

**LINCOLN COUNTY SUBDIVISION ORDINANCE 1212-08-3**

**Table of Contents**

- Lincoln County Subdivision Ordinance ..... 1**
- 1. Introduction ..... 2
  - 1.1 Purpose ..... 3
  - 1.2 Jurisdiction ..... 3
  - 1.3 Interpretation..... 3
  - 1.4 Administration..... 3
  - 1.5 Combining of Permits..... 3
  - 1.6 Conflict with other Lincoln County Laws ..... 3
  - 1.7 Conflict with other Laws..... 3
  - 1.8 Severability..... 3
- 2. Definitions ..... 4
  - 2.1 Interpretation of Terms or Words..... 4
- 3. Procedure for Rural Subdivision Approval ..... 4
  - 3.1 Rural subdivision approval required ..... 4
  - 3.2 Short Plat..... 5
  - 3.3 Long Plat..... 5
  - 3.4 Administrator Action..... 5
  - 3.5 Development Agreement..... 5
  - 3.6 Financial Guarantee arrangements..... 6
- 4. Plat Application ..... 7
  - 4.1 Application Process ..... 7
  - 4.2 Administration Final Review ..... 8
  - 4.3 Commission Action..... 8
  - 4.4 Appeals..... 9
- 5. Design Standards..... 10
  - 5.1 Minimum design standards..... 10
- 6. Detection of violation, enforcement and penalties ..... 11
  - 6.1 Detection of Violation ..... 11
  - 6.2 Enforcement..... 11
  - 6.3 Penalties..... 11
- 7. Amendment Procedures ..... 11
- Approved by the Board of County Commissioners on 12-12-08..... 12

## Lincoln County Subdivision Ordinance 1212-08-07

### LINCOLN COUNTY SUBDIVISION ORDINANCE AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF SUBDIVISION REGULATIONS ORDINANCE NO. 1212-08-07

AN ORDINANCE OF LINCOLN COUNTY, IDAHO PROVIDING FOR REGULATION OF RURAL SUBDIVISIONS; PROVIDING STATEMENTS AND RULES FOR PURPOSE, JURISDICTION, INTERPRETATION, ADMINISTRATION, COMBINING OF PERMITS, SEVERABILITY, DEFINITIONS; PROCEDURE FOR SUBDIVISION APPROVAL, PRE-APPLICATION, PLATS, DESIGN STANDARDS, SPECIAL DEVELOPMENT STANDARDS, CONDOMINIUMS, FLOOD PLAIN, VACATION AND DEDICATION, VARIANCES, DETECTION OF VIOLATIONS, ENFORCEMENT AND PENALTIES, AMENDMENT PROCEDURES, AND FOR EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LINCOLN COUNTY, IDAHO:

These regulations are authorized by Title 50, Chapter 13 of the Idaho Code, as amended or subsequently codified.

This Ordinance shall be known as the Lincoln County Subdivision Ordinance.

#### 1. CHAPTER 1.0 INTRODUCTION

##### 1.1. **PURPOSE:**

This ordinance and regulations have been made in accordance with the Comprehensive Plan for Lincoln County and the Lincoln County Zoning Ordinance; which Plan and Ordinance are designed to protect and promote the health, safety, and general welfare of the residents. It is therefore to provide:

- 1.1.1. Protection of property values by conserving existing uses and controlling future development;
- 1.1.2. Equal protection of each citizen's private property from undue encroachment in that each citizen shall have the maximum use of his property without placing an undue burden upon his neighbors;
- 1.1.3. Protection from the menace to the public safety that would result from placing of buildings or other structures in such locations or in such a manner as to interfere with present or future traffic movement, and to promote beauty along the highways and elsewhere;
- 1.1.4. To ensure that adequate public facilities and services are provided to the people at reasonable cost;
- 1.1.5. To ensure that the economy, health and safety of the county and localities is protected and enhanced;
- 1.1.6. To encourage the protection of agricultural lands for production of food, and to foster agriculture and industry together with uses related thereto;
- 1.1.7. To ensure that the important environmental features of the County and localities are protected and enhanced;
- 1.1.8. To avoid undue concentration of population and overcrowding of the land;
- 1.1.9. To ensure that the development of land is commensurate with the physical characteristics of the land;
- 1.1.10. To protect life and property in areas subject to natural hazards and disasters; 1.1.11. To protect fish, wildlife and recreation resources;
- 1.1.12. To avoid undue water and air pollution.

**1.2. JURISDICTION:**

1.2.1. These regulations shall apply to the subdividing of all land within an R-.05, RR-2, A-5 zones as shown by the Lincoln County Zoning Map, except as provided under the area of impact requirements of I.C. 50-1306 as amended or subsequently codified, when the subdividing shall cause the original parcel to be divided to a minimum lot size appropriate for the zone in which the parcel lies with two (2) or more lots with a maximum density of one (1) residence per 0.5 acres for R-0.5 zone, one (1) residence per 2 acres for the RR-2 zone and one (1) residence per 5 acres for the A-5 zone.

**1.3. INTERPRETATION:**

1.3.1. All rural subdivisions as herein defined shall be submitted for approval to the Lincoln County Board of County Commissioners (hereinafter "Board") and shall comply with the provisions of these regulations. These regulations shall supplement all other regulations, and where at variance with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall apply.

**1.4. ADMINISTRATION:**

1.4.1. The Board may delegate the enforcement and supervision of this ordinance to the Lincoln County Planning and Zoning Commission (hereinafter "Commission") which shall carry out the provisions as herein specified and shall receive, process and approve all rural subdivision applications. The Commission may appoint an Administrator to assist in carrying out its duties.

**1.5. COMBINING OF PERMITS:**

1.5.1. The Commission is hereby required to coordinate with other departments and agencies concerning all permits which may be required in this ordinance and previously or subsequently adopted Lincoln County ordinances. A one stop permit application and processing procedure may be developed with the respective departments and agencies for the purpose of reducing errors, misunderstanding, confusion and unnecessary delay for everyone involved.

**1.6. CONFLICT WITH OTHER LINCOLN COUNTY LAWS:**

1.6.1. All Lincoln County Ordinances in conflict with this Subdivision Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

**1.7. CONFLICT WITH OTHER LAWS:**

1.7.1. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this Ordinance conflict with the requirements of any other governmental jurisdictions' lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern. Additionally, all uses maintained under this Ordinance shall comply with:

1.7.1.1. South Central District Health Department regulations;

1.7.1.2. Irrigation requirements as per Idaho Code 31-3805 and 67-6537 for all subdivisions;

1.7.1.3. Highway departments and districts, Local and/or State and;

1.7.1.4. Any other Local, State & Federal laws and regulations as they apply to building and zoning ordinances.

**1.8. SEVERABILITY:**

1.8.1. Where any word, phrase, clause, sentence, paragraph, or section, or other part of these regulations are held invalid by a court of competent jurisdiction, such judgment shall affect only that part so held invalid

**2. DEFINITIONS**

**2.1. INTERPRETATION OF TERMS OR WORDS**

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows

2.1.1. All terms and words used in this ordinance shall bear the same meaning and shall be defined as those terms and words are defined in the Lincoln County Zoning Ordinance 04-07.

2.1.2. The word "person" includes a firm, association, organization, partnership, trust, corporation, as well as an individual; the present tense includes the future tense, the singular number includes the plural and the plural number includes the singular;

- 2.1.3. the word "shall" is a mandatory requirement and the word "may" is a permissive requirement and the word "should" is a preferred requirement;
- 2.1.4. the words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied";
- 2.1.5. the word "lot" includes the words "plot", "parcel" and "tract"
- 2.1.6. A subdivision shall be defined as the division of land into two or more lots or parcels by recording a deed or plat and the following subdivision processes shall be hereby established:
- 2.1.6.1. Short Plat: To create up to and including four (4) parcels from land that has not previously been platted and which requires no change in zone district in order to be in compliance with the provisions of the Lincoln County Zoning Ordinance and when no shared infrastructure or improvements must be constructed to meet the requirements of Lincoln County or other agencies.
- 2.1.6.1.1 Applications for short plat subdivisions shall be made on forms provided by the Lincoln County Zoning Administrator, and shall follow the public hearing procedure currently established in Section 11 or the Lincoln County Zoning and Subdivision Ordinance.
- 2.1.6.2. Long Plat: A proposal to create five (5) or more lots from land which has not previously been platted or which require shared infrastructure improvements, including road and utility easements, either private or proposed for dedication to Lincoln County. Applications for long plat subdivisions shall be made on forms provided by the Lincoln County Zoning Administrator and shall follow the public hearing procedure currently established in Section 11 of the Lincoln County Zoning and Subdivision Ordinance.

### 3. PROCEDURE FOR RURAL SUBDIVISION APPROVAL

#### **3.1. RURAL SUBDIVISION APPROVAL REQUIRED:**

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

#### **3.2. SHORT PLAT**

- 3.2.1. Applicant submits to the zoning Administrator a completed application, copy of deed of ownership of parcel being divided, legal description or record of survey for each parcel proposed, to include the size of the lots being created in acres and a fee of \$150.00.
- 3.2.2. Zoning Administrator will verify that all lots meet minimum zone district size requirements, that the parcel has not been previously platted, and no shared infrastructure improvements, to include access and utility easements, must be constructed.
- 3.2.3. Upon verification of the above, the zoning Administrator shall contact the Commission Chairman & Board, and review the application with them. If the Administrator, Chairman and the board agree that the application is complete and complies with all subdivision and zoning ordinances, the Administrator will issue a certificate of compliance signed by the Chairman, which may be recorded with the clerk of court along with the deed.

#### **3.3. LONG PLAT**

##### **3.3.1. PRE-APPLICATION PROCESS**

3.3.1.1. APPLICATION: The sub divider shall submit a pre-application to enable the Administrator to review and comment on the proposed rural subdivision. 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 rural subdivision, in schematic form and including the following:

- 3.3.1.1.1. The general layout of the lots and type of access. 3.3.1.1.2. The location and types of public improvements

3.3.2. FEE: \$50.00

3.3.3. REVIEW: Pre-application may be reviewed by the Commission if the Commission desires.

#### **3.4. ADMINISTRATOR ACTION**

3.4.1. The Administrator shall notify the sub divider within twenty (20) days from the date of receiving an acceptable pre-application as to the general conformance or non-conformance of the

proposal with this ordinance, and shall provide the necessary forms and check lists, as well as address the additional following concerns:

- 3.4.1.1. Compliance of the proposed development with existing local or state policies, goals and objectives or comprehensive plans.
- 3.4.1.2. Determination if additional special permits or ordinance conflicts, such as rezone, special development permit or variance are needed and the manner of coordinating such permits.
- 3.4.1.3. Consideration of any unique environmental features or hazardous concerns that may be directly or indirectly associated with the subject property, such as areas that have been designated by the State as areas of critical environmental concern, unique plant or animal life, flood plain, airport flight pattern and the like.
- 3.4.1.4. Notification of other local and state agencies that the sub divider should contact before preparing a plat.

### **3.5. DEVELOPMENT AGREEMENT**

- 3.5.1. Development agreements shall be required when the installation of roads, utilities or other Public facilities are required by this ordinance or intended for dedication to the public.
  - 3.5.1.1. They are required by the Commission as a provision of approval on subdivision, Special use permits, conditional use permits or commercial/industrial site plans.
- 3.5.2. Other improvements may be required at the discretion of the Commission and will be included in the plan.
- 3.5.3. Improvement plans shall become part of the original application and shall include a general written summary of improvements, drawings and plans of the improvements prepared by a professional engineer or land surveyor, registered in the state of Idaho, a schedule of construction and estimated overall cost of the improvement.

### **3.6. FINANCIAL GUARANTEE ARRANGEMENTS**

- 3.6.1. In Lieu of the actual installation of required public improvements before filing the plat, the Commission shall require the sub divider 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.
- 3.6.2. Surety Bond
  - 3.6.2.1. Accrual: The bond shall accrue to Lincoln County covering the construction, operation and maintenance of the specific public improvement.
  - 3.6.2.2. Amount: The bond shall be in a 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 Lincoln County Engineer and approved by the Commission.
  - 3.6.2.3. Term Length: The term length in which the bond shall be in force shall be for a period to be specified by the Commission for the specific public improvement.
  - 3.6.2.4. Bonding For Surety Company: The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the Commission.
  - 3.6.2.5. Escrow Agreement: The escrow agreement shall be drawn and furnished by the Commission.
- 3.6.3. Cash Deposit, Certified Check, Negotiable Bond, or Irrevocable Letter of Credit:
  - 3.6.3.1. Treasurer, Escrow, Agent or Trust Company: A cash deposit, certified check, negotiable bond, or irrevocable letter of credit, such surety acceptable by the Commission shall be deposited with and escrow agent or trust company.
  - 3.6.3.2. Dollar Value: The dollar value of the cash deposit, certified check, negotiable bond, or irrevocable letter of credit shall be in a 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 Lincoln County Engineer and approved by the Commission.
  - 3.6.3.3. Escrow Time: The escrow time for the cash deposit, certified check, negotiable bond, or irrevocable letter of credit shall be for a period specified by the Commission.
  - 3.6.3.4. Progressive Payment: In the case of cash deposits or certified checks, an

agreement between the Commission and the sub divider may provide for progressive payment out of the cash deposit or reduction of the certified check, negotiable bond, or irrevocable 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.

3.6.4. Release of Guarantee:

3.6.4.1. Upon receipt of certification of completion of improvements, as defined by the Commission, the applicant shall request a hearing before the Commission to obtain release of guarantee. Based upon information provided during this meeting, the Commission may:

- Table the request pending an on-site inspection of improvements by the board or its designated representative.
- Release the guarantee of installation to the applicant by simple majority vote.
- Deny release of guarantee of installation for cause in the event that improvements do not conform to the specifications of the improvement plan or application. Should release of guarantee be denied, the applicant will be notified of this decision and informed of remedies which would bring the improvements into compliance.
- The Commission may not unreasonably withhold release of guarantee of installation, however, the board may, at its discretion and by simple majority vote, postpone the release of guarantee to a future date certain to insure that improvements will not require immediate repair at public expense.

3.6.5. County Assumption of Guarantee

3.6.5.1. If improvements assured by guarantee of installation have not been completed within six (6) months of the date specified for completion, the Commission may initiate proceedings to forfeit the applicant's guarantee of installation.

3.6.5.2. Should the actual costs of completion of the improvements exceed the guarantee of installation, the board may seek to recover the difference through appropriate civil action.

**4. PLAT-APPLICATION**

4.1. APPLICATION PROCESS

4.1.1. FEE: At the time of submission of an application for a rural subdivision a fee equal to the amount shown in the table below based on subdivision size is required to be submitted at the same time as the application:

Lots	Base Fee	Per Lot Additional
1-10	\$150.00	\$20.00
11 – 20	\$250.00	\$20.00
21 – 50	\$500.00	\$15.00
> 51	\$1000.00	\$15.00
For Example 35 lot subdivision	\$500	\$525.00 = \$1025 total

4.1.2. APPLICATION: The sub divider shall file with the Administrator a completed rural subdivision application form and plat data as required in this ordinance.

4.1.3. CONTENT OF PLAT: The contents of the plat and related information shall be in such a form as stipulated by the Commission; however, any additional maps or data deemed necessary by the Administrator may also be required subject to approval by the Commission.

4.1.4. The sub divider shall submit to the Administrator appropriate information that sufficiently details the proposed development.

4.1.5. DEVELOPMENT AGREEMENT: The Administrator will work with the sub divider to prepare a development agreement. See Section 3.5.

4.1.6. REQUIREMENTS OF PLATS: The following shall be shown on the Plat or shall be submitted separately:

- 4.1.6.1. The Name of the Subdivision
- 4.1.6.2. The names, addresses and telephone numbers of the sub divider or sub dividers and the engineer or surveyor licensed in Idaho who prepared the plat.
- 4.1.6.3. The legal description of the subdivision.

4.1.6.4. A statement of the intended use of the proposed subdivision, such as; residential; commercial; industrial; or recreational and showing of any sites proposed for parks, playgrounds, schools, churches, or other public uses.

4.1.6.5. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development. Including at a minimum the following items:

4.1.6.5.1. Vicinity maps showing the relationship of the proposed subdivision to the surrounding area (1 mile and 5 mile radius, using uniform scale).

4.1.6.5.2. Topographical map with the area to be developed delineated.

4.1.6.5.3. The land use and existing zoning of the proposed subdivision and the adjacent land.

4.1.6.5.4. Streets, street names, rights of way and roadway widths, including adjoining streets or roadways.

4.1.6.5.5. Rights of way and roadway widths including adjoining roadways

4.1.6.5.6. Lot lines showing the dimensions, grid address, and lot numbers of each lot in the subdivision.

4.1.6.5.7. On a separate map any proposed utilities or existing utilities, including but not limited to storm and sanitary sewers, on-site wastewater treatment systems, irrigation laterals, ditches, drainages, and irrigation water distribution systems, bridges, culverts, potable water mains and/or distribution systems, shared wells, fire hydrants, landscaping and bus shelter locations.

4.1.6.6. A copy of restrictive covenants and/or deed restriction.

4.1.6.7. Any dedications to the public and/or easements, together with a map of those locations in relationship to the overall development and a statement of purpose of such.

4.1.6.8. A statement as to whether or not a variance, as specified in Section 9.12 of the Lincoln County Zoning Ordinance, will be requested with respect to any provision of this ordinance describing the particular provision, the variance requested, and the reasons therefore.

4.1.7. REVIEW BY OTHER AGENCIES: The Administrator shall refer the plat and application to concerned agencies and governing bodies for approval. A checklist shall be provided by the Administrator to the sub divider which shall allow for the signature of the monitoring agency. Approval by the agency official/inspector and their signature on the checklist shall satisfy the requirements of the Administrator. Such agencies may include the following:

4.1.7.1. Highway district and/or Idaho Dept. of Highways.

4.1.7.2. Rural fire district.

4.1.7.3. South Central Health District.

4.1.7.4. The appropriate utility companies, irrigation companies or districts and drainage districts.

4.1.7.5. Other governing bodies having joint jurisdiction.

#### **4.2. ADMINISTRATOR FINAL REVIEW**

4.2.1. CERTIFICATION: Upon receipt of the plat, application, signed checklist and all other required data and maps as provided for herein, the Administrator shall certify the application as complete and shall affix the date of application acceptance thereon. The Administrator shall, thereafter, place the application on the agenda for consideration at the next regularly scheduled meeting of the commission.

4.2.2. The Administrator will certify the Financial Guarantee arrangements as detailed in Section 3.6 above as part of the Administrators report on the application.

4.2.3. PUBLIC NOTIFICATION:

4.2.3.1. Will follow Public Notification detailed in Section 11 of the Lincoln County Zoning Ordinance.

#### **4.3. COMMISSION ACTION**

4.3.1. HEARING BY COMMISSION: Within seventy five (75) days or the next regularly scheduled meeting the Commission shall review the plat, and consider comments from concerned persons and agencies and the report of the Administrator.

4.3.2. COMMISSION'S FINDINGS: In determining the acceptance or denial of a proposed rural subdivision the Commission shall consider the specifications of this ordinance and the conformance of the rural subdivision with the Comprehensive Plan.

4.3.3. ACTION ON PLAT: The Commission may, approve conditionally, disapprove, or table the plat for additional information. Such action shall occur within seventy five (75) days of the date of the regular meeting at which the plat is first considered by the Commission. The Commission shall issue a written finding of fact and conclusion covering its action on the application, and forward it to the applicant. The Administrator shall also forward a copy of the finding of fact and conclusion, together with a copy of the plat to the Board for their information and approval.

4.3.4. CONDITIONAL APPROVAL OF PLAT: The approval of all subdivision plats shall be conditional and the following requirements must have been met.

4.3.4.1. The construction of improvements required by this ordinance shall have been completed by the developer and approved by the Commission.

4.3.4.2. Surety acceptable to the Commission shall have been filed in the form of a cash deposit, certified check, a negotiable bond, irrevocable letter of credit or surety bond.

4.3.4.3. The developer and the County may enter into an agreement whereby the sub divider agrees to deposit a reasonable percent of the purchase price of each lot into an account in an acceptable bank account which said funds may then be used to complete the required public improvements as provided in the Development Agreement.

4.3.4.4. No building permits will be issued until the plat is final or the deposit detailed in section 4.3.4.3 is completed.

4.3.5. INSPECTION OF PUBLIC IMPROVEMENTS UNDER CONSTRUCTION: Before approval of a plan and construction plans and specifications for public improvements; an agreement between the Commission and the developer shall be made to provide for checking or inspection the construction, during construction, and its conformity to the submitted plans and all applicable ordinances and requirements set forth in the development agreement.

4.3.6. PENALTY IN CASE OF FAILURE TO COMPLETE THE CONSTRUCTION OF A PUBLIC IMPROVEMENT: In the event the developer 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 the public improvements, it shall be the responsibility of the Commission to proceed to have such work completed. In order to accomplish this, the Commission shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable letter of credit, or negotiable bond which the developer may have deposited in lieu of a surety bond, or may take such steps as necessary to require performance by the bonding or surety company, and as included in a written agreement between the Commission and the developer.

4.3.7. FINAL APPROVAL OF PLAT

4.3.7.1. Final approval of plat will be issued by the Commission only when all public developments have been inspected and certified as completed by the Commission and approved by the Board.

#### **4.4. APPEALS:**

4.4.1. Any person or aggrieved party who appeared in person or writing before the Commission or the sub divider may appeal in writing the decision of the Commission to the Board with such action relative to the final action taken by either. Such appeal must be submitted to the Board within twenty eight (28) days of the date of such final action.

## **5. DESIGN STANDARDS**

### **5.1. Minimum Design Standards**

5.1.1. All plats submitted pursuant to the provisions of this ordinance, and all subdivisions, improvements and facilities done, constructed or made in accordance with said provisions shall comply with the minimum design standards set forth in the Development Agreement for construction in the Zone;

5.1.1.1. provided, however, that any higher standards adopted by the Lincoln County Road Districts, State Highway Department, the South Central District Health Department, or Dietrich, Richfield, Shoshone City & Rural Fire District shall prevail over those set forth herein. The Planning and Zoning Commission shall also

encourage and options and may provide incentives for creative land use design such as clustering flexible densities for open space concessions.

**5.2. Subdivision Design Standards:**

5.2.1. The size, shape, and orientation of lots and the orientation of structures shall be designed to provide desirable building sites logically related to topography, natural features, streets, parking areas, common land (if any), other structures, and adjacent land uses. Due regard shall be given to natural features such as large trees, unusual rock formations, water courses, and sites which have historical significance, scenic views, and similar assets, the preservation of which would add attractiveness and value to the subdivision.

5.2.2. The following standards shall be established for urban long-plat subdivisions within the Commercial, Industrial, A-5, and Rural Residential zones.

5.2.2.1. All parcels created by platting shall be provided a minimum utility and access easement of 60-feet.

5.2.2.2. Roadways within a subdivision accessed primarily by county road shall be built to minimum current Lincoln County Road standards, commensurate to the surface of the county road from which the development is accessed. If the development is served by two roads, one gravel, and one paved, the subdivision will improve the roads to the paved standard.

5.2.2.3. If a proposed subdivision is primarily accessed by state highway, approaches shall be approved and built to specifications established by the Idaho Department of Transportation and roads within the subdivision shall be built to Lincoln County Road standards for paved roads.

5.2.2.4. If a proposed subdivision is accessed primarily by private road, proof of access and utility easement from the proposed development to the nearest arterial shall be provided as part of the application.

5.2.2.5. Available utilities, to include gas, electricity, water, septic, telephone, and surface irrigation, when required, shall be brought to each parcel and situated so as to ensure any construction occurring on the parcel meets minimum county setback requirements for the zone district in which the subdivision is located. If water is to be provided by private well, working wells shall be installed prior to the issuance of a Certificate of Occupancy and said wells shall be approved in combination with the septic system by the Health District.

5.2.2.6. In the event an easement, roadway or other improvement is proposed for dedication to Lincoln County, an improvement plan shall be required and a guarantee of installation be imposed.

5.2.2.7. In the event there are any shared or common infrastructure improvements (e.g. roads, community wells, shared waste water treatment system, irrigation systems, etc.) required under this ordinance, there shall be Covenants and Covenant Restrictions developed such that they provide for the perpetual maintenance and/or operation of shared improvements.

**5.3. Water Rights on Subdivided Properties**

5.3.1. Water rights presently located on property that is being subdivided shall remain with the land. This is consistent with Idaho Code 67-6537.

## **6. DETECTION OF VIOLATION, ENFORCEMENT AND PENALTIES**

### **6.1. DETECTION OF VIOLATION**

6.1.1. The Administrator shall receive and document complaints and then research the County Assessor's records and perform the necessary investigation under the guidance of the Prosecuting Attorney to enforce violations of the ordinance.

### **6.2. ENFORCEMENT**

6.2.1. No rural 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 Lincoln County Recorder until such rural subdivision plat has received approval by the Commission. The Lincoln County Prosecuting Attorney shall, in addition to taking whatever criminal action deemed necessary, take appropriate civil or criminal action in response to a violation of this ordinance.

### **6.3. PENALTIES**

6.3.1. Penalties for failure to comply with the provisions of this ordinance shall be as follows: Violation of any of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be treated and constitutes a separate offense. The land owner, tenant, sub divider, builder, public official or any other person, who commits, participates in, assists in, or maintains such violation may each be found guilty individually. Nothing herein contained shall prevent the Commission or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or of the Idaho Code.

#### **6.3.2. COMMISSION RESPONSIBILITY**

6.3.2.1. The Commission shall not be legally responsible or incur any liability in any way for the future conditions of anything pertaining to this ordinance. This document is intended to avoid problems but does not guarantee complete safety or satisfaction for the sub divider, purchaser or the public.

## **7. AMENDMENT PROCEDURES**

**7.1. The Board may**, from time to time, amend, supplement, or repeal the regulations and provisions of this ordinance in the manner prescribed by the Idaho Code. A proposed amendment, supplement or repeal may be originated by the Board, Commission, or by petition of the public. All proposals not originating with the Commission shall be referred to it for a report thereon before any action is taken on the proposal by the Board.

EFFECTIVE DATE

THE EFFECTIVE DATE of this ordinance shall be January\_\_15th\_, 2009  
Dated this 12th day of January, 2009

Lincoln County Commissioners

*Signatures on file*

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Jerry Nance, Chairman

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Lawrence Caulkins, Member

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Jay Loesch, Member

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Attested: Liz Kime  
Lincoln County Clerk