

SECTION 2

SUBDIVISION PLATS AND PROCEDURES

- A. Application for Subdivision Approval. Generally any person desiring to create a “subdivision” as herein defined shall submit all necessary applications to the administrator.
- B. Pre-application Procedure:
1. Submission of Pre-application: The subdivider may submit a pre-application to enable the administrator to review and comment on the proposed subdivision.
 2. Sketch Plan: The pre-application shall include at least one copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision, in schematic form, and including the following:
 - a. The general layout and approximate dimension of streets, blocks and lots in sketch form;
 - b. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site; and
 - c. The areas set aside for schools, parks and other public facilities.
 3. Action By Administrator: The administrator shall notify the subdivider within fifteen (15) days from the date of receipt of an acceptable pre-application as to the general conformance or nonconformance of the proposal with this title, shall provide the necessary forms and checklists and shall comment on the following:
 - a. Compliance of the proposed development with existing local or state governmental goals and objectives or comprehensive plans.
 - b. Determination if additional special permits or ordinance conflicts such as rezone, special development permit or variance, are needed and the manner of coordinating such permits.
 - c. The City shall reserve the right to require studies to verify impacts on infrastructure, traffic and any other items that may have an impact within the City.
 - d. Consideration of any unique environmental features or hazardous concerns that may be directly or indirectly associated with the subject property such as areas that have been designated by the state of Idaho as areas of critical environmental concern, unique plant or animal life, flood plain, airport flight pattern and the like.
 - e. Consideration of other local and state governmental agencies that the subdivider should contact before preparing a preliminary plat.
- C. Preliminary Plat:
1. Filing of Preliminary Plat Application And Data: The subdivider shall file with the administrator a complete subdivision application form and preliminary plat data as required in this title.
 2. Combining Preliminary and Final Plat In Minor Subdivisions: The applicant may request that the subdivision application be processed as both a preliminary and final plat if all the following exist:
 - a. The proposed subdivision does not exceed ten (10) lots;
 - b. No new street dedication or street widening is involved;

- c. No major special development considerations are involved such as development in a flood plain, hillside development, areas of critical concern or the like;
- d. All required information for both preliminary and final plat is complete and in an acceptable form; and
- e. The proposed subdivision is not in conflict with the comprehensive plan or any provision of the zoning title of the City.

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

3. Required Information And Data:

- a. The contents of the preliminary plat and related information shall be in such a form as stipulated by the City Council; however, any additional maps or data deemed necessary by the administrator may also be required.
- b. The subdivider shall submit to the administrator at least the following:
 - 1) Six (6) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. Each copy of the preliminary plat shall be on good quality paper, shall have the dimensions of not less than twenty four inches by thirty six inches (24" x 36"), shall be drawn to a scale of not less than one inch to one hundred feet (1" = 100'), shall show the drafting date, and shall indicate thereon, by arrow, the generally northerly direction and thirty (30) 11 x 17 copies for distribution to outside agencies;
 - 2) Six (6) 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 make a determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards;
 - 3) A written application requesting approval of the preliminary plat and
 - 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, large scale development, hazardous and unique areas of development.
- c. The following shall be submitted separately:
 - 1) The name of the proposed subdivision;
 - 2) The name, address and telephone numbers of the subdivider or subdividers and the engineer or surveyor who prepared the plat;
 - 3) The name and address of all adjoining owners of property and residents within three hundred feet (300') of the external boundaries of the land being considered, whether or not bisected by a public right of way as shown on record in the county assessor's office, the applicant must supply an actual list from the county assessors office;
 - 4) The legal description of the subdivision;
 - 5) The statement of the intended use of the proposed subdivision, such as residential single-family, two-family and multiple housing, commercial, industrial, recreational or agricultural and a designation 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. A map shall be submitted showing the location of existing buildings, existing wells, water bodies or courses and the location of currently dedicated streets at the point where they adjoin and/or are immediately adjacent; provided, that actual measured distances shall not be required;
- 7) A vicinity map showing the relationship of the proposed plat to the surrounding area (1/2-mile radius, scale optional);
- 8) The land use and existing zoning of the proposed subdivision and the adjacent land;
- 9) Streets, street names, rights of way and roadway widths, including adjoining streets or roadways;
- 10) Lot lines and blocks showing the dimensions and numbers of each;
- 11) Contour lines, shown at five foot (5') intervals where land slope is greater than ten percent (10%) and at two foot (2') intervals where land slope is ten percent (10%) or less, referenced to an established bench mark, including location and elevation;
- 12) A preliminary letter of approval as required by the appropriate health district when individual wells or septic tanks are proposed;
- 13) The location of any proposed or existing utilities, including, but not limited to, storm and sanitary sewers systems, irrigation laterals, ditches, drainages, bridges, culverts, water mains and fire hydrants;
- 14) Any dedications to the public and/or easements, together with a statement of location, dimensions and purpose of such;
- 15) Any additional required information for special developments; and
- 16) A statement as to whether or not a variance will be requested with respect to any provision of this title describing the particular provision, the variance requested and the reasons therefore.

4. Procedure For Approval Of Preliminary Plat:

a. Administrative Review:

- 1) Certification By Administrator, Public Hearing: Upon receipt of the preliminary plat and all other required data as provided for herein, the administrator shall certify the application as complete and shall affix the date of application acceptance thereon. The administrator shall schedule a public hearing before the Planning and Zoning Commission, which hearing shall be held within forty five (45) days of the date of certification of a complete application.
- 2) Review By Other Agencies: The administrator shall refer the preliminary plat and application to as many governmental agencies as deemed necessary. Such agencies may include the following:
 - a) Other governing bodies having joint jurisdiction;
 - b) The appropriate utility companies, irrigation companies or districts, fire district and drainage districts;
 - c) The superintendent of the school district; and
 - d) Other agencies having an interest in the proposed subdivision.
- 3) Recommendation By Administrator: The zoning administrator shall provide that any transmittal of this section will be returned within fifteen (15) days. At the end of the fifteen (15) day period, the administrator shall prepare a recommendation to the

Commission. All agency responses shall be supplied by the zoning administrator to the planning and zoning Commission.

- b. Public Notice: The administrator shall provide notice in accordance with the requirements of state statute.
- c. Action By Council:
 - 1) Council's Findings: In determining the acceptance of a proposed subdivision, the Council shall consider the objectives of this title 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 services for the proposed development; and
 - e) The other health, safety and environmental problems that may be brought to the Commission's attention.
 - 2) Action on Preliminary Plat: The Commission may recommend approval, conditional approval, disapproval or tabling for a period not to exceed forty five (45) days. Such action shall occur within forty five (45) days of the date of the regular meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the administrator and forwarded to the applicant. The administrator 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 Council for its action. Upon granting or denying a preliminary plat, the Commission shall specify:
 - a) The ordinance and standards used in evaluating the application;
 - b) The reasons for recommending approval or denial; and
 - c) The actions if any, that the applicant could take to obtain approval of the preliminary plat.
 - 3) Action on Combined Preliminary and Final Plat: If the Commission's conclusion is favorable to the subdivider's request for the subdivision to be considered as both a preliminary plat and final plat, then a recommendation shall be forwarded to the City Council in the same manner as herein specified for a final plat. The Commission may recommend that the combined application be approved, approved conditionally or disapproved.
- d. Action By Council: Within forty five (45) days after receipt of the Commission's recommendation and following the notice requirements as set forth in state statute, the City Council shall make findings as required in this section. The City Council shall approve, approve conditionally or disapprove the preliminary plat within forty five (45) days of the public hearing conducted to consider the Commission's recommendation.
- e. Approval Period:

- 1) Failure to file with and obtain the certification of the acceptance of the final plat application by the administrator within one year after action by the City Council shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the City Council.
- 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 such segments, if submitted within successive intervals for one year, it may be considered for final approval without resubmission for preliminary plat approval.
- 3) The City Council or their agent reserves the right to request a master plan of the project.

D. Final Plat

1. Filing Of Final Plat: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel or any part thereof to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the administrator the following:
 - a. Three (3) copies of the final plat; and
 - b. Three (3) copies of the final engineering construction drawings for streets, water, sewers, sidewalks and other public improvements.
 - c. Fifteen (15) 11x 17 of the Final Plat and engineered drawings as pertains to project.
2. Contents: The final plat shall include and be in compliance with all items required under title 50, chapter 13 of the Idaho Code and shall be prepared in accordance with the specifications set forth in section 50-1304, Idaho Code. The final plat shall include at least the following:
 - a. A written application for approval of such final plat as stipulated by the City Council;
 - b. Proof of current ownership of the real property included in the proposed final plat;
 - c. Such other information as the administrator or City Council may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat;
 - d. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof;
 - e. Conformance with all requirements and provisions of this title;
 - f. Acceptable engineering practices and local standards;
 - g. The plat shall show building sites on each lot adjusted to setback requirements; and
 - h. The development agreement with the standard development requirements, as well as any other requirement outline in the preliminary plat approval.
3. Procedure For Approval Of Final Plat:
 - a. Review By Administrator:
 - 1) Acceptance: Upon receipt of the final plat, and compliance with all other requirements as provided for herein, the administrator shall certify the application as complete and shall affix the date of acceptance thereon.
 - 2) Resubmission of Final Plat: The administrator shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the administrator determines that there is substantial difference in the final plat than that

which was approved as a preliminary plat or conditions which have not been met, the administrator may require that the final plat be submitted to the Commission and City Council in the same manner as required in the preliminary plat process.

- 3) Submission to The City Council: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the administrator shall place the final plat on the City Council agenda within forty five (45) days from the date that an acceptable final plat application was received and acknowledged by the administrator.
- b. Agency Review: The administrator may transmit one copy of the final plat, or other documents submitted, for review and recommendation to the departments and agencies as he deems necessary to ensure 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.
 - c. City Council Action: The City Council, at its next meeting following receipt of the administrator's report, shall consider the Commission's finding and comments from concerned persons and agencies to arrive at a decision on the final plat. The City Council shall approve, approve conditionally, disapprove or table the final plat for additional information within one hundred and eighty (180) days of the date of the first regular meeting at which the plat is considered. A copy of the approved final plat shall be filed with the administrator. Upon granting or denying the final plat, the City Council shall specify:
 - 1) The ordinance and standards used in evaluating the application;
 - 2) The reasons for approval or denial; and
 - 3) The actions, if any, that the applicant could take to obtain a permit.
 - 4) Conditional Approval Of Final Plat: With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:
 - a) The construction of improvements required by this title shall have been completed by the subdivider and approved by the City Council; or
 - b) Surety acceptable to the City Council shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.
 - 5) Approval Period: The final plat shall be filed with the county recorder within one year after written approval by the City Council. Otherwise such approval shall become null and void unless the subdivider, prior to said expiration date, applies for an extension of time and such extension is granted by the City Council.
 - 6) Required Certificates: The following certifications and signatures shall be included on the final plat prior to recording by the county recorder:
 - 7) Certification and signature of the Mayor or City Council President verifying that the subdivision has been approved;
 - 8) Certification of any sanitation restrictions on the face of the plat in accordance with the provisions of section 50-1326, Idaho Code.
 - 9) Record Of Final Plat: Upon approval of the final plat by the City Council, the subdivider's prepayment of recording fees, posting of surety bond or other

acceptable guarantee and the inclusion of those certifications and signatures on the final plat. The subdivider shall furnish proof to the administrator that the final plat has been recorded.

- E. Fees. At the time of submission of an application for a preliminary plat and application for a final plat, a fee, as established in the official fee schedule of the City, shall be paid.
- F. Record of Lot, Plat Approval. No final plat shall be filed with the county recorder until the final plat has been acted upon by the Commission and approved by the City Council.
- G. Sale of Lot, Plat to be Recorded. No lots shall be sold or offered for sale until the final plat has been recorded in the office of the county recorder.
- H. Lot Splits. Any time that an original parcel of land is divided or partitioned into not more than three (3) lots, parcels, or sites the following application process and procedures shall be followed:
 - 1. Application: An application for lot split on a form provided by the City shall be submitted to the zoning administrator and shall contain, at a minimum, the following information:
 - a. Name, address, telephone number of the applicant.
 - b. Legal description of property and proof of ownership or agency.
 - c. Description of existing use.
 - d. Zoning district.
 - e. Description of lots after proposed lot split.
 - f. Description of proposed use.
 - g. Documentation of the permission of the owner of the parcel to be split.
 - h. Document from the health department acknowledgement of the split.
 - 2. Procedure: Prior to approving an application under this section, the City Council shall make the following findings:
 - a. The minimum requirements under this code for acreage, density, lot area and setback lines have been complied with;
 - b. The proposed lot split is in conformity with the comprehensive plan; and
 - c. The proposed lot split is in the public interest and will not adversely impact adjoining property interests.
 - 3. Notice: Within ten (10) days after a decision has been rendered, the administrator shall provide the applicant with written notice of the action on the request.