYS

Pedestrian ways with right-of-way widths of eight (8) feet or greater may be required where essential for circulation or access to schools, playgrounds, shopping centers, transportations, and other community facilities.

#### SECTION E. LOTS

1. The lot size, width, depth, shape, and orientation and minimum setback lines shall comply with the minimum requirements of the Zoning Ordinance.
2. The sidelines of all lots shall be at right angles to the center line of the street as nearly as possible.
3. No lots shall be divided by County, City, School, or any other taxing district boundary line.
4. The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision and shall be not less than seventy-five (75) feet in width.
5. Double frontage lots shall be avoided whenever possible.
6. Each lot shall contain a satisfactory building site that is related to topography and conforms to the Southeastern District Health Department rules and regulations and this ordinance. Lots with slopes in excess of twenty-five (25%) and not including a build-able portion of the lot with an average slope of less than twenty-five percent (25%) shall be classed as restricted and shall be marked on the plat with an "R" to the right of the lot number.



ARTICLE IV SECTION B NO 16

**SPECIFICATIONS FOR A SUBDIVISION STREET**

- A. Minimum easement width 60 FEET
- B. MINIMUM SURFACE WIDTH 24 FEET
- C. MINIMUM SHOULDER WIDTH 2 FEET
- D. SIDE SLOPE OF SHOULDER 3:1
- SLOPE OF SURFACE 2%
- TYPE OF SURFACE AND SHOULDER BITUMINOUS

## **ARTICLE V IMPROVEMENT STANDARDS**

### SECTION A. RESPONSIBILITY FOR PLANS

It shall be the responsibility of the sub-divider of every proposed subdivision to have prepared by a registered engineer, a complete set of construction plans, including profiles, cross-section, specification, and other supporting data, for all required public streets, utilities, and other facilities. Such construction plans shall be based on preliminary plans that have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with any standards, specifications or drawings adopted by the Board.

### SECTION B. REQUIRED IMPROVEMENTS

Every sub-divider shall be required to install the following improvements in accordance with the conditions and specifications as follows:

1. **MONUMENTS:** Monuments shall be set in accordance with Section 50-1303, Idaho Code, and pursuant to the standards, specifications, or drawings as adopted by the Board.
2. **STREETS AND ALLEY:** All streets and alleys shall be constructed in accordance with the access and construction standards and specifications adopted by the Board.
3. **CURBS AND GUTTERS:** Vertical curbs and gutters as set forth in the standards, specifications and drawings adopted by the Board shall be constructed by the sub-divider on all streets within the subdivision. The Board may waive the requirements for curb and gutter for minor streets in a subdivision composed of one (1) acre lots or larger.
4. **SIDEWALKS AND PEDESTRIAN WALKWAYS:** Sidewalks, constructed according to standard specifications and adopted by the Board, shall be required on both sides of a street, except that where the average width of lots, as measured at the street frontage line, or at the building setback line is over one hundred (100) feet, sidewalks on only one side of the street may be allowed. Pedestrian walkways, when required shall have easements at least eight (8) feet in width. All sidewalks and crosswalks and pedestrian walkways shall be constructed in accordance with the standard specifications and drawings as adopted by the Board. The Board may waive the requirement of sidewalks and pedestrian walkways where the same are not considered necessary by the Board on lots exceeding one acre or more.
5. **PUBLIC UTILITIES:** The sub-divider shall cause to be constructed public utility lines to the front of all lots within a proposed subdivision, said utilities to include at a minimum, electricity and telephone. Underground utilities are encouraged and may be required by the Commission and the Board.
6. **STORM DRAINAGE:** An adequate storm drainage system shall be required in all subdivisions. The type, extent, location, and capacity of said drainage facilities shall be recommended by a registered engineer employed by the sub-divider, and approved by the Board. Construction shall follow the specifications and drawings as may be adopted by the Board for storm water drainage.

7. PUBLIC WATER SUPPLY AND SEWER SYSTEM: All public water supply or sewer systems (serving two (2) or more separate premises or households) shall be constructed in accordance with any plans and specifications as may be adopted by the board as well as specifications and regulations of the District Health Department and /or State of Idaho. All new public water supply or sewer systems shall be an extension of an existing public system whenever possible. In the event that the proposed public water system or sewer system is not an extension of an existing public system, there shall be a showing of the sub-divider that the extension is not feasible and not in the best interest of the public. All water and sewer plans shall be submitted to the District Health Department or other appropriate state agency for approval.
8. MAINTENANCE AND OPERATION OF PUBLIC WATER SUPPLY AND SEWER SYSTEMS: The sub-divider shall provide for the perpetual method of maintenance and operation of the public water supply or sewer system (serving two (2) or more separate premises or households) to insure the continued usefulness of the system.
9. FIRE HYDRANTS AND WATER MAINS: Adequate fire protection may be required in accordance with the appropriate County and/or State standards.
10. STREET NAMES AND SIGNS: Street name signs, design, and placement shall be at each street in accordance with local standards.
11. STREET LIGHTING: Street lights may be required to be installed at intersections throughout the subdivision. A sub-divider shall conform to the requirements of the Board and the public utility providing such lighting.

SECTION C. FINANCIAL GUARANTEE ARRANGEMENTS:

1. IMPROVEMENTS REQUIRED: At the time of recording the final plat, the sub-divider shall have previously constructed all required improvements. The Board may permit the sub-divider to provide a financial guarantee of performance in one or a combination of the following arrangements.
2. FINANCIAL GUARANTEE ARRANGEMENT: In lieu of the actual installation of the required public improvements before filing of the final plat. The Board may permit the sub-divider to provide a financial guarantee of performance in one or a combination of the following arrangements.
3. SURETY BOND:
  - A. Accrual: The bond shall accrue to the Board covering construction, operation and maintenance of the specific public improvement.
  - B. Amount: The bond shall be in an amount equal to one hundred ten percent (110%) of the total estimated cost for completing construction of the specific public improvement, as estimated by the County Engineer and approved by the Board.
  - C. Term Length: The term length in which the bond is in force shall be for a period specified by the Board for the specific public improvements.
  - D. Bonding for Surety Company: The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the Board.
  - E. Escrow Agreement: The escrow agreement shall be drawn and furnished by the Board.

4. CASH DEPOSIT, CERTIFIED CHECK, CASHIER'S CHECK, OR IRREVOCABLE BANK LETTER OF CREDIT:
  - A. Treasurer, Escrow Agent, or Trust Company: A cash deposit, certified check, cashier's check, or an irrevocable bank letter of credit, such surety acceptable by the Board shall be deposited with an escrow agent or trust company.
  - B. Escrow Time: The escrow time for the cash deposit, certified check, cashier's check, or irrevocable bank letter of credit, shall be for a period to be specified by the Board.
  - C. Progressive Payment: In this case of cash deposits or certified checks, an agreement between the board and sub-divider may provide for progressive payment out of the cash deposit or reduction of the certified check, cashier's check, or irrevocable bank letter of credit, to the extent of the cost of the contemplated portion of the public improvement, in accordance with a previously entered into agreement.
  
5. CONDITIONAL APPROVAL OF FINAL PLAT: With the 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 sub-divider and approved by the Board.
  - B. Surety acceptable to the Board shall have been filed in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond, in an amount equal to one hundred ten percent (110%) of the estimated cost of the improvements as determined by the County Engineer or Board.
  
6. INSPECTION OF PUBLIC IMPROVEMENTS UNDER CONSTRUCTION: Before approving a final plat and construction plans and specifications for public improvements, an agreement between the sub-divider and Board shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans. Within a reasonable time period after completion of improvements, the Board shall certify the completion acceptance or non-acceptance of the construction and shall transmit a copy of said certification to the sub-divider.
  
7. PENALTY IN CASE OF FAILURE TO COMPLETE THE CONSTRUCTION OF A PUBLIC IMPROVEMENT: In the event the sub-divider 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 may use any proceeds of the surety bond or other financial guarantee posted by the sub-divider for the completion of said public improvements. In order to accomplish this, the Board shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit or cashier's check which the sub-divider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a written agreement between the Board and the sub-divider.

In the event the sub-divider fails to construct said improvements as required, and the Board finds it necessary to use the financial guarantee funds for completion of said improvement, the same shall not relieve the sub-divider, his agents, officers, or employees from liability for completion of the same or for restitution to the Board and County for costs of construction of said improvements.

## **ARTICLE VI SPECIAL DEVELOPMENT**

### SECTION A. PLANNED UNIT DEVELOPMENT SUBDIVISION

1. GENERAL: Planned unit developments shall be subject to requirements set forth in the zoning ordinance and also subject to all provisions within this ordinance.
2. MINIMUM AREA: A planned unit development for the following principal uses shall contain an area of not less than:
  - A. Three (3) acres or one (1) city block for residential use.
  - B. Five (5) acres for residential use with subordinate commercial use.
  - C. Ten (10) acres for commercial use.
  - D. Ten (10) acres for industrial use.
3. SITE DEVELOPMENT PLAN: The developer shall provide the Commission with a colored rendering of adequate scale to show the completed development that will include at least the following:
  - A. Architectural style and building design
  - B. Building materials and color
  - C. Landscaping
  - D. Screening
  - E. Garbage areas
  - F. Parking
  - G. Open space
4. PRIVATE STREETS: Private street construction standards shall be the same as those required for public streets dedicated to County.
5. HOMEOWNERS' ASSOCIATION: The Homeowners' Association by-laws and other similar deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open space shall be filed with the County.
6. STORAGE AREAS: Storage areas shall be provided for the anticipated needs of boats, campers and trailers. For typical residential development, one adequate space shall be provided every two (2) living units. This may be reduced by the Board if there is a showing that the needs of a particular development are less.
7. PARKING SPACE: One (1) additional parking space beyond that which is required by the zoning ordinance may be required for every three (3) dwelling units to accommodate visitor parking.

8. MAINTENANCE BUILDING: A maintenance building shall be provided, size and location to be suitable for the service needs that are necessary for the repair and maintenance of all common areas.
9. OPEN SPACE: The location of open space shall be appropriate to the development and shall be of such shape and area to be usable and convenient to the residents of the development.
10. CONTROL DURING DEVELOPMENT: Single ownership or control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned.

#### SECTION B. SUBDIVISION WITH A FLOOD PLAIN

1. Any subdivision proposed within a floodplain shall meet all requirements of the “Flood Damage Prevention Ordinance” adopted by Caribou County.

#### SECTION C. HILLSIDE SUBDIVISION

1. Appearance and Preservation: In order to preserve, retain, enhance, and promote the existing and future appearance, natural topographic features, qualities, and resources of hillsides, special consideration shall be given to the following:
  - A. Skyline and ridge tops.
  - B. Rolling grassy land forms, including knolls, ridges, and meadows.
  - C. Tree and shrub masses, grass, wildflowers, and topsoil.
  - D. Rock outcroppings.
  - E. Stream beds, draws and drainage swales, especially where tree and plant formations occur.
  - F. Characteristic vistas and scenic panoramas.
2. Hillside Development Evaluation
  - A. All development proposals shall take into account and shall be judged by the way in which land use planning, soil mechanics, engineering geology, hydrology, civil engineering, environmental and civic design, architectural and landscape design are applied in hillside areas, including but not limited to:
    - (1) Planning of development to fit the topography soils, geology, hydrology, and other conditions existing on the proposed site.
    - (2) Orientation of development on the site so that grading and other site preparation is kept to an absolute minimum.
    - (3) Shaping of essential grading to blend with natural land forms and to minimize the necessity of padding and or terracing of building sites.
    - (4) Division of large tracts into smaller workable units on which construction can be completed within one construction season so that large areas are not left bare and exposed during the winter-spring runoff period.

- (5) Completion of road built to county standards.
    - (6) Allocation of areas not well suited for the development because of soil, geology or hydrology limitations for open space and recreation uses.
    - (7) Minimizing disruption of existing plant and animal life.
    - (8) Consideration of the view from and of the hills.
  - B. Areas having soil, geology, or hydrology hazards shall not be developed, unless it is shown that their limitations can be overcome, that hazard to life or property will not exist, that the safety, use or stability of a public way or drainage channel is not jeopardized and that the natural environment is not subjected to undue impact.
3. Engineering Plans: The developer shall retain a professional engineer to obtain the following information:
  - A. Soil Reports: For any proposed hillside development, a soils engineering report shall be submitted with the preliminary plat. This report shall include data regarding the nature, distribution and strength of existing soils, conclusions, and recommendations for grading procedures, design criteria for corrective measures and opinions and recommendations covering the adequacy of sites to be developed.
  - B. Geology Report:
    - (1) For any proposed hillside development, a geology report shall be submitted with the preliminary plat. This report shall include an adequate description of site geology and an evaluation of the relationship between the proposed development and the underlying geology and recommendations for remedial remedies.
    - (2) Flood frequency curves shall be provided for the area proposed for development.
4. Grading Plan:
  - A. A preliminary grading plan shall be submitted with each hillside preliminary plat proposal and shall include the following information:
    - (1) Approximate limiting dimensions, elevations or finish contours to be achieved by grading, including all cut and fill slopes, proposed drainage channels and related construction.
  - B. Preliminary plans and approximate locations of all surface and subsurface drainage devices, walks, dams, sediment basins, storage reservoirs and other protective devices to be constructed.
  - C. A description of methods to be employed in disposing of soils and other material that is removed from the grading site, including the location of the disposal site.
  - D. A final grading plan shall be submitted with each final plat and shall include the following information:

- (1) Limiting dimension, elevations or finish contours to be achieved by grading, including all proposed cut and fill slopes and proposed drainage channels and related construction.
- (2) Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed.
- (3) A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage together with estimated starting and completion dates. In no event shall the existing (natural) vegetative ground cover be destroyed, removed, or disturbed more than fifteen (15) days prior to grading.

5. Development Standards:

A. Soils:

- (1) Fill areas shall be prepared by removing organic material, such as vegetation and rubbish, and any other material which is determined by the soils engineer to be detrimental to proper compaction or otherwise not conducive to stability; no rock or similar irreducible material with a maximum dimension greater than eight inches (8") shall be used as fill material in fills that are intended to provide structural strength.
- (2) Fills shall be compacted to at least ninety five percent (95%) of maximum density, as determined by AASHO T99 and ASTM D698.
- (3) Cut slopes shall be no steeper than two horizontal to one vertical (2:1); subsurface drainage shall be provided as necessary for stability.
- (4) Fill slopes shall be no steeper than two horizontal to one vertical (2:1); fill slopes shall not be located on natural slopes two to one (2:1) or steeper or where fill slope toes out within twelve feet (12') horizontally of the top of an existing or planned cut slope.
- (5) Top and toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3') plus one-fifth (1/5) of the height of the cut or fill but need not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures a distance of six feet (6') plus one-fifth (1/5) the height of the cut or fill but need not exceed ten feet (10').
- (6) The maximum horizontal distance of disturbed soil surface shall not exceed seventy-five feet (75').

B. Roadways:

- (1) Road alignments should follow natural terrain, and no unnecessary cuts or fills shall be allowed in order to create additional lots or building sites.
- (2) One-way streets shall be permitted and encouraged, where appropriate, for the terrain and where public safety would not be jeopardized. Maximum width shall be seventeen feet (17') between the backs of curbs.

- (3) The width of the graded section shall extend three feet (3') beyond the curb back or edge of pavement on both the cut and fill sides of the roadway. If side walk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus one foot (1') beyond the curb back.
  - (4) Standard vertical curb (6 inches) and gutter shall be installed along both sides of all paved roadways.
  - (5) A pedestrian walkway plan shall be required.
- C. Driveways and Parking: Combinations of collective private driveways, cluster parking areas, and one-street parallel parking bays shall be used to attempt to optimize the objectives of minimum soil disturbance, minimum impervious cover, excellence of design and aesthetic sensitivity.
- D. Vegetation and Re-vegetation:
- (1) The developer shall submit a slope stabilization and re-vegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and the method of disposal, the vegetation to be planted and slope stabilization measure to be installed. The plan shall include an analysis of the environmental effects of such operations, including the effects on slope stability, soil, erosion, water quality and fish and wildlife.
  - (2) Vegetation sufficient to stabilize the soil shall be established on all disturbed areas as each state of grading is completed. Areas not contained within lot boundaries shall be protected with perennial vegetal cover after all construction is completed. Areas not contained within lot boundaries shall be protected with perennial vegetal cover after all construction is completed. Efforts shall be made to plant those species that tend to recover from fire damage and do not contribute to a rapid rate of fire spread.
  - (3) The developer shall be fully responsible for any destruction of native vegetation proposed for restoration. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of construction until the notice of completion is filed. The developer shall be responsible for replacing such destroyed vegetation.
- E. Maintenance: The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved for a building permit granted under the provisions of this Title shall continuously maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures or means and other protective devices, planting and ground cover installed or completed.
- F. Utilities: All new service utilities shall be placed under ground.

SECTION D: CEMETERY SUBDIVISION:

- 1. Function: The developer shall provide the commission with written documentation that will sufficiently explain the functions of the proposed cemetery for either human or animal remains.
- 2. Compliance with Idaho Code: The developer shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the proposed cemetery with the procedural management requirements that are outlined in Title 27, Idaho Code, as amended.

SECTION E: SUBDIVISION WITHIN AN AREA OF CRITICAL CONCERN:

1. General: Hazardous or unique areas may be designated as an area of critical concern by the County Commissioners or by the State. Special consideration shall be given to any proposed development within an area of critical concern to assure that the development is necessary and desirable and in the public interest in view of the existing unique conditions. Hazardous or unique areas that may be designated as areas of critical concern are as follow.
  - A. Avalanche paths.
  - B. Earthquake locations.
  - C. Unstable soils.
  - D. Unique animal life.
  - E. Unique plant life.
  - F. Scenic areas.
  - G. Historical significance.
  - H. Flood plain.
  - I. Other areas of critical concern.
2. Plan Submission: The developer shall prepare and submit an environmental impact statement along with the preliminary plat application for any development that is proposed within an area of critical concern.
3. Content of Environmental Impact Statement: The content of the environmental impact statement shall usually be prepared by an interdisciplinary team of professionals that shall provide answers to the following questions:
  - A. What changes will occur to the area of environmental concern as a result of the proposed development?
  - B. What corrective action or alternative development plans could occur so as not to significantly change the area of environmental concern?
  - C. What changes in the area of environmental concern are unavoidable?
  - D. What beneficial or detrimental affect would the development have on the environment (i.e.: animal life, plant life, social concerns, economic noise, visual, and other)?

## **ARTICLE VII VACATIONS AND DEDICATIONS**

### **SECTION A. APPLICATION PROCEDURE**

1. **APPLICATION:** Any property owner desiring to vacate an existing subdivision, public right-of-way or easement, or desiring to dedicate a street right-of-way or easement shall complete and file an application with the Commission. These provisions shall not apply to the widening of any street that is shown in the Comprehensive Development Plan, or the dedication of streets, rights-of-ways, or easements to be shown on a recorded subdivision.

### **SECTION B. ACTION**

1. **COMMISSION RECOMMENDATION:** The Commission shall review the request and all agency response and make a recommendation to the Board for approval, conditional approval, or denial.
2. **BOARD ACTION:**
  - A. When considering an application for vacation procedures, the Board shall establish a date for a public hearing and give such public notice as required by law. The Board may approve, deny, or modify the application. Whenever public right-of ways or lands are vacated, the Board shall provide adjacent property owners with a quitclaim deed for the vacated right-of-ways in such proportions as are prescribed by the law. However, with regard to the vacation of county roads, Idaho statutory law shall prevail over the terms and conditions hereof.
  - B. When considering an application for dedication procedures the Board may approve, deny, or modify the application. When a dedication is approved, the required street improvements shall be constructed or a bond furnished assuring the construction prior to acceptance of the dedication of land, the owner shall furnish the Board a deed describing and conveying such lands to be recorded with the County Recorder.

## **ARTICLE VIII VARIANCES**

### **SECTION A. PURPOSE**

The Commission may recommend to the Board, as a result of unique circumstances such as topographic physical limitations or planned unit development, a variance from strict compliance with specified provisions or requirements of the ordinance or that application of such provision or requirement is impracticable.

### **SECTION B. FINDINGS**

No variance shall be favorably acted upon by the Board unless there is a finding upon recommendation by the Commission that all of the following exist:

1. That there are such special circumstances or conditions affecting the property that the strict application of the provisions of this ordinance would clearly be impracticable or unreasonable; in such cases, the sub-divider shall first state his reasons in writing as to the specific provisions or requirements involved.
2. That strict compliance with the requirements of this ordinance would result in extraordinary hardship to the sub-divider because of unusual topography, other physical conditions, or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this ordinance.
3. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
4. That such variance will not violate the provisions of the Idaho Code.
5. That such variance will not have the effect of nullifying the interest and purpose of this ordinance and the Comprehensive Development Plan.
6. The fact that an owner or sub-divider could realize a greater financial return by use of his property that is contrary to these regulations is not a sufficient reason for change. Hardship cannot be proved where it can be shown that the property was purchased with the knowledge of existing restrictions, nor can hardship be claimed in terms of prospective sales or potential customers.
7. Finally the reason for a variance was not caused by the owner's, or previous owner's actions.

SECTION A. ENFORCEMENT

No subdivision plat required by this ordinance or the Idaho Code shall be admitted to the public land records of the county or recorded by the County Recorder, until such subdivision plat has received final approval by the Board. The Prosecuting Attorney shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this ordinance. Before the Prosecuting Attorney shall take any said actions, the Board shall first authorize any criminal or civil action against the party concerned.

SECTION B. PENALTIES

Any person, firm, or corporation using an unimproved an unrecorded plat in the sale of subdivided land or violating any of the terms or provisions of this ordinance, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$300.00 or imprisonment for not more than six (6) months, or by both such fine and imprisonment.

**ARTICLE X  
REPEAL OF EXISTING ORDINACES**

All ordinances in conflict with this Ordinance are hereby repealed.

**ARTICLE XI  
EFFECTIVE DATE**

This ordinance shall take effect after its passage, approval, and publication according to law.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
CARIBOU COUNTY, IDAHO THIS 23 DAY OF July, 2007

B. Douglas Hogan  
Commissioner 1<sup>st</sup> district

Earl Somson  
Commissioner 2<sup>nd</sup> district

Lloyd M. Rasmussen  
Commissioner 3<sup>rd</sup> district

ATTEST:

COUNTY CLERK: Veda M. Macaruso