

AN ORDINANCE OF THE CITY OF CLARK FORK, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR REGULATION OF SUBDIVISION OF LAND; PROVIDING DEFINITIONS; PROVIDING AUTHORITY; PROVIDING JURISDICTION; PROVIDING FLOOD PLAIN AND ENVIRONMENTAL RESTRICTIONS; PROVIDING EXCEPTIONS; PROVIDING SEPTIC TANK SYSTEMS; PROVIDING WATER FACILITIES; PROVIDING STORMWATER FACILITIES; PROVIDING STREET STANDARDS; PROVIDING BASIC RULE – SUBDIVISION PLAN APPROVAL REQUIRED; PROVIDING PROCEDURE FOR SUBDIVISION REVIEW AND APPROVAL; PROVIDING PLANS AND SPECIFICATIONS; PROVIDING INSPECTIONS; PROVIDING EXPIRATION OF SUBDIVISION PLAN APPROVAL; PROVIDING NOTICE TO CITY OF CHANGE OF OWNERSHIP; PROVIDING REVIEW UPON CHANGE OF OWNERSHIP; PROVIDING FEES SET BY RESOLUTION; PROVIDING PENALTIES; PROVIDING SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE;

WHEREAS, the Mayor and City Council have deemed it in the public interest that those developing property pay the costs of extending city facilities to the property; and

WHEREAS, a public hearing was conducted on the 26th day of July, 2000 at 6:00 p.m. on this Ordinance with the Clark Fork City Council acting as both governing board and planning and zoning commission;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CLARK FORK AS FOLLOWS:

SECTION 1. DEFINITIONS

For the purpose of this ordinance the following terms shall have the meanings given herein. The word 'shall' is always mandatory and not merely directory.

SUBDIVISION – The division of any contiguous ownership of land into two (2) or more lots, parcels, tracts, or sites for the purpose of sale, offering for sale, lease, building development, or establishment of a primary land use, whether immediate or future, inclusive of all redivisions of existing tracts of land, or subdivided lots and future divisions, or the further division of any existing subdivision.

MINOR SUBDIVISION – The division of a platted lot or divisions of one tract of land into no more than four (4) parcels, all of which front upon an existing public road. The length of each lot is to be not more than a 3 to 1 ratio of length to width.

MAJOR SUBDIVISION – The division of one tract of land into more than four (4) parcels, or a division that requires a dedication of right of way. The length of each lot is to be not more than a 3 to 1 ratio of length to width.

CHANGE OF OWNERSHIP OF SUBDIVISION – Any transfer of the land being subdivided that involves two or more lots or any of the land to be dedicated for public use; any transfer or series of transfers totaling more than a 25% interest in a corporation, partnership, or other entity acting as a subdivider; or any transaction that purports to transfer responsibility for compliance with this ordinance regarding a certain subdivision to another person or entity.

SECTION 2. AUTHORITY

The requirements established by this Ordinance are authorized by Title 67, Chapter 65, of the Idaho Code, as amended or subsequently codified, which provides a process which is a prerequisite to the filing of a subdivision plat when required by Title 50, Chapter 13, of the Idaho Code, or the Bonner County Ordinance.

SECTION 3. JURISDICTION

The provisions of this Ordinance shall apply to the subdivision of all land within the City limits of Clark Fork. This Ordinance governs the design and improvement of subdivision of land. It does not abrogate or otherwise modify any provisions of Idaho Code, Title 50, Chapter 13, which governs requirement of subdivision plats. In instances of potential conflict in application of this law and state statute, the more stringent provision shall take priority. Nothing contained herein shall be construed as license to avoid filing of a subdivision plat when otherwise required by state law or by the City of Clark Fork Comprehensive Plan.

SECTION 4. FLOOD PLAIN AND ENVIRONMENTAL RESTRICTIONS

No land shall be subdivided for residential use if such land is considered by the Clark Fork City Council to be unsuitable for such use by reason of flooding danger, improper drainage, objectionable earth or health and safety of possible residents or the community as a whole. All structures used for human habitation shall have a first floor elevation one (1) foot or higher above the 100-year flood plain elevation or the base flood elevation as shown on the most current FEMA maps. No land shall be filled without a flood plain development permit and an engineering report verifying that the fill will not alter drainage or divert floodwater to other properties.

SECTION 5. EXCEPTIONS

- A. Divisions made for the purpose of lot line adjustments where no additional building sites are created and where the resultant tracts comply with Zoning Ordinance requirements.
- B. Mere recordation of legal descriptions, without actual conveyance of the land described.

SECTION 6. SEPTIC TANK SYSTEMS

All septic systems shall be subject to approval by the Panhandle Health Department.

SECTION 7. WATER FACILITIES

Any property owner seeking to develop property within the City of Clark Fork, or seeking connection to the City of Clark Fork water system shall be responsible for the expansion of such facilities to the property. The City of Clark Fork may require that water lines be sized to provide services beyond the needs of the property being developed. In such cases the City shall pay the incremental costs related to increasing the size of the line. The property owner shall comply with the following standards:

- A. The Idaho Standards For Public Works Construction, latest edition, published by the Idaho Standards For Public Works Construction Committee, are hereby adopted. Three copies of these standards shall be on file with the City clerk for public use.
- B. Fire hydrants shall be constructed every 600 feet, or less at the developer's expense.
- C. All plans shall be subject to approval by the City's engineer at the developer's expense.

- D. All water main lines shall require prior approval of DEQ.
- E. All plans shall comply with City of Clark Fork's Water Ordinance in effect at the time of development.
- F. All plans shall comply with the City of Clark Fork's Ordinance for construction in flood prone areas.
- G. No water lines shall be covered until the city engineer, at the cost of the developer, has inspected them. The developer or contractor shall provide at least 24 hours notice to the City of a need for inspection (weekends and legal holidays excepted).
- H. Backflow devices shall be installed if required by the City of Clark Fork.

SECTION 8. STORMWATER FACILITIES

Stormwater facilities shall be installed at the time of or prior to development of adjacent property. A licensed engineer shall design all stormwater facilities. The City's engineer at the developer's expense must approve designs. If a project will place a burden on downstream facilities, the developer may be required to construct or improve such off-site facilities. No stormwater pipes shall be covered until the city engineer, at the cost of the developer, has inspected them. The developer or contractor shall provide at least 24 hours notice to the City of a need for inspection (weekends and legal holidays excepted).

SECTION 9. STREET STANDARDS

Rights of way shall be constructed to the requirements of this section. All streets require sixty (60) feet of right-of-way with at least twenty (20) feet of pavement. Dedication of streets to these standards shall be a condition of development unless waived by the City Council. All streets shall be built as per attachment 'A'.

- A. Such street extensions shall be made in accordance with all City and State Standards, including fire hydrants.
- B. A licensed engineer shall design all street extensions at the developer's expense. Plans must be approved by City of Clark Fork prior to construction, and 'as built' plans shall be provided to the City. The City may waive any of the foregoing requirements for small projects (four (4) or fewer parcels fronting on an existing road).

SECTION 10. BASIC RULE – SUBDIVISION PLAN APPROVAL REQUIRED

No person shall carry out actions which constitute the subdivision of land as defined by this Ordinance and/or state law without first complying with the provisions of this Ordinance and, when applicable, State platting law, nor shall actions contravene any provisions of the City Zoning Ordinance of the City of Clark Fork relating to the subdivision or development of land, adopted pursuant to authority granted by the Local Planning Act. Failure to comply shall be subject to enforcement in accordance with provisions of this Ordinance.

SECTION 11. PROCEDURE FOR SUBDIVISION REVIEW AND APPROVAL

- A. Application – Any person seeking to subdivide any land within the City of Clark Fork shall make application to City clerk on forms provided by the City and pay all applicable

fees at the time of the application. A preliminary title report from a title company, paid for by the developer, shall be submitted with the application for subdivision. The applicant shall be responsible for providing names and addresses of property owners who must receive notice pursuant to this Ordinance.

- B. Minor Subdivision – Proposals for Minor Subdivisions shall be heard by the Clark Fork City Council by way of an established comment period of at least fifteen (15) days following confirmation of delivery, via return receipt mailing, of notice to adjacent property owners. The proposed plat or record of survey must be provided at least five (5) days prior to the notice period. No formal public hearing shall be required in such matters unless ordered by the City Council. A plat need not be filed for a Minor Subdivision unless required by the City Council; a record of survey prepared by a licensed surveyor or engineer may be utilized.

- C. Major Subdivision – Proposals for Major Subdivisions shall be approved only after public hearing before Clark Fork City Council. The City Council shall schedule a public hearing on an application for a major subdivision within sixty (60) days of the date of the application. Notice of the hearing shall be provided no later than fifteen (15) days in advance of the hearing to all property owners within three hundred (300) feet of the proposed subdivision. The proposed plat must be filed with the City clerk no later than fifteen (15) days prior to the public hearing. Following the public hearing and upon recommendation of the City Council the application shall be put on the agenda for the next City of Clark Fork Council meeting. The City Council may approve the subdivision request, deny such request or approve the request with conditions. The Council may require the developer to mitigate any negative impacts the development may have on adjacent property or the Community. Final approval will not be granted until the City Council has approved all final plans for the subdivision. The City shall require bonding for public improvements not constructed and accepted prior to sale of lots.

- D. Changes After Final Approval – After approval of the plans for a subdivision any changes must be submitted to the City Council for reapproval.

SECTION 12. PLANS AND SPECIFICATIONS

Plans must meet all specifications of the Clark Fork City Ordinances and must be presented to, and approved by the City Council before any work is done. Within ninety (90) days of completion of construction 'as built' plans and inspection reports certified by a professional engineer shall be provided to the City except where a lesser period is stipulated by State Law. The subdivider shall reimburse the City of Clark Fork for all engineering costs required to evaluate the plan or inspect public facilities installed, which include water lines installation and street construction.

SECTION 13. INSPECTIONS

The city engineer or such other person as the City shall designate shall inspect the subdivision site and the subdivider and the subdivider's contractors, subcontractors, employees, and agents shall cooperate with such inspections. City inspections shall be made as follows:

- A. At the discretion of the City upon twenty-four (24) hours notice to the subdivider.

- B. Of all newly constructed streets and alleys, with twenty-four (24) hours notice before inspection (weekends and legal holidays excepted).

- C. Upon completion of the subdivision or the completion of a phase of public works construction that involves cessation of work for more than six (6) months.

D. At reasonable times upon the request of the subdivider.

SECTION 14. EXPIRATION OF SUBDIVISION PLAN APPROVAL

Subdivision plan approval shall be effective for twelve (12) months. The subdivider may request an extension of subdivision plan approval for one additional twelve (12) month period by submitting the request, in writing, to the City Council prior to the scheduled expiration deadline.

SECTION 15. NOTICE TO CITY OF CHANGE OF OWNERSHIP

Subdividers must give written notice to the City of Clark Fork upon any change in the ownership of the subdivision occurring after application for subdivision approval.

SECTION 16. REVIEW UPON CHANGE OF OWNERSHIP

Upon any change in ownership of the subdivision, taking place after the approval of any aspect of the subdivision, the City of Clark Fork may review the approval to see if new circumstances arise with the change in ownership that warrant withdrawal of approval or a change in the conditions of any conditional approval. Upon good cause, the City may then withdraw any approval or amend the condition of any conditional approval.

SECTION 17. FEES SET BY RESOLUTION

The Clark Fork City Council is hereby authorized to adopt, by resolution, a fee schedule for services associated with review and inspection of subdivision plans and proposals.

SECTION 18. PENALTIES

Failure to comply with the provisions of this Ordinance shall constitute a misdemeanor. Each day such violation exists may be considered a separate offense, subject to the penalty of a fine of \$300.00, and not more than thirty (30) days incarceration in the County Jail, or both such fine and imprisonment. In addition to the criminal penalties above, the City of Clark Fork may proceed against the violator by initiating civil legal action in a court of competent jurisdiction. In the event the City prevails, the violator shall be responsible for all platting costs and a reasonable sum for attorney's fees. Nothing herein contained shall prevent the City Council or any other public official or private citizen from taking such legal action as may be necessary to restrain or prevent any violation of this Ordinance or the Idaho Code.

SECTION 19 SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 20 EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its approval, passage, and publication according to law.

PASSED by the Clark Fork City Council with a roll call vote and APPROVED by the Mayor this 16th day of Aug., 2000.

Linda V. Reed
Linda V. Reed, Mayor

City Council Members	Yes	No	Absent	Abstain
Lynn Siple	<u>X</u>	---	---	---
Kathy Johnson	<u>X</u>	---	---	---
Tom Shields	---	---	<u>X</u>	---
Mary Milotz	<u>X</u>	---	---	---

ATTEST: Elizabeth Parenti
Elizabeth Parenti, City Clerk

SUMMARY OF CLARK FORK SUBDIVISION ORDINANCE
ORDINANCE NO. 223

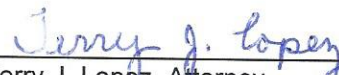
The City of Clark Fork, Idaho hereby gives notice of the adoption of Clark Fork Ordinance No. 223, an ordinance providing regulations for the subdivision of land within the City of Clark Fork. The ordinance contains the following provisions: definition of terms used in Ordinance; statements of authority and jurisdiction; a section on flood plain and environmental restrictions; a section on exceptions to applicability of the Ordinance; a section referring to septic tank systems; a section detailing standards for water facilities; a section on stormwater facilities; a section establishing details for street standards, a section mandating subdivision plan approval, a section governing procedures for subdivision review and approval; a section on submission of subdivision plans and specifications for approval, including reimbursement for engineering costs and inspections; a section on inspections of subdivision sites; a section on expiration of subdivision plan approval; a section on notice of change of ownership of a subdivision occurring after application for approval; a section on review of approval upon change of ownership of the subdivision; a section on fees associated with subdivision plans and proposals; a section providing penalties for violation, including fines, misdemeanor criminal penalties and civil remedies; a section providing for severability; and provides that the ordinance shall be effective following its passage on the 16th day of Aug., 2000 and publication which is accomplished by this summary. The full text of the Clark Fork Subdivision Ordinance is available at City Hall in Clark Fork.

Dated this 16th day of Aug., 2000.


Elizabeth Parenti, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Terry J. Lopez, am the City Attorney for the City of Clark Fork, Idaho. I have examined the summary of the Clark Fork Subdivision Ordinance dated August 16, 2000 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.


Terry J. Lopez, Attorney
Dated: June 16, 2000

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner, Sherilyn Jones

_____ being first duly sworn on oath

deposes and says that he/she is Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and

published at Sandpoint, Bonner County, Idaho; that the

said newspaper has been continuously and uninterruptedly

published in said Bonner County during a period of 12

months prior to the first publication of the hereto attached

notice of publication in the case of:

Ord. # 223

as it was published in the regular and entire issue of the

said paper for a period of 1 day consecutive weeks,

commencing on 23 day of Aug, 20 00

and ending on the 23 day of Aug, 20 00

and that said notice was published in said newspaper.

On this 23 day of Aug in the year

of 2000, before me, a Notary Public, personally

appeared Sherilyn Jones,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me

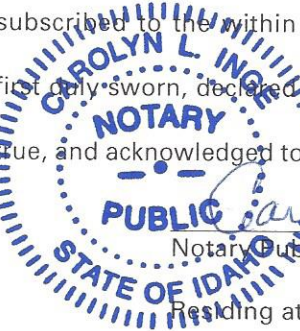
first duly sworn, declared that the statements therein are

true, and acknowledged to me that he executed the same.

Carolyn L. Inge
Notary Public for Idaho

Residing at Sandpoint

My Commission expires: 8/06



SUMMARY OF CLARK FORK SUBDIVISION ORDINANCE ORDINANCE NO. 223

The City of Clark Fork, Idaho hereby gives notice of the adoption of Clark Fork Ordinance No. 223, an ordinance providing regulations for the subdivision of land within the City of Clark Fork. The ordinance contains the following provisions: definition of terms used in ordinance; statements of authority and jurisdiction; a section on flood plain and environmental restrictions; a section on exceptions to applicability of the Ordinance; a section referring to septic tank systems; a section detailing standards for water facilities; a section on stormwater facilities; a section establishing details for street standards, a section mandating subdivision plan approval, a section governing procedures for subdivision review and approval; a section on submission of subdivision plans and specifications for approval, including reimbursement for engineering costs and inspections; a section on inspections of subdivision sites; a section on expiration of subdivision plan approval; a section on notice of change of ownership of a subdivision occurring after application for approval; a section on review of approval upon change of ownership of the subdivision; a section on fees associated with subdivision plans and proposals; a section providing penalties for violation, including fines, misdemeanor criminal penalties and civil remedies; a section providing for severability; and provides that the ordinance shall be effective following its passage on the 16th day of Aug. 2000 and publication which is accomplished by this summary. The full text of the Clark Fork Subdivision Ordinance is available at City Hall in Clark Fork.

Dated this 16th day of Aug. 2000.
/s/Elizabeth Parenti, City Clerk
Legal SNP#2002
August 23, 2000

2002

AFFIDAVIT OF PUBLICATION

State of Idaho

ss.

County of Bonner,

Sherilyn Plunk being first duly sworn on oath

deposes and says that he/she is Bookkeeper

of the Bonner County Daily Bee, a newspaper printed and

published at Sandpoint, Bonner County, Idaho; that the

said newspaper has been continuously and uninterruptedly

published in said Bonner County during a period of 12

months prior to the first publication of the hereto attached

notice of publication in the case of:

Ord. # 223

as it was published in the regular and entire issue of the

said paper for a period of 1 day consecutive weeks,

commencing on 7 day of July, 1900

and ending on the 7 day of July, 1900

and that said notice was published in said newspaper.

On this 7 day of July in the year

of 2000, before me, a Notary Public, personally

appeared Sherilyn Plunk,

known or identified to me to be the person whose name

subscribed to the within instrument, and being by me first

duly sworn, declared that the statements therein are true,

and acknowledged to me that he executed the same.

Cecelyn L. Inge
Notary Public for Idaho

Residing at Sandpoint

My commission expires: 7/00

**SUMMARY OF CLARK FORK
SUBDIVISION ORDINANCE
ORDINANCE NO. 223**

The City of Clark Fork, Idaho hereby gives notice of the adoption of Clark Fork Ordinance No. 223 an ordinance providing regulations for the subdivision of land within the City of Clark Fork. The ordinance contains the following provisions: definition of terms used in Ordinance; statements of authority and jurisdiction; a section on flood plain and environmental restrictions; a section on exceptions to applicability of the Ordinance; a section referring to septic tank systems; a section detailing standards for water facilities; a section on stormwater facilities; a section establishing details for street standards, a section mandating subdivision plan approval, a section governing procedures for subdivision review and approval; a section on submission of subdivision plans and specifications for approval, including reimbursement for engineering costs and inspections; a section on inspections of subdivision sites; a section on expiration of subdivision plan approval; a section on notice of change of ownership of a subdivision occurring after application for approval; a section on review of approval upon change of ownership of the subdivision; a section on fees associated with subdivision plans and proposals; a section providing penalties for violation, including fines, misdemeanor criminal penalties and civil remedies; a section providing for severability; and provides that the ordinance shall be effective following its passage on the 14th day of August, 2000 and publication which is accomplished by this summary. The full text of the Clark Fork Subdivision Ordinance is available at City Hall in Clark Fork.

Dated this 3rd day of July, 2000
Elizabeth Parenti, City Clerk
STATEMENT OF
LEGAL ADVISOR

I, Terry J. Lopez, am the City Attorney for the City of Clark Fork, Idaho. I have examined the summary of the Clark Fork Subdivision Ordinance dated June 16, 2000 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.

/s/Terry J. Lopez, Attorney
Dated: June 16, 2000

Legal SNP#1883
July 7, 2000

1883