

**CITY OF IDAHO FALLS, CODE OF ORDINANCES**

**TITLE 10 PLANNING AND ZONING**

**CHAPTER 1 SUBDIVISION ORDINANCE**

**10-1-1: TITLE:**

This chapter shall be known as the Subdivision Ordinance  
of the City of Idaho Falls.

**10-1-2: PURPOSE:**

The purpose of this chapter is to:

- (A) Promote the public health, safety and welfare;
- (B) Provide guidance for future development and growth to the City in accordance with the comprehensive plan;
- (C) Integrate existing streets and highways with proposed transportation plans and other related development of the City;
- (D) Assure safe and adequate transportation systems, water, sewers, storm drains, parks, school sites, and other public uses and facilities;
- (E) Establish reasonable standards of design and uniform procedures for the subdivision and re-subdivision of land.
- (F) Provide for orderly layout, monumenting and legal description of subdivided lands;
- (G) Provide for an orderly and expeditious method of processing applications for subdivisions and re-subdivisions.

**10-1-3: DEFINITIONS:**

**ALLEY:** A public way designed to serve as secondary access to the side or rear of lots having principal access on some other street.

**AGRICULTURAL LAND:** Land used strictly for the cultivation of crops or for animal husbandry and which is held in tracts or parcels no smaller than ten (10) acres in area.

**AMENDED PLAT:** A change in the plat of an approved or recorded subdivision that affects the layout of any street or area reserved for public use, or creates any additional lots.

**ANNEXATION AGREEMENT:** A contract between the subdivider or developer and the City that sets forth the rights, duties, and obligations of all parties regarding the annexation of a subdivision or development into the City.

**BLOCK:** A tract of land bounded by streets, alleys, parks, cemeteries, rights of way or other public boundary lines.

**BUILDING:** Any structure built for the protection, shelter, or enclosure of persons, animals, chattels, or property of any kind.

**BUILDING SITE:** An area upon which the developer proposes to erect or construct a building or make improvements to render the property suitable for the erection of a building, together with the surrounding land which is intended to be used in conjunction with such building or improvements.

**CITY:** The City of Idaho Falls.

**COMMISSION:** The Planning and Zoning Commission of the City.

**COMPREHENSIVE PLAN:** The comprehensive plan of the City.

**CUL-DE-SAC:** A local street with only one outlet and having a safe and convenient circuit for traffic reversal.

**DEDICATION:** The setting apart, acceptance and confirmation by the City Council of land or an interest in land for use by the public.

**DEVELOPER:** A person who subdivides or proposes to subdivide land, whether as an owner or an agent of an owner.

**DEVELOPMENT AGREEMENT:** A contract between the subdivider or developer and the City that sets forth the rights, duties and obligations of all parties regarding the development of a subdivision or tract of land located within the City.

**DIRECTOR:** The Director of the Planning and Building Division of the City.

**EASEMENT:** The use of a designated part of property, authorized by the owner, for another, in perpetuity.

**FRONTAGE:** That side of a lot abutting on a street from which primary pedestrian access to public streets and sidewalks is made.

**GRADE:** The slope of a road or street expressed as a percentage amount.

**HIGHWAY, LIMITED:** An expressway providing a route for through traffic, in respect to which adjacent property owners or occupants and others have no legal right of access, except as may be determined by the public authority having jurisdiction over such route.

**IMPROVEMENT:** Any alteration to, or construction upon real property, which increases the value or utility of the land.

**INDIVIDUAL SEWAGE:** A septic tank, seepage tile sewage disposal system, or any other sewage treatment device not connected or intended to serve more than one building, or connected to any other public or private sewage system.

**LONG-TERM LEASE:** Any transfer of a possessory interest in land for a period greater than 35 years, subject to a reversionary interest in the transferor.

**LOT:** A tract, plot, or portion of a subdivision or other parcel of land of sufficient dimension and area to meet the zoning requirements for lot size.

**LOT, CORNER:** A lot situated at the intersection of two (2) streets.

**MODEL HOME:** A dwelling unit used for display purposes which typifies the kind of units to be constructed in a subdivision.

**OPEN SPACE:** An area open to the sky that is exclusive of streets, buildings, or other covered structures.

**OWNER:** Any person, group of persons, partnership, association trust, corporation or other legal entity having legal title to, or an interest in, the land proposed to be subdivided.

**PLAT, FINAL:** The final drawing of the subdivision, including all dedication and acknowledgments thereon, which conforms to the provisions of this chapter.

**PLAT, PRELIMINARY:** The preliminary drawing or drawings, indicating the proposed manner or layout of the subdivision, including but not limited to, street layout and design, lots, blocks and proposed zoning.

**PLAT, SKETCH:** A sketch prior to the preparation of a preliminary plat, or final plat in the case of a short subdivision, with no dedication, used for the purpose of generally discussing the proposed subdivision and any applicable requirements.

**PUBLIC IMPROVEMENT:** Any drainage system, road, curb, gutter, sidewalk, off-street parking area, sewer or water system or any other facility for which the City may assume responsibility, or which may affect improvements which are presently the responsibility of the City.

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

**RE-SUBDIVISION:** Same as **RE-PLAT**.

**RIGHT-OF-WAY:** A strip of land occupied or intended to be occupied by a street, sidewalk, railroad, public utility, or other similar public use.

**RURAL STREET STANDARD:** A typical rural street section as shown in the City Standard Drawings and Engineering Specifications.

**SALE:** Any immediate or future transfer of ownership in land, including a contract of sale, whether by deed, contract, plat or other agreement.

**SETBACK:** The required distance between a building and a property line.

**SPITE STRIP:** Any strip of land located within or adjacent to a subdivision the primary purpose of which is to allow the owner or developer of any subdivision to control access to a dedicated street or other public facility.

**STANDARD DRAWINGS AND ENGINEERING SPECIFICATIONS:** The City Standard Drawings and Engineering Specifications as adopted by Ordinance No. 1877, Ordinances of the City.

**STREET:** The entire width between the boundary lines of a public way.

**STREET, DEAD-END:** A street or portion thereof, with only one point of ingress and egress.

**STREET STANDARDS:** The cross sections and construction standards for typical street sections, as set forth in the City Standard Drawings and Engineering Specifications.

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

**SUBDIVISION POLICY:** The procedures and policies for administering and processing a subdivision application, as adopted by ordinance or resolution of the City Council, which policy implements the provisions of this chapter.

**SUBDIVISION, REGULAR:** The subdivision of land into five (5) or more lots.

**SUBDIVISION, SHORT:** The subdivision of land into four (4) or less lots.

**VARIANCE:** A modification of the strict application of this chapter.

**10-1-4: PLATTING:**

(A) Platting Required: No person shall subdivide or re-subdivide any piece, parcel or tract of land, situated within the City or within one mile outside the City limits, or sell or convey any subdivision or portion thereof, within said area, without first filing a plat approved by the City in conformity with the requirements of this chapter.

Notwithstanding the foregoing, any plat situated within an officially designated area of impact as provided for in Section 67-6526, Idaho Code, shall be subject to the terms and provisions of any area of impact agreement between the City and Bonneville County.

(B) Exclusions: Platting shall not be required for:

(1) A bona fide sale, division or partition of land intended strictly for use thereafter as agricultural land. The intent to construct, as evidenced by a request for a building permit, a residence, apartment commercial or industrial building or other nonagricultural building or buildings upon such tract of land, shall be deemed sufficient evidence that the land described in the application for a building permit is no longer agricultural and shall immediately subject such land to the requirements of this Chapter.

(2) An allocation of land in settlement of an estate of a decedent or a court decree for the distribution of property.

(3) An involuntary sale of land as result of legal condemnation as defined and allowed in the Idaho Code.

(4) A widening of existing streets to conform to the comprehensive plan or by authority of the City.

(5) The acquisition of the street right of way by a public agency in conformity with the comprehensive plan.

(6) An exchange of land for the sole purpose of straightening property boundaries or enlarging any existing lot, and which does not create additional lots.

(C) Amended Plat, Re-subdivision or Replat: Whenever a developer proposes to re-subdivide, replat, or amend the plat of an approved or recorded subdivision, the developer shall file a new application for a subdivision and such application shall be processed in the manner set forth in Section 10-1-14.

(D) Plat Specifications: All final plats shall comply with Idaho Code Section 50-1304, and such other regulations established by the Director which are reasonably necessary to assure legibility, permanency, clarity, reproducibility, accuracy, uniformity and neatness of the plat. The map drawings shall be at a scale of one inch equals one hundred feet (1" = 100'). The plat shall also contain such information as is necessary to determine compliance with the provisions of this chapter. The Director shall, upon request, make available a written copy of all such regulations.

## **10-1-5: SUBDIVISION STANDARDS:**

All improvements located upon land which is subdivided shall be designed and constructed in compliance with the following laws, rules and regulations and standards:

(A) Local Ordinances: The Zoning Ordinance of the City, the Uniform Building Code, the Uniform Fire Code, the Uniform Plumbing Code, the Uniform Electric Code and all other applicable laws of the City.

(B) State Laws: All applicable laws of the State, including, but not limited to, Idaho Code Sections 50-1304 through 50-1310 and all rules and regulations, having the force and effect of law, promulgated by the State Department of Transportation or Department of Public Health.

(C) Standard Drawings and Specifications: The City Standard Drawings and Engineering Specifications.

### **10-1-6: SURVEYING AND MONUMENTS:**

(A) All linear dimensions shown on a plat shall be calculated to the nearest one-hundredth (0.01) of a foot and all bearings shall be calculated to one second (1") of arc. All curves shall be defined by the radius, central angle, tangent, arc and chord distances. The description and location of all monuments shall be shown. Monuments as directed by the City Engineer, conforming to City standards, and installed to City standards shall be set at centerline tangent points, centerline points of curve, centerline points of intersection of streets, and any, subdivision boundary points which fall in the paved area of the streets and shall be existing at the time of the City's final acceptance of the street improvements. All points on the exterior boundary of the subdivision where the boundary changes direction shall be marked with monuments either of concrete with a brass cap, conforming to the City standards, galvanized iron pipe not less than one inch (1") in diameter and thirty inches (30") long, or iron or steel rods not less than five-eighths inch (5/8") in diameter and thirty inches (30") long, or as directed by the City Engineer. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them to one-tenth (0.10) of a foot. All lot corners shall be marked with monuments of either galvanized iron pipe, not less than one-half inch (1/2") in diameter, or iron or steel rods, not less than one-half inch (1/2") in diameter and two feet (2') long. These points shall be marked prior to final acceptance by the City of the subdivision improvements. No plat showing a plus or minus distance will be accepted unless agreed to by the City Engineer.

(B) All bearings shall conform to the City datum. All points requiring monuments shall, if directed by the City Engineer, have coordinates based on the State plane coordinate system, Idaho Falls datum, shown on the plat. A definite tie between not less than two (2) prominent points shall be shown between the exterior boundary of the subdivision and the section corner and quarter corner system as established by the United States Government and supplemented by the City and the Bonneville County, and shall be indicated by bearing and distance and coordinates if directed by the City Engineer.

(C) The final plat shall be submitted to the Engineer along with a computation sheet bearing coordinates on all points, based on the State plane coordinate system, Idaho Falls datum.

#### **10-1-7: LOT IMPROVEMENTS:**

(A) All lots shall be arranged so that all lots meet all qualifications necessary to secure a building permit.

(B) Lot dimensions shall conform to the minimum standards in the Zoning Ordinance.

(C) Lots shall have full frontage on, and access to, a dedicated street.

(D) Residential lots shall not have direct access to arterial streets. Direct access to arterial streets from commercial or industrial lots shall be permitted only where it can be demonstrated that:

(1) The direct access will not impede the flow of traffic on the arterial or otherwise create an unsafe condition;

(2) There is no reasonable alternative for access to the arterial via a collector street;

(3) There is sufficient sight distance along the arterial from the proposed point of access;

(4) The proposed access is located so as not to interfere with the safe and efficient functioning of any intersection; and

(5) The developer or owner agrees to provide all improvements, such as turning lanes or signals, necessitated for the safe and efficient use of the proposed access.

(E) Adequate provisions shall be made for soil preservation, drainage patterns, and debris and waste disposal and collection.

(F) Side lines of lots shall be at, or near, right angles or radial to the street lines. All corner lots shall have a minimum radius of twenty feet (20') on the property line.

(G) All property within the subdivision shall be included within a lot or area dedicated for public use.

(H) All corner lots zoned RP through R-3, inclusive, shall be a minimum of ten percent (10%) larger in area than the average area of all similarly zoned lots in the plat or

subdivision under consideration. If less than ten (10) such lots are shown in the subdivision or plat under consideration, then the Director may use other plats or subdivisions within the surrounding area to calculate the average area of all similarly zoned lots within the vicinity of the property under consideration.

**10-1-8: STREET REQUIREMENTS:**

(A) All major streets in the subdivision must conform to the major street plan of the City, as set forth in the Comprehensive Plan.

(B) The alignment and width of previously platted streets shall be preserved unless topographical conditions or existing buildings or structures require otherwise.

(C) Residential lots adjoining arterial streets shall comply with the following requirements:

(1) Such lots shall have reverse frontage on the arterial streets.

(2) Such lots shall be buffered from the arterial street by any effective combination of the following: lot depth, earth berms, vegetation, walls or fences, and structural soundproofing.

(3) The minimum lot depth shall be one hundred fifty (150) feet except where the use of berms, vegetation, and structures can be demonstrated to constitute an effective buffer for a dwelling on a lot less than one hundred fifty (150) feet in depth.

(4) Whenever practical, existing roadside trees shall be saved and used in the arterial buffer.

(5) Parking areas shall be used as part of the arterial buffer for high density residential uses.

(6) Annexation and development agreements shall include provisions for installation and continued maintenance of arterial buffers.

D. All public streets and alley rights of way shall be measured from property line to property line. The minimum width of street and alley rights of way so measured shall be as shown on the typical cross sections and street standards set forth in the City Standard Drawings and Engineering Specifications, for the street classification designated by the Director or as set forth in the Comprehensive Plan. In determining the street classification, the Director shall take into consideration the following factors:

(1) Zoning and land usage of the area in which the street is located.

(2) Anticipated traffic volume and character of traffic use.

- (3) Character or function of the street.
- (4) Vehicular and pedestrian safety.
- (5) Anticipated future growth in the area served by the street.
- (6) Population density in the area served by the street.

(E) Local streets or minor collector streets serving residentially-zoned areas may be developed to rural street standards upon the following conditions:

(1) All residential lots bordering such streets have frontage lengths of at least two hundred ten feet (210'); or

(2) The gross average density of the development served by the street is equal to, or less than, one single-family unit per acre.

(F) Permanent dead-end streets shall not be longer than four hundred feet (400'), provided, however, if all lots fronting upon such street are zoned RP, RP-A, R-1, or R-2, then the street may be constructed to a length not to exceed six hundred feet (600'). Notwithstanding the foregoing, no conditional use or building permit shall be issued for the construction of a school, church, day care center, or multi-family dwelling unit with more than two (2) units, where the primary vehicular access for such use is upon a permanent dead-end street having a length in excess of four hundred feet (400'). All such streets shall have a closed end with a turn-around having a street property line diameter of at least ninety feet (90').

(G) Streets that temporarily dead-end may be permitted with a distance of greater than 400 feet in length, provided the developer files a preliminary plat of an adjoining subdivision depicting a through street connecting to such temporary dead-end street, and provided further the City Council may order the developer or owner of such property to file a final plat for such preliminary plat, at any time at the expiration of three (3) years after the date the plat showing the temporary dead-end street was approved.

(H) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than eighty degrees (80E) or greater than one hundred degrees (100E).

(I) Minor streets shall be so laid out in a manner as will discourage their use by through traffic.

(J) Streets in new subdivisions shall continue the alignment of existing streets in adjoining subdivisions, or their proper projections when adjoining property is not subdivided. Streets, alleys and utility lines shall be arranged in a manner which will, insofar as possible, facilitate convenient extension and connection thereof to future

streets, alleys and utility lines developed by the owners of adjoining property at the time their property is platted.

(K) Minimum street grades of four-tenths percent (0.4%) shall be required with the maximum grade being seven percent (7%) for secondary and major streets and ten percent (10%) for local or minor streets.

(L) All streets and alleys shall be completed to the grades set forth in the City Standard Drawings and Engineering Specifications.

(M) Where street lines within a block deflect from each other at any one point more than ten degrees (10E), there shall be a connecting curve. The radius of the curve for the inner street line shall be not less than seven hundred feet (700') for a major street, two hundred fifty feet (250') for a collector or secondary street, and fifty feet (50') for local or minor streets.

(N) Curbs at street intersections shall be rounded with curves having a minimum radius of twenty-five feet (25').

(O) No plat shall be laid out in any manner for the purpose of creating a Spite Strip within or adjacent to the subdivision.

(P) Street name signs shall be erected by the developer in accordance with City Standard Drawings and Engineering Specifications.

(Q) All streets and alleys within the subdivision shall be dedicated for public use. The dedication of one-half (1/2) streets in any subdivision is prohibited except where essential to the reasonable development of the subdivision in conformity with other requirements of this chapter and where it will be practicable to require the dedication of the other one-half (1/2) when the adjoining property is subdivided. Wherever a one-half (1/2) street is situated adjacent to a tract to be subdivided, the other one-half (1/2) shall be platted within such tract.

(R) All street sections, curb, gutter and sidewalk shall be constructed in accordance with the City Standard Drawings and Engineering Specifications unless otherwise approved in writing by the City Engineer. Curbs, gutters and sidewalks shall be constructed on each side of all public streets, unless otherwise approved in writing by the City Engineer.

#### **10-1-9: ALLEYS AND EASEMENTS:**

(A) The minimum width of any dedicated alley shall be twenty feet (20'), unless otherwise approved by the Public Works Division and Planning and Building Division. Alleys may be required along the rear line of business property, and in the rear of all lots fronting major thoroughfares.

(B) Where alleys are not provided, easements of not less than eight feet (8') in width shall be dedicated on each side of all rear lot lines and six feet (6') on side lot lines, where necessary, for poles, wires, conduits, storm or sanitary sewers, and gas and water lines. Easements of greater width may be required along lines across lots or along boundaries where necessary for surface drainage or for the extension of main sewers or other utilities.

(C) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be of sufficient radius to permit safe vehicular movement.

(D) Dead-end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turn-around facilities at the dead-end.

### **10-1-10: BLOCKS:**

(A) Blocks shall be designed in accordance with sound engineering practices and standards, taking into consideration such factors as access, circulation, traffic safety and control, topography, utilities and service easements.

(B) Residential block lengths shall not exceed one thousand three hundred feet (1,300'), nor be less than four hundred feet (400'). The City Engineer may require dedication and construction of hard-surfaced pedestrian ways, not less than six feet (6') wide, where necessary, to provide safe and convenient circulation or access to school, playgrounds, shopping areas, transportation, or any other community facilities.

### **10-1-11: FLOOD PLAIN AREAS:**

The City may prohibit the subdivision of any portion of land which lies within the flood plain of any body of water as designated by the U.S. Department of Housing and Urban Development for the public health, safety and welfare, if it is determined that construction of the subdivision creates a potential hazard to the health or safety of the occupants of the subdivision.

### **10-1-12: WATER AND SEWAGE FACILITIES:**

The developer shall ensure that necessary utility improvements and extensions are made to provide sufficient sanitary sewage disposal, storm drainage and water quality, quality and pressure for domestic use and fire protection. All water, sewage and storm drainage utility systems shall be designed and constructed in accordance with the City Standard Drawings and Engineering Specifications, and the rules and regulations of the Department of Health and Welfare for the State. No construction on such utility systems may be commenced until the City Engineer and the Department of Health and Welfare have approved the design of such system in writing. Individual disposal systems or treatment plants may be used if the design thereof is approved by the Department of Health and Welfare and such systems are not otherwise prohibited by this Code. No plat shall be recorded by the developer or accepted by the City unless the plat bears the

necessary water and sanitary certificates required by Idaho Code Sections 50-1326, 50-1334 and 31-3805.

### **10-1-13: SIDEWALKS:**

Sidewalks shall be provided in all residential and commercial subdivisions in accordance with the City of Idaho Falls Standard Drawings and Standard Specifications.

### **10-1-14: APPLICATION FOR SUBDIVISION APPROVAL:**

(A) Application for Approval: No plat shall be recorded until an application for subdivision has been filed by the developer or developers and approved in accordance with the provisions of this chapter.

(B) Classification: Whenever an application for subdivision approval is received, the Director shall immediately classify the subdivision and advise the applicant of such classification within five (5) working days after the application is filed with the Director's office. Such classifications shall consist of the following:

- (1) Regular subdivision.
- (2) Short subdivision with public dedication or extension of public utilities.
- (3) Short subdivision with no public dedication.

(C) Plats Required: Applications seeking approval for a regular subdivision shall comply with the preliminary plat and final plat approval process set forth hereafter. Applications for a short subdivision with a public dedication or extension of City utilities may follow the sketch plat and final plat approval process, if prior approval is given by the Director. Applications for approval of a short subdivision with no public dedication or extension of City utilities shall comply with the sketch plat and final plat approval process; provided, however, the filing of a preliminary plat may be made at the option of the developer.

(D) Official Submission Dates: An application for plat approval shall be deemed to be filed with the Director's office upon payment of all fees required by this Chapter and receipt of the application and plat, complete with all required contents.

(E) Application and Fees: Whenever a developer requests approval of a sketch plat, preliminary plat, or final plat, such plat shall be accompanied by an application for approval which shall contain sufficient information to determine if the plat complies with the provisions of this chapter. All applications shall be accompanied with the fees required by Sections 10-1-18 of this Chapter.

### **10-1-15: SKETCH PLAT APPROVAL PROCESS:**

Upon the filing of the sketch plat, the applicant shall discuss with the Director the requirements of this chapter, and if the sketch plat appears to be in conformity therewith, the Director shall approve the same or advise the applicant of specific changes, additions or recommendations which will be likely required to obtain final plat approval. Such approval or recommendations shall constitute an authorization to prepare and submit a final plat. Approval or recommendations for approval shall be given by the Director within twenty (20) days after the plat is filed with the Director's office.

#### **10-1-16: PRELIMINARY PLAT APPROVAL PROCESS:**

(A) Contents of Application: An applicant seeking approval of a preliminary plat shall file an application therefor, together with ten (10) copies of the preliminary plat for which approval is requested. Such application and plat shall be filed with the Director's office at least ten (10) days before the next regularly scheduled Commission meeting date, if the applicant desires consideration at such meeting.

(B) Application and Contents of Plat: The application and plat shall accurately and fairly describe and depict all improvements, structures, boundary lines, lot configurations, area to be developed, existing and proposed land use and zoning, grades, land contour, recreational and public use area, utilities, water works, topography, streets, alleys, easements, and shall contain such other information as may be necessary to determine if the proposed subdivision complies with the requirements of this chapter. The plat shall be drawn in accordance with generally accepted engineering standards and practices and shall be drawn in such a manner as will assure legibility, clarity, reproducibility, accuracy, uniformity and neatness of the plat. The Director shall prepare and establish a written subdivision policy which shall more particularly set forth the information required to be submitted in the application and the particular manner in which the plat shall be drawn. Such subdivision policy shall be consistent with the provisions herewith.

(C) Approval Process: Upon timely submission of the plat and application containing the information required by this chapter and by the Director, the Commission shall review the preliminary plat to determine compliance with this chapter, the comprehensive plan, and all applicable federal, state or local laws. In conducting such reviews, the Commission may recess such meeting for good cause or may solicit comments from other departments and divisions of the City. Within sixty (60) days after the date of the Commission meeting at which the plat and application were first submitted, the Commission shall complete its review and shall approve, conditionally approve, or disapprove of the plat and application. In the event the Commission conditionally approves the preliminary plat, it shall advise the developer in writing of the conditions under which the approval is granted, and upon developer's complete compliance with such conditions and the Director's written certification thereof, the plat shall be deemed approved. If approval of the plat is denied, the Commission shall advise the developer, in writing, of the reasons for denial of the application. The approval of a preliminary plat shall expire one year after the date of approval unless a final plat has been approved by the Commission; provided, however, that if the subdivision has been sectionalized as described in Section 10-1-16(D) of this chapter, such expiration period

may be extended by the Commission for such period of time as may be appropriate. The Commission shall advise the developer of the expiration date of the preliminary plat at the time it approves the request for sectionalization. Upon request of the developer, the Commission may extend its approval for a period of not to exceed one year from the date of its initial approval.

(D) Model Homes: The City Council may allow no more than two (2) model homes to be built in a subdivision after preliminary plat approval, but before final plat approval, provided the lots to be developed have frontage upon an existing public street.

### **10-1-17: FINAL PLAT APPROVAL PROCESS:**

(A) Application Procedure and Requirements. Following the approval of the sketch plat or preliminary plat, as the case may be, the developer may file with the Director an application for final approval of the subdivision plat. The application shall contain all information required to be set forth in the preliminary plat approval process (whether or not based upon the sketch plat or preliminary plat approval process) and in addition, shall contain the following:

(1) A final plat application form requesting approval of the final plat, including a request for annexation or zoning, if appropriate.

(2) Ten (10) copies of the final plat of the proposed subdivision, drawn and prepared in accordance with Idaho Code Section 50-1304, and the subdivision policy. A reasonable number of additional copies of the plat may be requested by the Director, if necessary.

(3) Proof of current ownership of the real property included in the proposed final plat.

(4) Subdivision street and utility improvement drawings prepared in accordance with generally accepted engineering practices, the requirements of this chapter, the City Standard Drawings and Specifications, and the Subdivision Policy.

(5) A copy of a proposed annexation agreement or development agreement setting forth the contractual obligations and agreement between the City and the developer.

(6) Copies of any easements or other covenants which run with the land.

(7) Proof of payment of all engineering, hook-up, water and sewer, road and bridge, and surface drainage fees and all other fees prescribed by City ordinance.

(8) Any other maps, data or information deemed necessary by the Director to determine compliance with the provisions of this chapter.

(B) Approval by City Engineer and Surveyor: Upon the filing of a final plat and application with the Director, the City Engineer and City Surveyor shall review the plat and application to determine compliance with the provisions of this chapter. The City Engineer and Surveyor shall forward their recommendations to the Commission.

(C) Approval by Commission and City Council: All requests for approval of the final plat shall be made in writing at least ten (10) days prior to the next regularly scheduled meeting of the Commission. At such meeting, the Commission shall determine whether the developer's application complies with the provisions of this chapter. The Commission may, after giving notice in accordance with the Local Planning Act of 1975 (Idaho Code Section 67-6501, et seq.), and other applicable City ordinances, simultaneously consider a request for annexation, zoning, rezoning, or amendment of the comprehensive plan. Within sixty (60) days after the meeting of the Commission at which the request for approval of the final plat is considered, the Commission shall recommend approval or denial of the final plat, provided, however, the developer may request that the matter be recessed, and in such event, such sixty (60) day period shall not commenced to run until the matter is again considered by the Commission. Whenever the Commission recommends denial of the final plat, it shall specify the ordinances and standards used in evaluating the application, and its reasons for denial thereof and the actions, if any, that the applicant may take to obtain their approval. Upon developer's written request, the Commission shall forward its recommendations to the City Council, provided, however, if such request is not physically filed with the Director within one year after the date the Commission issues its recommendations, then the application shall become void. Within forty-five (45) days after developer's written request, the City Council shall hear the request for approval of the final plat to determine if the same complies with the provisions of this chapter. Consideration of the request for final plat approval may be conducted simultaneously with hearings for annexation, initial zoning, rezoning or amendment of the comprehensive plan relating to the same property. If the final plat conforms to the provisions of this chapter and all other applicable state or federal laws, or local ordinances, the City Council shall approve the final plat and authorize the Mayor and City Clerk to sign the original plat. In granting or denying the application for approval of the final plat, the City Council shall specify the ordinance and standards used in evaluating the application, and reasons for approval or denial, and the actions, if any, that the applicant may take to obtain approval.

(D) Sectionalizing Subdivisions: Prior to the approval of a final plat, the Commission may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as are necessary to assure orderly development of the subdivision.

(E) Recording of Final Plat: The developer shall provide reproducibles to the Public Works Division in accordance with Section 50-1304, Idaho Code. Upon approval of the final plat, the Director shall file the plat with the Bonneville County Recorder's office. All final plats shall be recorded within ninety (90) days after approval by the City Council, unless an extension of time is granted by the City Council. If the final plat is not

recorded within the specified time because of the developer's failure to meet the requirements specified herein, the Council may rescind its approval of the plat.

### **10-1-18: ADMINISTRATION:**

(A) Director: The Director shall administer the terms and provisions of this chapter and receive and process all subdivision applications.

(B) Subdivision Policy: The Director may adopt a subdivision policy to more specifically implement the terms and provisions of this chapter, provided, however, such subdivision policy shall be consistent with the express provisions and intent of this chapter. All applications for approval of a subdivision shall comply with the terms and provisions of the subdivision policy.

(C) Variances: The City Council may, upon recommendation of the Commission, grant a variance to the terms and provisions of this chapter. A variance may be granted only upon an express finding that all of the following conditions exist:

(1) There are special circumstances or conditions affecting the property such that a strict application of this chapter would clearly be impracticable or unreasonable.

(2) Strict compliance with this chapter would result in extraordinary hardship, as distinguished from mere inconvenience, to the developer because of the particular physical surroundings, shape, or unusual topography of the developer's property, and will substantially preclude development of the property.

(3) The circumstances for which the variance is sought are unique to the property and are not applicable to other properties similarly situated.

(4) The variance is the least deviation from this chapter necessary to mitigate the hardship.

(5) The granting of the variance will not be substantially detrimental to the public safety, health, welfare or will not substantially injure other property adjoining the property for which the variance is sought.

(6) The variance is not otherwise contrary to law.

(7) The conditions necessitating the variance were not caused by or in any way arise from the actions of the developer.

(D) Appeals. Any applicant denied a permit or aggrieved by a decision, may, within sixty (60) days after all remedies have been exhausted under this chapter, seek judicial review pursuant to the procedures set forth in Section 67-5215(b) through (g) and Section 67-5216, Idaho Code.

## **10-1-19: SUBDIVISION APPLICATION FEES:**

The following fees are hereby established relative to the processing of subdivision applications.

(A) Preliminary Plat: Any person submitting a preliminary plat to the City for review and processing shall pay to the Planning and Building Division of the City at the time of submittal thereof a fee of one hundred dollars (\$100).

(B) Final Plat: Any person submitting a final plat to the City for review and processing shall pay to the Public Works Division of the City at the time of submittal thereof a fee of two hundred fifty dollars (\$250), plus twenty-eight dollars (\$28) for each lot appearing on the plat, or two hundred fifty dollars (\$250), plus sixty-three dollars (\$63) per acre appearing on the plat, whichever is greater.

(C) Subdivision Improvement Plans: Any person submitting subdivision improvement plans to the City shall pay to the Public Works Division of the City at the time of submittal thereof a minimum fee of two hundred dollars (\$200), plus ten dollars (\$10) per lot appearing on the plans or two hundred dollars (\$200), plus twenty dollars (\$20) per acre appearing on the plans, whichever is greater.

(D) Street and Utility Construction Inspection: Any person who requests acceptance by the City of any street, utility line or other public improvement shall submit improvement plans, profiles and specifications for such improvements to the Public Works Division. Substantial construction of said public improvements shall not be commenced until the City Engineer has certified that such plans are in accordance with the City Standard Drawings and Engineering Specifications and that the applicant has paid a fee of two hundred dollars (\$200) per lot or four hundred fifty dollars (\$450) per acre, whichever is greater; provided that in no event shall such fee be less than four hundred dollars (\$400). If such improvement plans comply with all state and local laws and ordinances and any development or annexation agreement executed or to be executed between the City and such person, the City Engineer shall endorse his approval upon the improvement plans and shall cause a notice to be imprinted upon the subdivision plat stating that the City will not accept ownership or maintenance of such public improvements until a professional engineer licensed in the State of Idaho has inspected the construction of such public improvements and has delivered his written certification to the City Engineer that such inspection was made and that construction of such improvements meets or exceeds the minimum standards set forth in the City Engineering Standard Drawings and Engineering Specifications. "As-built" drawings of such public improvements shall also be prepared by such engineer and delivered to the City Engineering Department immediately upon completion of all public improvements shown on the plans, or upon completion of any portion thereof as required by the City. Upon delivery of the "as-built" drawings, together with the certification of the professional engineer, seventy-five percent (75%) of the fees imposed by this section shall be returned to the developer and the City Engineer shall then cause a "Notice of

Public Acceptance of Street and Utilities" to be recorded in the Bonneville County Recorder's office for those public improvements which have been accepted by the City.

**10-1-20: FEES PAID TO TREASURER:**

All fees received under the terms of this chapter shall be paid forthwith to the City Treasurer by the City Division or Department receiving the same.

**Disclaimer:**

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