

SUBDIVISION ORDINANCE

(REV. 2 2011)

CITY OF ROBERTS

PO BOX 242

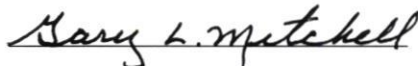
ROBERTS, IDAHO 83444

208-228-3220

This Ordinance, unchanged from Rev. 1 2009, was reviewed by the Roberts Planning and Zoning Commission. After a public hearing by the Commission, as per Idaho Code 67-6509, on (10/22/2011) the ordinance was forwarded to the City Council for approval. On (12/13/2011) the Subdivision Ordinance was approved as the official Roberts Subdivision Ordinance.

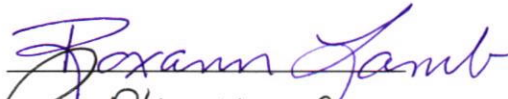
MAYOR:

Gary Mitchell



COUNCIL MEMBERS:

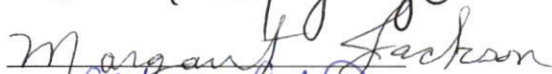
Roxann Lamb



Pat O'Malley/George



Margaret Jackson



Robert Berlin



CITY CLERK:

Gale Scrivner



AMMENDMENTS PAGE

2009 REV. 1

CHAPTER 2, SECTION 3, PART F

Changed the third sentence to read- A Public Hearing may be held at the discretion of The Commission.

2011 REV. 2

No changes made to Ordinance. Updated Title Page to reflect change in City Council members.

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SUBDIVISION ORDINANCE OF THE CITY OF ROBERTS, IDAHO

BE IT ORDAINED by the Mayor and City Council of the City of Roberts

CHAPTER 1. TITLE, PURPOSE, JURISDICTION AND DEFINITIONS

SECTION 1. SHORT TITLE

This ordinance shall be cited as the Subdivision Ordinance of the City of Roberts, Idaho in compliance with Idaho Code 67-6513.

SECTION 2. PURPOSE

The purpose of this ordinance is to protect the public health, safety, and welfare of the residents within the City of Roberts and the negotiated area of City impact by establishing regulations, administrative procedures and a process of review for the subdivision of land within the city limits. These regulations are established to prevent overcrowding of land; to lessen congestion of streets and highways; to provide adequate space, light and air; to provide adequate facilities for water, sewer, parks and recreation areas; sites for schools and other public uses; to provide for proper ingress and egress; and to require the conveyance of land by accurate legal description.

SECTION 3. JURISDICTION

These regulations shall apply to the subdividing of all land within the City of Roberts and shall include the following:

- A. The subdivision of land into two (2) or more tracts, lots or parcels for transfer of ownership.
- B. The dedication of any street or alley through or along any tract of land.
- C. The resubdivision of an original parcel of land into two (2) or more parcels except as provided in the exceptions listed below.
- D. The development of condominium projects. In condominium projects, as permitted by Idaho Code (50-1501 through 1527), the Planning and Zoning Commission and the City Council may regulate the attached conditions to the design and location of buildings, the creation, shape and size of condominium units, the provision and maintenance of open space and off-street parking.

Unless excepted pursuant to the provisions of this ordinance, the Planning and Zoning Commission and the City Council shall require the installation of public improvements and utilities for condominium projects as required under the provision of this ordinance. For purposes of the administration of zoning and subdivision regulations, the Planning and Zoning Commission may consider a condo development as a single building, requiring one front yard, two side yards and one rear yard and may grant such exceptions as are necessary to the zoning and subdivision regulations to permit such development.

EXCEPTIONS

- A. A readjustment of lot lines which does not reduce the area, frontage, width, depth or building setback lines below minimums required.
- B. A subdivision of land into parcels of five (5) acres or more designated for agricultural purposes and which does not involve any new street dedication.
- C. One division of any original parcel into not than two (2) parcels, provided that each parcel resulting from such subdivision shall front upon a public street.
- D. Tenants in common with undivided interest if not legal to divide.

SECTION 4. DEFINITIONS

For the purpose of this ordinance, certain words, terms and phrases are defined as follows:

BLOCK – A piece or parcel of land or group of lots entirely surrounded by public streets, streams, railroads, parks or any combination thereof.

CITY ATTORNEY – The attorney retained by the City of Roberts

CITY ENGINEER - An engineer retained by the City of Roberts

COMMISSION – The Roberts Planning and Zoning Commission.

COMPREHENSIVE PLAN – A Comprehensive Plan, adopted by the City Council, or parts thereof, providing for the future growth and improvement of the City. The plan also provides for the general location of streets and highways, schools, recreation areas, public building sites and other physical development.

CONDITIONAL APPROVAL - An affirmative action by the Commission indicating that the approval will be forthcoming upon satisfaction of certain specified stipulations.

EASEMENT – A grant by the owner of the use of a parcel of land by the public, corporation, or persons for specified use and purposes and so designated on a plat.

ENGINEERING PLANS - Plans, profiles, cross sections and other required details for the construction of public improvements, prepared by a registered engineer in accordance with the approved Preliminary Plat and in compliance with existing standards of design and construction approved by the City Council.

LAND EXCEPTION - Any parcel of land which is within the boundaries of the subdivision which is not owned by the sub divider.

FINAL APPROVAL - Unconditional approval of the Final Plat as evidenced by certification of the plat by the Mayor. Such approval constitutes authorization to record a plat.

IRRIGATION FACILITIES – Includes canals, laterals, ditches, conduits, pipes, gates, pumps and allied equipment necessary for the supply, delivery and drainage of irrigation water.

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

CORNER LOT – A lot abutting on two (2) or more intersecting streets where the interior angle or intersection does not exceed one hundred thirty-five (135) degrees. A corner lot shall be considered to be in that block in which the lot fronts.

INTERIOR LOT – A lot having but one (1) side abutting on a street.

KEY LOT – An interior lot, one (1) side of which is contiguous to the rear line of a corner lot.

THROUGH LOT – A lot abutting two (2) parallel or approximately parallel streets.

LOT WIDTH – The width of a lot shall be:

- a. If the side properties are parallel, the shortest distance between these side lines.
- b. If the property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the mid-points of the front and rear property lines.

MOBILE HOME – A manufactured re-locatable single family living unit made prior to June 15, 1976, which does not meet the Federal Manufactured Home Construction and Safety Standards.

MANUFACTURED HOME – A single family dwelling unit, multi-sectional, and encloses a space of not less than 1000 square feet. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade. A manufactured home may be designed to be towed on its' own chassis or be site delivered by alternative means. The structure must conform to the HUD manufactured home construction and safety standards of June 15, 1976. See Idaho Code 67-6509A for further information.

MOBILE HOME PARK – Any site or tract of land under single ownership upon which two (2) or more mobile homes or manufactured home for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

NEIGHBORHOOD PLAN – A plan to guide the platting of remaining vacant parcels in a partially built-up neighborhood so as to make reasonable use of all land, correlated street patterns and achieve the best possible land use relationships.

OWNER - The person or persons holding title by deed to land, or holding title as vendees under land contract, or holding any other title of record.

PEDESTRIAN WAY _ A public walk dedicated entirely through a block from street to street and/or providing access to a school, park, recreation area or shopping center.

PLANNED UNIT DEVELOPMENT - An area of land in which a variety of residential, commercial and industrial uses developed under single ownership or control are accommodated in a pre-planned environment with more flexible standards; such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

PLAT – A map of a subdivision.

- a. Preliminary Plat – A preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with this ordinance and Idaho Code 67-6513.
- b. Final Plat – A map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared by a registered land surveyor in accordance with this ordinance and Idaho Code 67-6513.
- c. Recorded Plat – A final plat bearing all of the certificates of approval required in this ordinance and duly recorded in the County Recorder’s Office.

PUBLIC IMPROVEMENT STANDARDS – A set of regulations setting forth the details, specifications and instructions to be followed in the planning, design and construction of certain public improvements including state building codes, health codes, fire code and all other public health and safety regulations.

STREET – A right-of –way that provides vehicular and pedestrian access to adjacent properties; the dedication of which has been officially accepted. The term ‘street’ also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place and other such terms.

- a. Alley – A minor street providing secondary access at the back or side of a property otherwise abutting a street.
- b. Minor – A street that has the primary purpose of providing access to abutting properties.
- c. Collector – A street designed for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.
- d. Arterial – A street for the purpose of carrying fast and/or heavy traffic.
- e. Private – A street, not accepted for public use which provides vehicular and pedestrian access.

SUBDIVIDER – A sub divider shall be deemed to be the individual, firm, corporation, partnership, association, trust or other legal entity that titles the application and initiates proceedings for the subdivision of land in accordance with the provisions of this ordinance; And said sub divider need not be the owner of the property as defined by this ordinance.

SUBDIVISION COMMITTEE – A committee of the commission established to review preliminary plats.

TECHNICAL REVIEW COMMITTEE – A committee appointed by the Chairman of the Planning and Zoning Commission to review subdivision proposals.

USABLE LOT AREAS – That portion of a lot usable for or adaptable to the normal uses made of residential property, excluding any areas which may be covered by water, excessively steep or included in certain types of easements.

UTILITIES – Installations or facilities, underground or overhead, furnishing for the use of the public, electricity, gas, steam, communications, water, water drainage, sewer, or flood control, owned and operated by any persons, firms, corporations, departments or boards as applicable herein.

UTILITY COMMITTEE – An individual or group of individuals designated by the several utilities as their representative (s) in subdivision matters.

CHAPTER 2. PROCEDURE FOR SUBDIVISION APPROVAL

SECTION 1. SUBDIVISION APPROVAL REQUIRED

Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the Commission. No final plat shall be filed with the County Recorder until the plat has been acted upon by the Commission and approved by the Council and Mayor. All documents shall have proof of approval on the face of the document. No lots shall be sold until the plat has been recorded in the office of the County Recorder.

SECTION 2. PREAPPLICATION

- A. Application – The sub divider may request a pre-application interview with the commission to enable the commission to comment on the subdivision and advise the applicant as to the proper procedure, forms and fee structure necessary for subdivision consideration. The pre-application shall include a copy of a sketch plan of the layout of the proposed subdivision. The sketch plan shall include the following:
1. The general layout and approximate dimensions of streets, blocks and lots.
 2. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site.
 3. The areas set aside for schools, parks and other public facilities.
- B. Fee – None required.
- C. Commission Action – The Commission shall notify the sub-divider within thirty (30) days from the date of the Pre-Application meeting as to the general conformance or nonconformance of the proposed subdivision with this ordinance as well as the following concerns:
1. Compliance with the City of Roberts Comprehensive Plan
 2. Determine whether Variances, Special Use Permits or Rezoning issues may have to be considered to bring the proposed subdivision into compliance with City Ordinances.
 3. Consideration of any unique environmental features or hazardous concerns that may be either directly or indirectly associated with 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.
 4. Consideration of other local and State agencies that the sub-divider should contact before preparing a Preliminary Plat.

SECTION 3. PRELIMINARY PLAT

- A. Application – The sub-divider shall file with the Commission a complete subdivision application form (available at City Hall) and preliminary plat data as required in this ordinance.
- B. Combining Preliminary Plat and Final Plats - The applicant may request that the subdivision application be processed as both a preliminary and final plat if all the following exists:
 - 1. The proposed subdivision does not exceed 12 lots.
 - 2. No new street dedication or street widening are involved.
 - 3. No major special development considerations are involved, such as development in a flood plain, hillside development or the like.
 - 4. All required information for both preliminary and final plat is complete and in an acceptable form for submission.

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

- C. Content of Preliminary Plat – The contents of the preliminary plat and related information shall be in such a form as stipulated by the Commission. The sub-divider shall submit to the Commission at least the following:
 - 1. Three (3) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements herein-after stated; each copy of the preliminary plat shall be on good quality paper, shall have the dimensions of not less than eighteen (18) inches by twenty-four (24) inches, shall be drawn to scale of not less than one (1) inch to one hundred (100) feet, shall show the drafting date and indicate, by arrow, the generally northern direction.
 - 2. Three sets of preliminary engineering plans (not meant to be cross sections or detailed designs) for streets, water, sewers, sidewalks and other required public improvements; however, such engineering plans shall contain sufficient information and detail to enable the Commission to make a determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards.
 - 3. A written application (available at the City Hall) requesting approval of the plat.
 - 4. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, planned unit development, flood plain, cemetery, mobile home park, large scale development or hazardous and unique areas of development.
- D. Requirements of Preliminary Plats – The following shall be shown on the preliminary plat or shall be submitted separately:

1. The name of the proposed subdivision.
 2. The names, addresses and telephone numbers of the sub-divider and the engineer or surveyor who prepared the plat.
 3. The names, addresses and phone numbers of all adjoining owners of property whether or not bisected by a public right-of-way as shown on record in the County Assessor's Office.
 4. The legal description of the subdivision.
 5. A statement of the intended use of the proposed subdivision, such as; residential single-family, duplex or multi-family dwellings, commercial, industrial or recreational and a showing of any sites proposed for parks, playgrounds, schools, churches or other public uses.
 6. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development.
 7. A vicinity map showing the relationship of the proposed plat to the surrounding area (1/2 mile minimum radius, scale optional).
 8. The land use and existing zoning of the proposed subdivision and the adjacent land.
 9. Streets, street names, right-of-way and roadway widths, including adjoining streets.
 10. Lot lines and blocks showing the dimensions and numbers of each.
 11. Contour lines, shown at five (5) foot intervals where land slope is greater than ten percent (10 %) and at two (2) foot intervals where land slope is ten percent (10%) or less, referenced to an established bench mark, including location and elevation.
 12. A site report as required by the appropriate health district where individual wells or septic tanks are proposed
 13. Any proposed or existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches, drainages, bridges, culverts, water mains, fire hydrants and their respective profiles.
 14. A copy of any proposed restrictive covenants and/or deed restrictions.
 15. Any dedications to the public and/or easements together with a statement of location dimensions and purpose of such.
 16. Any information required for special developments as specified in Chapter 4 of this ordinance.
 17. A statement as to whether or not a variance, as specified in Chapter 6, will be requested with respect to any provisions of this ordinance describing the particular provision, the variance requested, and the reasons therefore.
- E. Fee – At the time of submission of an application for preliminary plat, a non-refundable fee (fee schedule available at City Hall) for the plat application plus a non-refundable fee per lot shall be paid. There shall be no additional fee for the combining of preliminary and final plats.

F. Public Notification – The Commission shall notify all adjoining property owners whose names and addresses have been provided by the sub-divider by mail fifteen (15) days prior to the Commission Preliminary Plat meeting. Said notification shall include the time and date of the meeting. A Public Hearing may be held at the discretion of The Commission. Public Hearing notification shall be conducted as per ID Code 67-6509.

G. Commission Action –

1. Preliminary Plat Meeting – Within a reasonable time after adjoining property owner notification but not to exceed forty-five (45) days from the notification, a meeting, or public hearing ,if applicable, shall be held whereupon the Commission shall accept a presentation from the applicant, comments from the adjoining property owners and consideration of written comments and rebuttal by applicant.
2. Commissions Findings – In determining the recommendations to be forwarded to the City Council, The Commission shall consider the objectives of this ordinance and at least the following:
 - a. The conformance of the subdivision with the Comprehensive Plan
 - b. The availability of public services to accommodate the proposed development.
 - c. The continuity of the proposed development with the Capital Improvement Program.
 - d. The public financial capability of supporting the services for the proposed development.
 - e. The health, safety, law enforcement and other environmental problems that may be brought to the attention of the Commission.
3. Action On Preliminary Plat – The Commission may recommend approval, conditional approval, disapproval or table the preliminary plat for additional information. Such action shall occur within thirty (30) days of the date of the hearing where the plat was first considered by the Commission. The action, and the reasons for such action shall be stated in writing by the Chairman of the Planning and Zoning Commission and forwarded to the applicant. The Chairman of the Commission shall also forward a statement of the action taken and the reasons for such action, together with a copy of the preliminary plat to the City Council for their information and record. Upon granting or denying a recommendation for approval to the Council, the Commission shall specify:
 - a. The ordinance and standards used in evaluating the application.
 - b. The reasons for recommending approval or denial.
 - c. The actions, if any, the applicant could take to obtain a permit.

4. Action on Combined Preliminary and Final Plat – If the Commission’s conclusion is favorable to the sub-divider’s request that the preliminary and final plat be considered as one, then a recommendation shall be forwarded to the Council in the same manner as herein specified for the final plat. The Commission may recommend that the combined application be approved, approved conditionally or disapproved.

H. Appeals – Any person or aggrieved party or the sub-divider who appeared in person or in writing before the Commission who does not agree with the Commission’s recommendation may submit in writing, to the City Council, within ten (10) days after the final action of the Commission, a request for further consideration of the subdivision development before the Council makes the final decision. Upon receipt of the request, the council may set a date for a hearing to consider all information, testimony and the Commission’s minutes of the public hearing to reach a decision to follow or not follow the recommendation of the Commission. The Council shall only overrule the Commission by a favorable vote of one-half (1/2) plus one (1) of the full council.

I. Approval Period –

1. Failure to file and obtain the certification of the acceptance of the final plat application by the Commission within one (1) year after action by the Commission shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the sub-divider and granted by the Commission.
2. In the event that the development of the preliminary plat is made in successive contiguous segments in an orderly and reasonable manner and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of one (1) year may be considered for final approval without resubmission for preliminary plat approval.

SECTION 4. Final Plat

A. Application – After the approval or conditional approval of the preliminary plat, the sub-divider may cause the total thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The sub-divider shall submit to the Commission the following:

1. Three (3) copies of the final plat.
2. Three (3) copies of the final engineering construction drawings for streets, water, sewers, sidewalks and other public improvements.

- B. Content of the Final Plat – The final plat shall include and be in compliance with all items required under Title 50, Chapter 13 of Idaho Code and shall be drawn at such a scale and contain lettering of such size as to enable the same to be placed on one (1) sheet of eighteen (18) by twenty-four (24) inch drawing paper or engineer’s film, with no part of the drawing nearer to the edge than one (1) inch. The reverse of said sheet shall not be used for any portion of the drawing but may contain written matter as to dedication, certifications and other information. The final plat shall include at least the following:
1. A written application for approval of such final plat as stipulated by the Commission. (available at City Hall)
 2. Proof of current ownership of the real property included in the final plat.
 3. Such other information as the Commission may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat.
 4. Conformance with the preliminary plat and meeting all requirements or conditions thereof.
 5. Conformance with all requirements and provisions of this ordinance.
 6. Acceptable engineering practices and local standards
- C. Fee – At the time of submission of an application for a final plat, a nonrefundable fee (fee schedule available at City Hall) shall be paid.
- D. Commission Review – The Commission may transmit a copy of the final plat or other documents submitted for review to other departments or agencies as deemed necessary to insure compliance with the preliminary approval and/or conditions of preliminary approval. Such agency review shall also include the construction standards of improvements, compliance with health standards, the cost estimate for all improvements and the legal review of the performance bond.
- E. Council Action – The Council at its next meeting following receipt of the Commission’s report shall consider the Commission’s findings and comments from concerned persons and agencies to arrive at a decision on the final plat. The Council shall approve, approve conditionally, disapprove or table the final plat for up to thirty (30) days. A copy of the approved plat shall be filed with the Commission. Upon granting or denying the final plat the council shall specify:
1. The ordinance and standards used in evaluating the application.
 2. The reasons for approval or denial.
 3. The actions, if any, that the applicant could take to obtain a permit.
- F. Approval Period – Final Plat shall be filed with the County Recorder within one (1) year after approval by the council, otherwise such approval shall become null and void unless extension arrangements have been made previously.

G. Method of Recording – Upon approval of the final plat by the council, the sub-divider's prepayment of recording fees, posting of the surety bond or other acceptable guarantee and the inclusion of the following signatures on the final plat, the City Clerk shall submit the final plat to the County Recorder's Office.

1. Certification and signature of the Council verifying that the subdivision has been approved.
2. Certification and signature of the City Clerk, if required, and the Chairperson of The Planning and Zoning Commission verifying that the subdivision meets the City requirements and has been approved by the City Council.
3. Certification of the sanitation restrictions on the face of the plat per Idaho Code 50-1326.

CHAPTER 3. DESIGN STANDARDS

SECTION 1. MINIMUM DESIGN STANDARDS REQUIRED

All plats submitted pursuant to the provisions of this ordinance shall comply with the minimum design standards set forth hereinafter in this Article unless higher standards adopted by any Highway District, State Highway Department, Health Agency, State Statute or Federal Law, in which case they would prevail over those set forth herein.

SECTION 2. DEDICATION

With a proposed subdivision arterial and collector streets, as per the Comprehensive Plan, shall be dedicated to the public in all cases. In general, all other streets shall also be dedicated to the public use.

SECTION 3. LOCATION

Street and road location shall conform to the following:

- A. Street Location and Arrangements – When an official street plan or comprehensive development plan has been adopted, subdivision streets shall conform to such plans.
- B. Minor Streets – Shall be arranged as to discourage their use by through traffic.
- C. Stub Streets Where adjoining areas are not subdivided, the arrangement of streets in the new subdivision shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas. A reserve strip may be required and held in public ownership.
- D. Relation to Topography – Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.
- E. Alleys – Alleys shall be provided in multiple dwelling or commercial subdivisions unless other provisions are made for service access and off-street loading and parking. Dead end alleys shall be prohibited in all cases.
- F. Frontage Roads – Where a subdivision abuts or contains an arterial street, it shall be required that there be frontage roads approximately parallel to and on each side of such arterial street; or such other treatment as is necessary for the adequate protection of residential properties and to separate through traffic from local traffic.
- G. Cul-de-Sac Streets – Shall not be more than five hundred (500) feet in length and shall terminate with adequate turnaround having a minimum radius of fifty (50) feet for right-of-way.
- H. Half Streets – Half streets shall be prohibited except where unusual circumstances make such necessary to the reasonable development of a tract in conformance with this ordinance.
- I. Private Streets – Private streets and roads shall be prohibited except within Planned Unit Developments.

SECTION 4. SPECIFICATIONS

- A. Streets Right-of- Way Widths – Street and road right-of –way shall conform to the adopted major street plan or comprehensive development plan and the rules of the State Dept. of Highways and the Highway District or Department having jurisdiction; minimum right-of-way standards are as follows:

Expressway or Freeway	160-260 feet
Major Arterial	120 feet
Minor Arterial	80 feet
Collector Street	60 feet

- B. Street Grades – Street grades shall not exceed ten percent (10%) on either minor or collector streets and six percent (6%) for arterial streets.

- C. Street Alignment – Shall be as follows:

1. Horizontal Alignment – When street lines deflect from each other by more than ten (10) degrees in alignment, the centerlines shall be connected by a curve having a minimum radius of five hundred (500) feet for arterial streets, three hundred (300) feet for collector streets. Between reverse curves on collector and arterial streets there shall be a minimum tangent distance of two hundred (200) feet.
2. Vertical Alignment – Minimum stopping sight distances shall be two hundred (200) feet for minor streets and designed in accordance with design speed for collector and arterial streets.

SECTION 5. STREET NAMES

The naming of the streets shall conform to the County grid system.

SECTION 6. INTERSECTIONS

Intersections shall conform to the following

- A. Angle of Intersection – Streets shall intersect at ninety (90) degrees or as closely thereto as possible and in no case shall streets intersect at less than seventy (70) degrees.
- B. Sight Triangles – Minimum clear sight distance at all street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred (100) feet from the center of the intersection.
- C. Number of Streets – No more than two (2) streets shall cross at one (1) intersection.
- D. “T” Intersections – May be used if such design will not restrict free movement of traffic.
- E. Centerline Offsets – Street centerlines shall be offset by at least one hundred (100) ft.

- F. Vertical Alignment of Intersection – A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred (100) feet each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain and four percent (4%) in hilly terrain will be permitted.

SECTION 7. PEDESTRIAN WALKWAYS

Right-of-way for pedestrian walkways in the middle of long blocks may be required to obtain convenient pedestrian circulation to schools, parks or shopping areas. The pedestrian easement shall be at least ten (10) feet wide.

SECTION 8. EASEMENTS

Unobstructed utility easements shall be provided along front lot lines and side lot lines when deemed necessary; total easement width shall not be less than twelve (12) feet. Unobstructed drainage way easements shall be provided as required by the Council.

SECTION 9. BLOCKS

Every block shall be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary; blocks shall not be less than three hundred (300) feet long in all cases.

SECTION 10. LOTS

Lots shall conform to the following:

- A. Zoning – The lot width, depth and total area shall not be less than the requirements of any applicable zoning ordinance.
- B. Future Arrangements – Where parcels of land are subdivided into unusually large lots, (such as when large lots are approved for septic tanks, the parcels shall be subdivided where feasible, so as to allow for future resubdividing into smaller parcels. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks. Whenever such future subdividing or lot splitting is contemplated the plan thereof shall be approved by the Commission prior to the taking of such action.

SECTION 11. PLANTING STRIPS AND RESERVE STRIPS

Planting strips and reserve strips shall conform to the following:

- A. Planting Strips – Planting strips shall be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses to screen the view from residential properties. Such screening shall be a minimum of twenty (20) feet wide and shall not be a part of the normal street right-of-way or utility easement.

- B. Reserve Strips – A one (1) foot reserve may be required to be placed along half streets which are within the subdivision boundaries and shall be deeded in fee simple to the City for future street widening.

SECTION 12. PUBLIC SITED AND OPEN SPACES

Public sites and open spaces shall conform to the following:

- A. Public Uses – Where it is determined that a proposed park, playground, school or other public use as shown on the future acquisition map, as authorized in Idaho Code 67-6517, is located in whole or in part within a proposed subdivision the Commission shall notify the appropriate agency concerning the land proposed to be acquired. Within thirty (30) days of the date of notice, the public agency may request the governing body to suspend consideration on the subdivision for sixty (60) days. If an agreement is not reached within sixty (60) days the Commission shall resume consideration of the subdivision.
- B. Natural Features – Existing natural features which add value to residential development and enhance the attractiveness of the community (trees, watercourses, historic spots and similar irreplaceable assets) shall be preserved in the design of the subdivision.

SECTION 13. PROTECTIVE CONENANTS

Protective covenants may be prepared and recorded as part of a subdivision. The provisions within protective covenants are enforceable through civil action and the city will not be required to enforce these provisions.

The Commission shall review and approve subdivision restrictive covenants prior to recording. Protective covenants may include such things as; architectural committee, location of recreational vehicles, commercial and industrial activity, maintenance of open space, allowable signing and amendment provisions

The determination of the Commission, upon reviewing and approving the protective covenants, is to resolve any conflicts with existing subdivision and zoning regulations.

CHAPTER 4. IMPROVEMENT STANDARDS

SECTION 1. RESPONSIBILITY FOR PLANS

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

SECTION 2. REQUIRED PUBLIC IMPROVEMENTS

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

- A. Monuments – Monuments shall be set in accordance with Idaho Code 50-1303.
- B. Streets and Alleys – All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the City Council and in compliance with State Law.
- C. Curbs and Gutters – Rolled curbs and gutters shall be required on all streets. All construction shall be in accordance with the standards and specifications adopted by the City Council.
- D. Installation of Public Utilities – Underground utilities are encouraged and may be required subject to the City Council adopted policies and ordinances.
- E. Bicycle Pathways – May be required as part of the public right-of-way as may be specified in an overall bicycle plan as adopted by the City Council.
- F. Driveways – All driveway openings in curbs shall be as specified by the Public Works Dept., Highway District or State Highway Dept.
- G. Storm Drainage – An adequate storm drainage system shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the Council. Construction shall follow the specifications established by the Council.
- H. Public Water Supply and Sewer Systems – All public water supply and sewer systems shall be an extension of the municipal systems in place.
Idaho Code 50-1326 requires that all water and sewer plans be submitted to the State Dept. of environmental and Community Services or its authorized agent for approval
- I. Fire Hydrants and Water Mains – Adequate fire protection shall be required in accordance with the appropriate Fire District Standards
- J. Street Name Signs – Shall be installed in the appropriate locations at each street intersection in accordance with the local standards
- K. Sidewalks and Pedestrian Walkways – Sidewalks shall be required on both sides of the street and shall be constructed in accordance with the specifications adopted by Council.

- L. Greenbelt – Greenbelt or landscaping screening may be required for the protection of residential properties from adjacent major arterial streets, waterways railroad right-of-ways or other features. Subdivision plats shall show the location of any greenbelt areas.
- M. Street Lighting – Street lights shall be installed at intersections throughout the subdivision. A sub-divider shall conform to the requirements of the public utility providing such lighting.

SECTION 3. GUARANTEE OF COMPLETION OF IMPROVEMENTS

- A. Financial Guarantee Arrangements – In lieu of the actual installation of required public improvements before filing of the final plat, the Council may permit the sub-divider to provide a financial guarantee of performance in one (1) 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.
- B. Surety Bond
 - 1. Accrual – The bond shall accrue to the City covering construction, operation and maintenance of the specific public improvement.
 - 2. Amount – The bond shall be in an amount equal to the one hundred ten percent (110%) of the total estimated cost for completing construction of the specific public improvement, as estimated by the City Engineer and approved by the Council.
 - 3. Term Length – The term length in which the bond is in force shall be for a period to be specified by the Council for the specific public improvement.
 - 4. Bonding for Surety Company – The bond shall be with a surety company authorized to do business in the State of Idaho and acceptable to the Council.
 - 5. The escrow agreement shall be drawn and furnished by the Council.
- C. Cash Deposit, Certified Check, Negotiable Bond or Irrevocable Bank Letter of Credit –
 - 1. Treasurer, Escrow Agent or Trust Company – A cash deposit, certified check, negotiable bond or an irrevocable bank letter of credit such surety acceptable by the Council shall be deposited with an escrow agent or trust company.
 - 2. Dollar Value – The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred ten percent (110%) of the estimated cost of construction for the specific public improvement, as estimated by the City Engineer and approved by the Council.
 - 3. Escrow Time – The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be for a period to be specified by the Council.
 - 4. Progressive Payment – In the case of cash deposits or certified checks, an agreement between the Council and the sub-divider may provide for progressive payment out the cash deposit or reduction of the certified check, negotiable bond

or irrevocable bank 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.

- D. Conditional Approval of Final Plat – With respect to financial guarantees, the approval of all final plats shall be conditioned on the accomplishment of one (1) of the following:
1. The construction of improvements required by this ordinance shall have been completed by the sub-divider and approved by the Council.
 2. Surety acceptable to the Council shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.
- E. Inspection of Public Improvements Under Construction – Before approving a final plat and construction plans and specifications for public improvements, an agreement between the sub-divider and the Council shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.
- F. Penalty in Case of Failure to Complete the Construction of a Public Improvement – In the event the sub-divider shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Council to proceed to have such work completed. In order to accomplish this, the Council shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit or negotiable bond which the sub-divider may have deposited in lieu of a surety bond or may take such steps as may be necessary to require performance by the bonding or surety company and as included in a written agreement between the Council and the sub-divider.

SECTION 4. SUBDIVISION WITHIN A FLOOD PLAIN

- A. Flood Areas – For any proposed subdivision that is located within a flood plain, the developer shall provide the Commission with a development plan of adequate scale and supporting documentation that will show and explain at least the following:
1. Location of all planned improvements
 2. The location of the floodway and the floodway fringe per engineering practices as specified by the Army Corps of Engineers.
 3. The location of the present water channel.
 4. Any planned rerouting of waterways.
 5. All major drainage ways.
 6. Areas of frequent flooding.
 7. Means of flood proofing buildings.
 8. Means of insuring loans for improvements within the flood plain.

New construction and substantial improvements of residential structures within the flood plain shall have the lowest floor (including basement) elevated to or above the level of the one hundred (100) year flood and for new construction or substantial improvements of non-residential structures, the lowest floor (including basement) shall be elevated to or above the one hundred (100) year flood or together with attendant utility and sanitary facilities, shall be flood-proofed up to the level of the one hundred (100) year flood.

- B. Justification for Development – Upon the determination that buildings are planned within the flood plain or that alterations of any kind are anticipated within the flood plain area that will alter the flow of water, the developer shall demonstrate conclusively to the Commission that such development will not present a hazard to life, limb or property; will not have adverse effects on the safety, use or stability of a public way or drainage channel or the natural environment.

No subdivision or part thereof shall be approved if levees, fills, structures or other features within the proposed subdivision will individually or collectively significantly increase flood flows, heights or damages. If only part of a proposed subdivision can be safely developed, the Committee shall limit development to that part and shall require that development proceed consistent with that determination.

Subdivisions shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage.
 2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
 3. Adequate drainage is provided so as to reduce exposure to flood hazards
- New or replacement water supply systems and/or sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. Require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding

SECTION 5. SUBDIVISION WITHIN ANN AREA OF CRITICAL CONCERN

- A. General – Hazardous or unique areas may be designated as an area of critical concern by the Council or by the State. Special consideration shall be given to any proposed development within an area of critical concern to assure that the development is necessary, desirable and in the public interest in view of the unique conditions. Hazardous or unique areas that may be designated as areas of critical concern are as follows:
1. Avalanche paths
 2. Earthquake locations
 3. Unstable soils
 4. Unique animal life
 5. Unique plant life
 6. Historical significance

- B. Plan Submission – The developer shall prepare and submit an environmental assessment along with the preliminary plat application for any development that is proposed within an area of critical concern.

- C. Content of Environmental Impact Statement – The content of the environmental impact statement shall be prepared by an interdisciplinary team of professionals that shall provide answers to the following questions:
 - 1. What changes will occur to the area of environmental concern as a result of the proposed development?
 - 2. What corrective action or alternative development plans could occur so as not to significantly change the area of environmental concern?
 - 3. What changes in the area of environmental concern are unavoidable?
 - 4. What beneficial or detrimental effect would the development have on the environment (i.e.: animal life, plant life, social concerns, noise, visual or others)?

CHAPTER 5. VACATIONS AND DEDICATIONS

SECTION 1. APPLICATION PROCEDURE

- A. Application – Any property owner desiring to vacate an existing subdivision, public right-of-way or easement, or, desiring to dedicate a street right-of-way or easement shall complete an application and submit it to the commission at a regularly scheduled meeting. These provisions shall not apply to the widening of any street which is shown in the comprehensive development plan or the dedication of streets, right-of-ways or easements to be shown on a recorded subdivision.
- B. Commission Action – Upon receipt of the completed application the Commission shall affix the date of application acceptance thereon. The Commission shall place the application on the agenda for consideration at that meeting.

SECTION 2. ACTION

- A. Commission Recommendation – The Commission shall review the request and all agency responses and make a recommendation to the Council for either approval, conditional approval or denial.
- B. Council Action –
 - 1. When considering an application for vacation procedures, the Council shall establish a date for a public hearing and give such public notice as required by Idaho Code 67-6509. The Council may approve, disapprove or modify the application. Whenever public rights-of-way or lands are vacated, the Council shall provide adjacent property owners with a quit claim deed for the vacated right-of-way in such proportions as prescribed by law.
 - 2. When considering an application for dedication procedures, the Council may approve, deny or modify the application. When a dedication is approved, the required street improvements shall be constructed or a bond furnished assuring the construction, prior to acceptance of any dedication of land, the owner shall furnish to the council a deed describing and conveying such lands to be recorded with the County Recorder.

CHAPTER 6. VARIANCES

SECTION 1. PURPOSE

The Commission may recommend to the Council, as a result of unique circumstances such as topographic-physical limitations or a planned unit development, a variance from the provisions of this Ordinance on a finding that undue hardship results from the strict compliance with specific provisions or requirements of the Ordinance or that application of such provision or requirement is impracticable.

SECTION 2. FINDINGS

No variance shall be favorably acted upon by the Council unless there is a finding upon recommendation by the Commission, as the result of a public hearing, that all of the following exists:

- A. That there are such special conditions affecting the property that the strict application of the provisions of this Ordinance would clearly be impracticable or unreasonable; in such cases, the sub-divider shall first state his reasons in writing as to the specific provision or requirement involved.
- B. That strict compliance with the requirements of this Ordinance would result in hardship to the sub divider because of unusual topography, other physical conditions or other conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this Ordinance.
- C. That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated.
- D. That such variance will not violate provisions of the Idaho Code.
- E. That such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Comprehensive Plan.

CHAPTER 7. DETECTION OF VIOLATION, ENFORCEMENT AND PENALTIES

SECTION 1. DETECTION OF VIOLATION

The Commission shall periodically research the County Assessor's records and perform the necessary investigation to detect any violations of this Ordinance.

SECTION 2. ENFORCEMENT

No subdivision plat required by this Ordinance or the Idaho Code shall be admitted to the public land records of the County or recorded by the County Recorder until such subdivision plat has been approved by the Council. No lots shall be sold until the subdivision plat has been recorded by the County Recorder. No construction of public improvements required by this Ordinance shall commence prior to approval of the final plat by the Council and Mayor. The City Attorney shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this Ordinance.

SECTION 3. PENALTIES

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 considered a separate offence. The landowner, 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 of a separate offence. Nothing herein contained shall prevent the Council, public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of Idaho Code.”

Penalties

Any person who violates this Ordinance shall be guilty of a misdemeanor, and on conviction thereof, shall be subject to fine and/or incarceration as per Idaho Code 50-302.

CHAPTER 8. AMMENDMENT PROCEDURES

The Council may, from time to time, amend, supplement or repeal the regulations and provisions of this Ordinance upon recommendation from the Commission, in the following manner:

- A. The Commission, prior to recommending an amendment, supplement or repeal of the Ordinance, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The Commission shall also make available a notice to other papers and radio and television stations serving the jurisdiction for a public announcement. Following the Commission hearing, if the Commission makes a material change in the Ordinance other than that published for the present hearing, further notice and hearing shall be provided before the Commission forwards its recommendation to the Council. A record of the hearings, findings made and actions taken shall be maintained. (As per Idaho Code 67-6509).

- B. The Council, prior to adopting an amendment, supplement or repeal of the Ordinance, may conduct at least one (1) public hearing using the same procedures as the Commission. (As per Idaho Code 67-6509). The Council shall not hold a public hearing, give notice of a proposed public hearing nor take action until recommendations have been received from the Commission. Following the hearing of the Council, if the Council makes a material change in the Ordinance, other than that published for the present hearing, further notice and hearing shall be provided before the Council adopts the amendment, supplement or repeal.