

## CHAPTER 3

**PLATS AND PROCEDURES**

## SECTION:

- 10-3-1: Preapplication
- 10-3-2: Preliminary Plat
- 10-3-3: Final Plat

10-3-1: **PREAPPLICATION:**

- A. Submission: Prior to the filing of an application for approval of a preliminary plat, the subdivider shall submit to the administrator the plans and data as required hereinafter for a preliminary plat; provided, however, that such plans may be generalized in content, and such submission shall not require the official filing of a subdivision application and fee.
- B. Review: The administrator shall review said plans and data as submitted and, within thirty (30) working days, advise the subdivider in writing as to the general conformance or nonconformance with this title, the city zoning ordinance and/or ordinances governing the area of city impact, if the proposed subdivision is contained in the area of city impact. Such review may include official and unofficial comments on policies and guidelines followed by the commission in the implementation of various development ordinances such as the comprehensive plan, zoning ordinances and similar plans or programs. If a preapplication has not been followed within nine (9) months after acceptance with a preliminary plat, a preapplication must be resubmitted. (Ord. 259-05, 10-4-2005)

10-3-2: **PRELIMINARY PLAT:**

- A. Application: Upon completion of the preapplication process, if the subdivider elects to proceed with the platting process, he shall file with the administrator, at least twenty one (21) days prior to the

commission meeting, copies of the completed subdivision application form as prescribed by the commission and fifteen (15) copies of the preliminary plat with data as required in this section.

1. Form Of Presentation: The information hereinafter required as part of the preliminary plat submitted shall be shown graphically or by note on plans, or by letter, and may comprise several sheets showing various elements or required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, having no more than one hundred feet to an inch (1" = 100'). Scales shall be adjusted to produce an overall drawing measuring eighteen inches by twenty seven inches (18" x 27"). (Ord. 259-05, 10-4-2005)

2. Identification And Descriptive Data: The following identification and description data shall be provided: (2010 Code)

a. Proposed name of subdivision and its location by section, township, and range; reference by dimension and bearing to a section corner or quarter section corner.

b. Name, address, and phone number of subdivider and owner.

c. Name, address and phone number of engineer or land surveyor.

d. Scale, north point, and date of preparation including dates of any subsequent revisions.

e. Vicinity map drawn to a scale of one inch equals eight hundred feet (1" = 800'), clearly showing proposed subdivision configuration in relationship to adjacent subdivisions, main arterial routes, collector streets, etc.

f. Documents showing proof of ownership or proof of legally cognizable interest in property to be subdivided. (Ord. 259-05, 10-4-2005)

3. Existing Conditions Data: The following data regarding existing conditions shall be required: (2010 Code)

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, and shall be no greater than one foot (1') inside of a floodplain. Topography shall be determined by an actual

field survey, and elevations shall be referenced to an established U.S. government or city bench mark, unless waived by the commission.

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, as determined by a field survey.

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 to 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 the tract.

f. By note, the approximate acreage of the tract.

g. Boundaries of the tract to be subdivided shall show approximate dimensions. (Ord. 259-05, 10-4-2005)

4. Proposed Conditions Data: The following data for proposed conditions shall be provided: (2010 Code)

a. Street layout, including location, width and proposed names of public streets, alleys, pedestrianways, 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 number 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 the use indicated.

e. If the 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. (Ord. 259-05, 10-4-2005)

f. If the proposed subdivision is part of a larger area intended for development, a development master plan of the entire area. (See section 10-1-5 of this title, definition of "development master plan".) (Ord. 259-05, 10-4-2005; amd. 2010 Code)

g. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, planned unit development, floodplain, cemetery, mobile home park, large scale development, hazardous and unique areas of development.

#### 5. Proposed Utilities Methods:

a. Sewage Disposal: It shall be the responsibility of the subdivider to furnish the city such evidence as may be required relative to the design and operation of the sanitary sewage facilities proposed. Preliminary plans shall include the location of proposed sewer lines.

b. Water Supply: It shall be the responsibility of the subdivider to furnish the city such evidence as may be required relative to the design, operation, volume and quality of water supply and facilities proposed. Preliminary plans shall include the location of proposed water lines.

c. Stormwater Disposal: It shall be the responsibility of the subdivider to furnish the city such evidence as may be required relative to the design and operation of any stormwater system proposed. Preliminary plans shall include the proposed locations and type of stormwater collection systems.

d. Considerations: Information required in subsections A5a, A5b, and A5c of this section shall consider and include health department and natural resources conservation service data and requirements which the subdivider has accumulated for submission with the preliminary plat. Utility plans shall be made in accordance with the "Idaho Rules For Public Drinking Water Systems", the "Recommended Standards For Wastewater Facilities" (available from Idaho DEQ), "DEQ Storm Water Best Management Practices For Idaho Cities And Counties", and the "City Of Driggs Public Works Standards And Technical Specifications" (latest edition).

6. Proposed Covenants, Conditions And Restrictions: The subdivider shall submit a draft of any private restrictions proposed to be recorded for the purpose of providing regulations governing the use,

building lines, open spaces or any aspect of the development, use and maintenance.

7. Preliminary Development Agreement: The subdivider shall submit a draft development agreement in the format adopted by the city. (Ord. 259-05, 10-4-2005)

- B. Certification: Upon receipt of the preliminary plat and of required data as provided herein, the administrator shall certify the application as complete and shall affix the date of application acceptance thereon. (Ord. 259-05, 10-4-2005; amd. 2010 Code)
- C. Agency Review: The administrator shall transmit one copy of the application to his departments and such other agencies that have jurisdiction or an interest in the proposed subdivision for their review and recommendation. The departments and agencies which may receive copies of the preliminary plat include:
1. Department of environmental quality. (Ord. 259-05, 10-4-2005)
  2. County fire department. (Ord. 259-05, 10-4-2005; amd. 2010 Code)
  3. City public works department.
  4. City engineer.
  5. Parks and recreation committee. (Ord. 259-05, 10-4-2005)
  6. State health department. (Ord. 259-05, 10-4-2005; amd. 2010 Code)
  7. State highway department.
  8. Utility companies.
  9. Natural resources conservation service.
  10. Irrigation district.
  11. County planning and zoning commission, if the subdivision is outside incorporated city limits.
  12. Driggs-Reed Memorial Airport board, if the subdivision is within the airport overlay or proposes airport related uses.

13. Other departments or agencies as necessary. (Ord. 259-05, 10-4-2005)

D. Commission Procedures:

1. The administrator shall place public notice of the application and public hearing in the official newspaper and a newspaper of general circulation within the jurisdiction and mail the same to owners of property located within three hundred feet (300') of the boundaries of the proposed subdivision. Notice shall also be posted on the premises not less than one week prior to the hearing. (Ord. 259-05, 10-4-2005; amd. 2010 Code)

2. The commission shall hold a public hearing and recommend approval, conditional approval or denial of the preliminary plat within a reasonable time after the date of the regular meeting at which the preliminary plat is first considered.

3. The commission shall review the application and comments from the review agencies for findings of fact as to conformance to the city comprehensive plan, zoning ordinance, this title, ordinances governing the negotiated area of city impact (if applicable) and the city design standards. After findings of fact, the commission shall determine if further action, such as an amendment to the comprehensive plan or a zoning change, will be necessary for the commission to complete its review and make its recommendations to the council.

4. The commission may table or continue the application, no more than twice, when specific information has been requested from the applicant. The reasons for tabling an application shall be stated in writing, a copy of which shall be attached to one copy of the preliminary plat and returned to the subdivider. If for any reason the matter has not been resolved within one hundred eighty (180) days, the item shall be scheduled on the agenda of the next regular meeting.

5. If no amendments to the comprehensive plan or zoning ordinance are necessary to make a recommendation to the council, the commission shall recommend to the council to approve, conditionally approve or deny the application. If the commission determines that an amendment must be made to the comprehensive plan and/or the zoning ordinance to approve the application, the commission shall follow the procedures detailed in Idaho Code section 67-6509.

6. Following a recommendation of approval, conditional approval or disapproval by the commission, the preliminary plat, together with a complete copy of the commission's findings and report of action, shall be transmitted to the council. The reason for action taken shall specify:

a. The ordinance and standards used in evaluating the application;

b. The reasons for approval or denial; and

c. The actions, if any, that the applicant could take to gain approval of the proposal.

7. Short plats shall be heard by the commission following the same procedures for a regular plat. However, if preliminary approval is granted, the commission shall forward its recommendation for final plat approval to the council for a public hearing. The city clerk shall place the final plat on the first available council public hearing agenda, at which time, the council shall take action.

E. Council Action:

1. Following receipt of the commission's report of action, the city clerk shall notice a public hearing for the next available city council meeting using the same procedure established for the commission in subsection D of this section.

2. The council shall hold a public hearing and approve, conditionally approve, or deny the preliminary plat application. The council may table or continue the application, no more than twice, when specific information has been requested from the applicant or an advising agency. The council shall review any and all conditions placed on any plat approval and uphold, overturn, or modify those conditions. The council may place additional conditions of approval on the application.

3. The administrator shall prepare the findings, which shall specify:

a. The ordinance and standards used in evaluating the application;

b. The reasons for approval or denial; and

c. The actions, if any, that the applicant could take to gain approval of the proposal.

4. One copy of the approved preliminary plat will be kept on file for public examination at the office of the city public works department and one copy at the office of the planning and zoning department, and one copy shall be returned to the owner, stamped as preliminarily approved. Said approval of the preliminary plat shall be valid for a period of one calendar year unless an extension of time is applied for and granted by the city council, or unless otherwise allowed within a phasing agreement. (Ord. 259-05, 10-4-2005)

10-3-3: **FINAL PLAT:** After approval or conditional approval of the preliminary plat, the subdivider may cause the subdivision, or part thereof, to be surveyed and a final plat prepared in accordance with the preliminary plat as approved.

A. Method And Medium Of Presentation:

1. All plats to be offered for recording shall meet standards of Idaho Code title 50, chapter 13, and shall show all information that was approved on the preliminary plat, and in such form as may be required by the recording clerk.

2. Copies of the record plat shall be reproduced in the form of blue line or black line prints on a white background.

3. The plat shall be drawn to an accurate scale having not more than one hundred feet to an inch (1" = 100') unless otherwise approved as to scale. Drawings shall measure eighteen inches by twenty seven inches (18" x 27").

4. A digital copy of the plat, referenced to Idaho coordinate system of 1983, east zone (as defined by Idaho Code title 55, chapter 17) and tied to at least two (2) PLSS corners ( $1/4$ ,  $1/16$ , or section corners), shall be submitted, unless the applicant can demonstrate that considerable practical difficulty or financial hardship would result. The digital plat shall be in either an AutoCAD compatible format or ESRI shapefile format. The development boundary, the individual lot or unit boundary lines, easement lines, and line annotation shall be provided on separate working layers. (Ord. 259-05, 10-4-2005)

- B. Identification Data Required: The following identification data shall be provided: (2010 Code)
1. A title which includes the name of the subdivision and its location by section number, township, range and county.
  2. Name, address, and official seal of the registered land surveyor preparing the plat.
  3. Scale, north arrow, and date of the plat preparation. (Ord. 259-05, 10-4-2005)
- C. Survey Data Required: The following survey data shall be required: (2010 Code)
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 thereof.
  2. Any excepted parcel(s) 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 thereof.
  3. Location and description of at least two (2) cardinal points to which all dimensions, angles, bearings, and similar data on the plat shall be referenced. Cardinal points must be public land survey corners, or in lieu of public land survey corners, monuments recognized by the city engineer or surveyor.
  4. The basis of bearing for the plat. (Ord. 259-05, 10-4-2005)
- D. Descriptive Data Required: The following descriptive data shall be required: (2010 Code)
1. Name, rights of way lines, courses, lengths, and widths of all public streets, alleys, pedestrianways, and utility easements; radii, points of tangency, and central angles of all curvilinear streets and alleys; and radii of all street line intersections.
  2. All drainageways to be dedicated to the public.
  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 Idaho Code. "Exception, land", "tracts", "open space" and "parks" shall be so designated, lettered, or named and clearly dimensioned.

5. Location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public will be clearly indicated and intended use specified. (Ord. 259-05, 10-4-2005)

E. Dedication And Acknowledgment:

1. Dedication: A statement of dedication of all parks, open space, streets, alleys, drainageways, pedestrianways, and other lands and easements for public use by the person holding title of record and by persons holding title as vendees under land contract shall be required. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. (Ord. 259-05, 10-4-2005; amd. 2010 Code)

2. Acknowledgment Of Dedication: Execution of dedication shall be acknowledged and certified by a notary public. (Ord. 259-05, 10-4-2005)

F. Required Certifications: The following certifications are required: (2010 Code)

1. Certification by the registered professional land surveyor stating on the plat that the plat is correct and accurate, and that the monuments described therein have been located and described.

2. Certification of plat approval by the city engineer (or county engineer if in area of impact).

3. Certification of plat approval by the city clerk.

4. Certification of plat approval by the district 7 health department; or sanitary restriction.

5. Certification of plat approval by the city planning and zoning chair.

6. Certification of plat approval by the county assessor.

7. Certification of plat approval by the county fire marshal.

8. Certification of plat approval by the mayor.

9. Certification of plat approval by the county treasurer.
10. Certification of recordation by the county recorder.
11. Owner's certification as specified in Idaho Code section 50-1309.
12. Certification of plat approval by the Teton County board of commissioners, if the subdivision is outside of the city limits.

G. Procedures:

1. The final plat, prepared in accordance with Idaho Code and the provisions set forth herein, shall be submitted to the administrator who shall request the clerk to place the application on the next available council agenda. The administrator shall check the final plat for conformity with the approved preliminary plat. In the event the final plat does not substantially conform with the approved preliminary plat, the subdivider shall be required to submit a conforming final plat or resubmit the plat to the commission for preliminary review.

2. Final plat submission shall include ten (10) sets of prints of the plats, four (4) sets of prints of the plans and specifications for all proposed improvements as required by this title, and a development agreement, as described in section 10-5-3 of this title.

3. The council, following receipt of the final plat, shall consider said plat and its conformance with the approved preliminary plat and associated conditions, if any. If said plat conforms with the approved preliminary plat and associated conditions and meets all requirements of this title and Idaho Code, the council shall approve said plat. If the proposed development is located in the area of city impact, then the council's approval shall be forwarded to the county board of commissioners in the form of a recommendation, in accordance with the adopted ordinance governing the area of city impact.

- H. Time Limitations: The final plat shall be filed with the county recorder within six (6) months after approval by the council, or board of county commissioners if in the area of city impact. Otherwise, such approval shall become null and void unless an extension of time is applied for and granted. (Ord. 259-05, 10-4-2005)
- I. State Taking Analysis: Denial of a subdivision or approval of a subdivision with conditions unacceptable to the landowner may be

subject to the regulatory taking analysis provided by Idaho Code section 67-8003, consistent with requirements established thereby. (2010 Code)