

**CHAPTER 2
BRIDGE AND STREET REGULATIONS**

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10-2-1: INTENT: The City Council finds and declares as follows:

(A) The development of new subdivisions and developments around the periphery of the City is impacting the City's bridges and arterial and collector streets, and

(B) The development of new subdivisions outside the City, but which require private access to streets and ways within the City also impacts City bridges and arterial streets and otherwise reduces the ability of such streets and bridges to adequately handle traffic flow.

(C) The increased traffic volume generated by such new subdivisions and developments requires the construction of new collector and arterial streets and bridges, and

(D) It is not equitable to fund the entire cost of constructing such arterial street improvements and bridge construction entirely from ad valorem tax revenues, and

(E) The annexation of subdivisions to the City is creating the need for improvements to streets and bridges and the developers thereof should therefore pay a portion of the cost thereof, and

10-2-2: DEFINITIONS: Words and phrases used in this Chapter shall have the meanings ascribed in the Subdivision Ordinance, and as ascribed below:

ARTERIAL STREET: Any U.S. or state numbered route, controlled access street, or other major radial or circumferential street or highway designated by the City as part of a major arterial system of streets or highways.

CITY: The City of Idaho Falls.

COLLECTOR STREET: A street primarily intended to provide for traffic movement between arterial streets and local streets.

COMMERCIAL ZONE: The I&M-1, I&M-2, M-1, GC-1, CC-1, HC-1, C-1, RSC-1, PB, R-3 and R-3A zones as established by the Zoning Ordinance of the City or with respect to property located outside the City, any other zoning classification substantially similar to any of the foregoing zoning classifications.

CONTROLLED ACCESS HIGHWAY: Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points and in such manner as may be determined by the City.

DEVELOPER: Any person owning fee simple title to any parcel of real property, subject to this ordinance.

LOCAL STREET: A street into which private access is freely allowed, and which is less than sixty (60) feet in width measured from the back of the curbs.

PERSON: Any individual, partnership, corporation, trust or lawful organization.

PRIVATE ACCESS: Any roadway, drive, or other privately-owned way used to obtain direct vehicular access to a public street or alley.

PUBLIC ACCESS: Any street, road, highway, alley or other publicly dedicated and accepted way designed for movement of vehicular traffic.

RE-SUBDIVISION: A change in any plat of an improved or recorded subdivision that affects the layout of any street or area reserved for public use, or which creates any additional lots.

SUBDIVISION: The division of land into two (2) or more lots for the purpose of sale, lease or development by a Developer, including any re-subdivision of land.

SUBDIVISION ORDINANCE: The Subdivision Ordinance of the City of Idaho Falls, as the same now exists or as modified hereafter.

10-2-3: **SCOPE OF ORDINANCE:** This Ordinance shall apply to all land annexed to the City and, except as expressly provided herein, to all land contiguous to any street located within the City and from which land public or private access or surface drainage is made to such street or for which City plat approval is required under Section 50-1306, Idaho Code.

10-2-4: **RESPONSIBILITIES OF DEVELOPERS:** The responsibilities of the Developer and of the City for the construction of bridges and streets shall be as follows:

(A) All bridges across canals, ditches, and streams lying entirely within a single subdivision within the City or within property to be developed within the City, and used primarily for the benefit of circulating local traffic shall be constructed by or paid for entirely by the Developer.

(B) The City shall design and construct all bridges on local, collector, and arterial streets when such bridges are deemed necessary by the City, except as required in subsection (A) above.

(C) Construction of "controlled access" streets within the City shall be the responsibility of the City. However, the Developer shall dedicate to the public a right of way of a maximum of fifty seven feet (57') in width along any controlled access street adjacent to or within the Developer's subdivision or property.

(D) Except as provided below, the design and construction of all arterial, collector and local streets, within or bordering the Developer's subdivision or property, shall be primarily the Developer's responsibility. The Developer shall dedicate the right of way therefor up to a maximum width of fifty seven feet (57') per each side of the street along which his subdivision or property borders. The Developer shall be responsible for the design and construction of the sidewalk, curb and gutter, and twenty one and one-half foot (21 1/2') width of the street surface per each side of all streets along which his subdivision or property borders. The ballast depth of any paved street surface for which the Developer has responsibility shall consist of a four inch (4") depth of asphalt plant mix and a ten inch (10") depth of three-fourths inch (3/4") crushed gravel aggregate for any subdivision or property located within a Commercial zone, or for which such zoning is requested. The Developer shall be responsible for a paved street section having a ballast depth of two inches (2") of asphalt plant mix and six inches (6") of three-fourths inch (3/4") crushed gravel aggregate for any subdivision or property not located within the Commercial Zone or for which a zoning classification other than such zone is requested. The City shall be responsible for the costs of the extra width of street paving over and above the twenty one and one-half feet (21 1/2') width per side of the street, and the extra depth of street paving over and above those ballast depths specified above as being the Developer's responsibility, provided, however:

- (1) If the Developer chooses to develop his subdivision or property in such a manner that there is no private access to an adjacent arterial street, irrespective of whether or not the arterial street has been designated as a controlled access street, the Developer shall only be responsible for designing and constructing the curb and gutter, sidewalk and storm drainage facilities, along said arterial street frontage; and the City will be responsible for the cost of designing and constructing, the entire street section along said street frontage.
- (2) If the Developer chooses to develop his subdivision or property in such a manner that there is no private access to an adjacent collector or local street, the Developer shall still be responsible for the costs of constructing the sidewalk, curb and gutter, paved street surfacing and storm drainage facilities, along said collector or local street frontage in accordance with the allocation of responsibility set forth above.

- (3) If the Developer develops his subdivision or property in such a manner that any street therein is roughly parallel with and immediately adjacent to a canal, river, freeway, controlled access arterial street or other such similar facility or topographical feature whereby the access to and use of such street is from one side only, the Developer shall be responsible for the entire width of street section and all sidewalk, curb and gutter and storm drainage facilities along both sides of the street. Notwithstanding the foregoing, the City will be responsible for the extra asphalt plant mix and ballast depth as set forth above.

(E) All streets, sidewalks, curbs, gutters or other public improvements which the developer is required to construct shall be constructed in accordance with the City Standard Drawings and Engineering Specifications adopted by ordinance.

10-2-5: AMOUNT OF FEES: A "Bridge and Arterial Streets Fee" shall be assessed to each developer seeking annexation of lands to the City or seeking private access from any property situated outside the City to any public street or alley within the City. Such fee shall be based upon the number of parking spaces required by the City Zoning Ordinance for the zoning classification of the property annexed or served by such private access, in accordance with the table below. The amount of the fee shall be in an amount set from time to time by Resolution of the Council for each required parking space, in accordance with the following:

Zones	Required Parking Spaces
RP, RPA, R-1, RMH	2 spaces per platted lot; 5 spaces per acre if unplatted
R-2	10 spaces per acre
R-2A	14 spaces per acre
Commercial	25 spaces per acre

For the purposes of the foregoing, the following zones shall be deemed to be "Commercial": R-3, R-3A, PB, PT-1, PT-2, I&M-1, I&M-2 and M-1, LNC, RSC-1, C-1, HC-1, GC-1. Notwithstanding the foregoing, if a single-family dwelling unit is or will be constructed upon a lot located in an R-2, R-2A, R-3 or R-3A zone, the fee shall be assessed as though the lot were zoned R-1.

For the purposes of determining the zoning classification for property located outside the City, the zoning classification used to compute such fees shall be the City zoning classification which is most similar to the actual zoning classification established by the government entity having jurisdiction over the Developer's subdivision or property, provided however no fee shall be charged if the property has been zoned primarily for agricultural use. (Ord. 2964, 8-14-14)

10-2-6: PAYMENT OF FEES:

(A) The Bridge and Arterial Streets fee shall be paid in full prior to annexation of the subject property or the construction of any public or private access serving the Developers subdivision or property, or on an installment schedule incorporated into an annexation or development agreement, subject to the limitations set forth below.

(B) For all land except land zoned Commercial, a payment of at least ten percent (10%) of the total calculated Bridge and Arterial Streets Fee shall be paid to the City at or before the annexation of the property to the City or connection of any private access to any public street within the City. The annexation or development agreement shall contain a schedule providing for payment in full of the total fee within one year after the date of annexation or approval of the development agreement by the City.

(C) For all lands zoned Commercial, a payment of at least ten percent (10%) of the total calculated fee shall be paid at or before the annexation of the property to the City or approval of a development agreement incorporating an installment payment schedule set forth below. The annexation or development agreement in such cases shall provide that an additional fifteen percent (15%) of the total fee shall be paid on or before six (6) months following the date of the initial payment, that an additional fifteen percent (15%) of the total fee be six (6) months thereafter, and that fifteen percent (15%) of the total fee be paid each three (3) months thereafter until the fee is paid in full.

(D) Notwithstanding the foregoing, whenever the City allows property to be annexed prior to platting, payment of such fees shall become due in full upon the filing of a plat, or may be paid on an installment schedule incorporated into a development agreement, provided the entire fee shall be paid in full within one (1) year after the filing of the plat for residentially-zoned property, and within two (2) years for property zoned Commercial.

10-2-7: EXCEPTION TO FEE SCHEDULE:

(A) Property owned by any bona fide religious organization and used primarily for worship or educational purposes shall be assessed twenty five percent (25%) of the calculated Bridge and Arterial Streets Fee for the zone in which the property is situated.

(B) Publicly-owned property, or property upon which a public entity holds an option to purchase, shall be exempt from said fee.

10-2-8: BRIDGE AND ARTERIAL STREETS FUND: A Bridge and Arterial Streets Fund is hereby established to be maintained by the City Treasurer. All revenues derived from the payment of Bridge and Arterial Streets Fees as set forth in this Chapter shall be deposited in said fund and shall be disbursed only for purposes set forth in Section 10-2-9 of this Chapter.

10-2-9: DISBURSEMENT OF FUNDS: Disbursement may be made from the Bridge and Arterial Streets Fund for the following purposes and object, only:

(A) Construction of bridges which are the responsibility of the City as set forth in Section 10-2-4(B) of this Chapter.

(B) Construction of streets and parts of streets which are the responsibility of the City as set forth in Section 10-2-4(C) and (D) of this Chapter.