

CHAPTER 11

ARTICLE 4

**PROCEDURE**

- 9-11-04-1: PLANNING OFFICE REVIEW
- 9-11-04-2: PRELIMINARY PLAT
- 9-11-04-3: FINAL PLAT
- 9-11-04-4: LOT SPLIT

9-11-04-1: PLANNING OFFICE REVIEW

- A. Prior to the filing of a preliminary plat, the developer shall submit to the city planning office a review application with generalized plans and data as required and pay a fee as established by resolution of city council.
  - 1. The city planning office may request, in writing, more information from the subdivider before setting a review appointment.
    - a. The subdivider shall have sixty (60) days from the date of the written request to submit additional information to the city planning office.
    - b. Failure to provide the requested information within the allotted time shall nullify the review application and fee.
  - 2. Review: Within thirty (30) days from submission of the review application and payment of the fee, the subdivider shall meet with the city planning office, by appointment, for review of the proposed development.
    - a. Within ten (10) days following the review, the city planning office shall advise the developer in writing as to the general conformance or nonconformance of the plans to this Title, the comprehensive plan or other regulatory information.
    - b. The review may include official and unofficial comments on polices and guidelines.
- B. The time limits for acting on the review application may be extended by mutual consent of the developer and the city planning office.

9-11-04-2: PRELIMINARY PLAT

Following review by the city planning office, a preliminary plat application may be submitted to the administrator.

- A. A preliminary plat application and fee as established by resolution of city council shall be submitted to the administrator. The application and written documentation and data shall be submitted in booklet form within three ring binders.

- B. Eight copies of the preliminary plat and other information, required as part of the preliminary plat, shall be shown graphically or by note on plans. All mapped data for the same plat shall be drawn at the same standard engineering scale, having no more than one hundred (100) feet to an inch. Whenever practical, scales shall be adjusted to produce an overall drawing measuring 24" x 36", but not exceeding 42" x 60".

1. Existing Conditions Data:

- a. Topography by contours or other method approved by the city and shown on the same map as the proposed subdivision layout. Contour intervals shall be such as to adequately reflect the character and drainage of the land.
- b. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes, or other water features; direction of flow; location and extent of known areas subject to inundation.
- c. Location, widths, and names of all platted streets, railroads, utility rights-of-way of public record, public areas, permanent structures to remain including water wells, and municipal corporation lines within or adjacent the tract.
- d. Name, book, and page numbers of any recorded adjacent subdivision having common boundary with the tract.
- e. By note, the existing zoning classification of tract.
- f. By note, the approximate acreage of the tract.
- g. Boundaries of the tract to be subdivided shall show approximate dimensions.
- h. Names and addresses of adjoining property owners within 300 feet of the exterior boundary of the subdivision.

2. Proposed Conditions Data:

- a. Street layout, including location, right-of-way width, finished width and proposed names of public streets, alleys, pedestrian ways, and easements; connections to adjoining platted tract.
- b. Typical lot dimensions to scale; dimensions of all corner lots and lots of curvilinear sections of streets; each lot numbered individually; total number of lots.
- c. Location, width, and use of easements.
- d. Designation of all land to be dedicated or reserved for public use with use indicated.
- e. If plat includes land for which multi-family, commercial, or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification and status of zoning change if any.
- f. If the proposed subdivision is part of a larger area intended for development, a development master plan of the entire area including the following:
  1. Zoning districts.

2. Minor arterial and major collector streets.
  3. Open space areas including park identification, trails and pathways.
  4. Appropriate information that sufficiently details any special development area, such as a hillside, planned unit development, flood plain, cemetery, manufactured home park, large-scale development, hazardous and unique areas.
3. Proposed Utility Methods:
- a. Sewage Disposal: It shall be the responsibility of the developer to furnish the city such evidence as may be required relative to the design and operation of the sanitary sewage facilities proposed.
  - b. Water Supply: It shall be the responsibility of the developer to furnish the city such evidence as may be required relative to the design, operation, volume and quality of the water supply and facilities proposed.
  - c. Storm Water Disposal: It shall be the responsibility of the developer to furnish the city such evidence as may be required relative to the design and operation of any storm water system proposed.
  - d. Irrigation system: It shall be the responsibility of the developer to furnish the city such evidence as may be required relative to the design and operation of any proposed irrigation system proposed as part of the subdivision.
4. Impact Study: An impact study may be required by the planning and zoning commission based on the size of the development proposal. The study may include, but not be limited to transportation and traffic, water, sanitary sewer, drainage and scenic and environmental conditions.
5. Development Agreement: A development agreement template shall be provided by the city. It is the responsibility of the developer to address general and specific conditions relative to the proposed development based on the city's format and submit an electronic (CD disc) and paper copy as part of the preliminary plat process.
- C. Certification: Upon receipt of the preliminary plat with all required data as provided herein, the administrator shall certify the application as complete and shall affix the date of application acceptance thereon.
- D. Agency Review: The administrator shall transmit one (1) copy of the application to city departments and such other agencies that have jurisdiction or an interest in the proposed subdivision for their review and recommendations.
1. If no written reply is received from any of the various departments or interested agencies within twenty (20) working days from the date of notification, approval of the preliminary plat by such department or agency will be considered to be granted.
    - a. Departments and agencies receiving copies of the preliminary plat should include city departments (streets, water, sewer, engineer), health department, emergency services, school district, State Highway Department, Teton County Planning, local utility companies, soil conservation service and irrigation districts.

## E. Planning and Zoning Commission Action

1. The preliminary plat shall be placed on the planning and zoning commission agenda for initial review and consideration within forty (40) days from the date the application is certified by the administrator as complete.
  - a. A written and dated letter from the planning and zoning commission may be submitted to the applicant requesting more information, data, illustrations or clarifications. The applicant shall comply with the request within six (6) months or the preliminary plat application shall become null and void.
  - b. Within thirty-five (35) days from the time the preliminary plat is placed on the planning and zoning commission agenda, the planning and zoning commission shall hold one public hearing where affected and interested persons may be heard.
    1. Property owners within 300 feet of the proposed development shall be notified by letter of the proposed development and the place, date and time of the public meeting.
    2. One official notice stating the name of the proposed development, and the place, date and time of the public hearing shall be published in the official newspaper a minimum of ten (10) days prior to the meeting date.
2. Following the public hearing, the city engineer, city attorney and other city departments and staff, shall review and recommend special conditions, including site design standards, for the development agreement pertaining to the proposed development. If the proposed development is part of a larger area intended for development, the master plan of the entire development shall be reviewed and special conditions shall be drafted based on the master plan.
3. Within forty-five (45) days from the public hearing of the proposed subdivision the planning and zoning commission shall approve, approve conditionally or disapprove the preliminary plat. The reasons for such action shall be stated in writing, a copy of which shall be attached to one copy of the preliminary plat along with the development agreement draft and returned to the developer.
4. Upon approval, conditional approval or disapproval by the planning and zoning commission, the preliminary plat, together with a complete copy of the planning and zoning commission's findings and report, and the development agreement draft shall be transmitted to the city council. The reason for action taken shall specify:
  - a. The ordinance and standards used in evaluating the application;
  - b. The reasons for approval, conditional approval or denial; and
  - c. The actions, if any, that the applicant could take to gain approval.

## F. City Council Action:

1. The city council shall act upon the report of the planning and zoning commission at its next regular meeting following receipt of the report. Within thirty-five (35) days the city council may sustain, modify or reject the

recommendations of the planning and zoning commission. The reason for action taken shall specify:

- a. The ordinance and standards used in evaluating the application;
  - b. The reasons for approval, conditional approval or denial; and
  - c. The actions, if any, that the applicant could take to gain approval.
2. Extension of Time Limits: The time limits for acting on the preliminary plat may be extended by mutual consent of the developer and the planning and zoning commission and/or the city council.
  3. The developer shall submit the final plat within one (1) year of preliminary plat approval; otherwise, approval of the preliminary plat and development agreement shall become null and void.

#### 9-11-04-3: FINAL PLAT

- A. After approval or conditional approval of the preliminary plat, the developer may cause the subdivision master plan, or part thereof, to be surveyed and a final plat prepared in accordance with the preliminary plat as approved or conditionally approved.
- B. Final Plat Application: The developer shall file a Final Plat Application, pay the final plat fee and submit eight (8) copies of the final plat with data as required.
- C. Method and Medium of Presentation
  1. All plats to be offered for recording shall be in accordance with the clarification that the transparent tracings shall show all information shown on the original "hard back" plat. Copies of the record plat shall be reproduced in the form of blueline or blackline prints on a white background.
  2. The plat shall be drawn to an accurate scale having not more than one hundred feet to one inch (1" = 100'), unless otherwise approved as to scale.
- D. Identification Data Required:
  1. A title that includes the name of the subdivision and its location by number of section, township, range and county.
  2. Name, address and official seal of the registered professional engineer or registered land surveyor preparing the plat.
  3. Scale, north arrow and date of the plat preparation.
- E. Survey Data Required:
  1. Boundaries of the tract to be subdivided fully balanced and closed, showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals.
  2. Any excepted parcels within the plat boundaries shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals.

3. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced.

F. Descriptive Data Required:

1. Name, right-of-way lines, courses, lengths, width of all public streets, alleys, pedestrian ways and utility easements; radii, points of tangency and central angles of all curvilinear streets and alleys, and radii of all rounded street line intersections.
2. All drainage ways to be dedicated to the public shall be shown on the plat.
3. All easements for rights-of-way provided for public services or utilities and any limitations of the easements.
4. All lots and blocks shall be numbered throughout the plat in accordance with the Idaho Code. Exceptions, tracts and private parks shall be so designated, lettered or named and clearly dimensioned.

G. Dedication and Acknowledgment:

1. Dedication: A statement of dedication of all streets, alleys, drainage ways, pedestrian ways and other easements for public use by the person holding title of record and by persons holding title as vendees under land contract. If lands dedicated are mortgaged, the mortgagee shall also sign the plat.
2. Acknowledgment of Dedication: Execution of dedication shall be acknowledged and certified by a notary public.

H. Required Certifications:

1. Certification by the registered professional engineer or registered land surveyor stating on the plat that the plat is correct and accurate, and that the monuments described in it have been located and described.
2. Certification of plat approval by the city engineer.
3. Certification of plat approval by the county engineer.
4. Certification of plat approval by the planning and zoning commission.
5. Certification of plat approval by the city council.
6. Certification of plat approval by the fire marshal.
7. Certification of recordation by the county recorder.

I. Final Plat Submission:

1. The final plat, prepared in accordance with the Idaho Code and the provisions set forth herein and bearing all required certificates, acknowledgments and signatures, shall be submitted to the city.
2. Final plat submission shall include prints thereof as required, two (2) sets of prints of the plans and specifications for all proposed improvements as required by this Title and a current title report or other evidence acceptable to the city showing proof of ownership of the tract of land being platted.

3. In the event the final plat does not conform to the approved preliminary plat, the city shall so inform the developer and proceed to assign the final plat to the planning and zoning commission agenda for its action as a preliminary plat.

J. Agency Review:

1. Submission: The administrator shall transmit one copy of the final plat for review by the city engineer and other departments and agencies, or others as may be deemed necessary to ensure compliance with the approved preliminary plat.
2. Time Limit for Response: If no written replies are received from any of the various departments or interested agencies within fifteen (15) days from the date of notification, approval of the final plat by such department or agency will be considered granted.

K. Planning and Zoning Commission Action:

1. The final plat shall be placed on the planning and zoning commission agenda for initial review and consideration within thirty-five (35) days from the date the application is certified by the administrator as complete.
2. The planning and zoning commission shall consult with the city engineer, the city attorney and any other agency or department of the city in order to finalize the development agreement specific to the proposed subdivision. A copy of the approved development agreement shall be sent to the developer ten (10) days prior to the date when the final plat shall be submitted to the city council. The final plat shall not be submitted to the city council until the planning and zoning commission approves a development agreement.

L. City Council Action:

1. Following action by the planning and zoning commission, the final plat and the development agreement shall be placed on the city council agenda at their next regularly scheduled meeting. The city council shall consider the final plat and development agreement and any changes from the preliminary plat approved by the planning and zoning commission. If the final plat and development agreement conforms to the requirements of this Title and the Idaho Code, the city council shall approve the plat within thirty (30) days after the date of the regular meeting.
2. At the time of approval and recording of the final plat, the city council shall accept the dedications shown thereon and shall, as a condition precedent to the approval of any final plat, require the developer to sign a development agreement.

- M. Recording; Time Limitation: The final plat shall be filed with the county recorder within one (1) year after approval by the city council, otherwise such approval of the final plat and development agreement shall become null and void.

## 9-11-04-4: LOT SPLIT

- A. Lot Split: A lot split may be approved using metes and bounds descriptions if the following conditions are met:
1. There shall be no more than four (4) lots, including the remainder of the original tract.
  2. All lots access an existing local or minor collector street and there is no opening, widening or extension of any street, road or easement of access.
  3. No major special development considerations are involved, such as development in a flood plain, on a hillside, etc.
  4. The proposed lot split is not an obvious part of a larger parcel of land, which may be subdivided, following procedures otherwise set forth in this Title.
  5. The proposed lot split, if approved, will not conflict with the intent of this Title, the Comprehensive Plan or other existing regulations.
  6. The public interest, including installation of any required offset improvements such as curb and gutter, sidewalk and street surfacing, or water and sewer infrastructure can be properly met if the lot split is approved.
- B. Lot Split Application: A completed lot split application with required documentation and a fee shall be submitted to the administrator.
- C. Review By Agencies: The Administrator shall transmit the application documents to city departments and agencies for review. If no written reply is received from any of the various departments or interested agencies within fifteen (15) days from the date of notification, approval of the proposal by such department or agency will be considered granted.
- D. Planning And Zoning Commission Action: The lot split application shall be placed on the planning and zoning commission agenda for consideration at the next regular meeting. The planning and zoning commission shall approve, approve conditionally or disapprove the plat. Reasons for action shall be specified in writing within thirty (30) days.
- E. City Council Action: At the next regular meeting of the Council, the city council shall act upon the recommendation of the planning and zoning commission within thirty (30) days after the meeting. The city council may approve, approve conditionally or disapprove the recommendation.
1. Approved or Approved Conditionally: A development agreement listing specific conditions shall be approved by the city council.
  2. Disapproved: The developer must submit a new proposal to the planning and zoning commission. (Ord. 2008-6; Ord. 2010-4)