

CHAPTER 16

SUBDIVISION REGULATIONS AND PROCEDURES

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10-16-1: PURPOSE: It shall be the policy to guide subdivision development to provide the following:

- (A) Orderly growth and harmonious development within the subdivision and within the City;
- (B) Coordination of streets within the subdivision with existing streets to provide adequate access and traffic circulation;
- (C) Adequate open space for travel, light, air and recreation;
- (D) Adequate water supply, drainage and sanitation facilities;
- (E) Individual property lots of maximum utility and livability;

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- (F) The avoidance of scattered subdivisions that would result in a lack of public services and/or unwarranted expenditures of public funds for such services; and
- (G) The manner and form of making and filing plats.

10-16-2: JURISDICTION: These regulations shall apply to the subdividing of all land within the City and to those areas in the County subject to city regulation as specified in Section 50-1306, Idaho Code, as amended or subsequently codified. These regulations further apply as specified in a duly-adopted area of City Impact Agreement.

10-16-3: PROVISIONS GOVERNING SUBDIVISION DEVELOPMENT: Subdivisions which are desired or which are required in 10-9-6 of this Ordinance shall be developed in accordance with the provisions of this chapter. The regulations and procedures of this chapter shall supplement all other regulations of this Ordinance and, where at variance with other regulations, the more restrictive shall apply. This chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date hereof except to the further dividing of lots.

10-16-4: TYPES OF SUBDIVISION: For the purposes of this chapter, there shall be the following categories of subdivisions:

- (A) Residential--A subdivision wherein the minimum size of each lot is ten thousand (10,000) square feet. This subdivision is permitted only in an R1 district; (Ordinance 642)
- (B) Rural/Residential--A subdivision wherein the minimum size of each lot is one (1) acre. This subdivision is permitted only in an R/A district or RE district;
- (C) Agricultural/Residential--A subdivision wherein the minimum size of each lot is five (5) acres. This subdivision is permitted only in an A or RE district;
- (D) Residential/Manufactured Home--A subdivision wherein the dwellings meet the definition of a Manufactured Home contained herein. This subdivision is permitted only in an R/A or A district;
- (E) Agricultural--A subdivision wherein lot sizes may vary and may be reduced below the five (5) acre minimum provided the subdivision is for a non-residential, bona fide agricultural use such as storage of agricultural product. This subdivision is permitted only in an A district;
- (F) Commercial--A subdivision of various size lots which is devoted entirely to

commercial or business uses. This subdivision is permitted only in an HC district; and

(G) Manufacturing--A subdivision of various size lots which is devoted entirely to industrial uses, such as an industrial park. This subdivision is permitted only in an M district.

(H) Residential Estate – A subdivision where in the minimum size of each lot is one-half acre. This subdivision is permitted only in an RE District. (Ordinance 642)

Cemetery subdivisions shall be allowed as provided on the Official Schedule of District Regulations. Condominium development shall conform to the requirements of the Condominium Property Act, Title 55, Chapter, 15, Idaho Code, as amended or subsequently codified.

Mixed uses within a single subdivision are not permitted; however, mixed uses are possible under a Planned Unit Development.

10-16-5: APPROVAL REQUIRED: Any person desiring to create a subdivision as herein defined shall submit all necessary applications, including the preapplication, Preliminary Plat and Final Plat. No Final Plat shall be filed with the County Recorder nor may improvements be made on the property until the plat has been acted upon by the Commission and approved by the Council. No lots shall be sold until the plat has been recorded in the office of the County Recorder. If construction commences prior to all improvements being completed and accepted by the City, no certificate of occupancy will be issued until such time as the improvements are completed and accepted by the City.

No person shall subdivide any tract or parcel of land located wholly or in part in the City, or in those additional areas defined in 16.2, except in compliance with the provisions of this chapter. No person shall convey, sell or exchange any parcel of land which is any part of a subdivision or a proposed subdivision submitted to the Commission, nor shall any person offer for recording with the County any deed conveying such parcel of land or any fee interest therein unless such subdivision has been created pursuant to and in accordance with the provisions herein.

10-16-6: DESIGN STANDARDS: All plats submitted pursuant to the provisions of this chapter and all subdivisions, improvements and facilities constructed in accordance with said provisions shall comply with the minimum design standards set forth in this Section; provided, however, that any higher standards adopted by any State agency shall prevail over those set forth herein.

Land which the Council determines to be unsuitable for subdivision because of periodic flooding, poor drainage, excessively steep slopes or other features likely to be harmful to the safety and general health and welfare of present or future residents shall not be subdivided unless adequate methods are utilized to overcome adverse conditions.

In order to ensure the reasonable and beneficial development of land within the City, and in those additional areas defined in 10-16-2, the following standards shall be observed:

- (A) Streets--The arrangement, character, extent, width, grade and location of all streets shall be in relation to existing streets, to topographic conditions, to public convenience and safety and to the proposed uses of land to be served by such streets. Additionally:
 - (1) Local and minor residential streets shall be designed to discourage their use by through traffic. Reserve strips controlling access to public streets may be permitted;
 - (2) Where a subdivision abuts or contains an existing arterial street, railroad or limited access highway, the appropriate use of the tract may require frontage roads or such other treatment as may be necessary to adequately protect residential properties and afford separation of through and local traffic;
 - (3) Half street dedications shall be discouraged; however, a partial street dedication may be allowed when:
 - (a) Such street forms the boundary of the proposed subdivision;
 - (b) Such street is deemed to be necessary for the orderly development of the neighborhood; and
 - (c) It will be appropriate to require the dedication of the remainder of the right-of-way when the adjoining property is developed;
 - (4) Where adjoining areas are not subdivided, the arrangement of streets in a subdivision shall be such that some streets shall extend to the boundary line of the tract (stub streets) to provide for the future extension of said streets into adjacent areas. A reserve strip may be required and held in public ownership;
 - (5) Street width shall be measured from property line to property line. The minimum width of streets so measured shall be:

- (1) Arterial.....80 feet
- (2) Collector.....62 feet
- (3) Minor/Local.....62 feet

In addition to the above, no street in the City of Shelley shall be less than 40 feet in width from one edge of the pavement to the other. In other words, measuring from the center of the pavement to the edge of the pavement can be no less than 20 feet on each side for a total of not less than 40 feet from one edge of the pavement to the other edge of the pavement.

- (6) Cul-de-sac and dead-end street shall not be more than four hundred (400) feet in length and shall terminate with an adequate turnaround having a minimum radius of fifty (50) feet for right-of-way;
- (7) Minimum street grades of four-tenths percent (0.4%) will be required with the maximum grade being six percent (6%) for arterial streets and ten percent (10%) for local streets. Before an exception to this standard may be granted, specifications shall be reviewed by the City Engineer;
- (8) When street lines within a block deflect from each other at any one (1) point more than ten (10) degrees, there shall be a connecting curve. The radius of the curve for the inner street line shall not be less than five hundred (500) feet for an arterial, three hundred (300) feet for a collector and one hundred fifty (150) feet for a minor/local street;
- (9) Private streets are prohibited; and
- (10) Street name signs shall be erected by the subdivider in accordance with City specifications.
- (11) Street construction shall comply with and meet the standards set by the City's current engineers or prior resolution of the city council incorporating standards previously set by the City's engineers.

(B) Alleys and Easements--

- (1) The minimum width of any dedicated alley shall be sixteen (16) feet. Alleys of twenty (20) feet in width may be required in commercial and industrial areas;
- (2) Alleys shall be provided in commercial and manufacturing subdivisions

unless other provisions are made for service access and off-street loading and parking;

- (3) Where alleys are not provided, easements of not less than eight (8) feet in width shall be dedicated on each side of all real lot lines, and six (6) feet on side lot lines, where necessary for poles, wires, conduits, storm and sanitary sewers, gas and water lines. Easements of greater width may be required along lines across lots or along boundaries where necessary for surface drainage or for the extension of main sewer or water lines or other utilities;
- (4) Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, such corners shall be rounded sufficiently to permit safe vehicular movement; and
- (5) Dead-end alleys shall be prohibited.

(C) Intersections--

- (1) Streets shall intersect at ninety (90) degrees or as closely thereto as possible, and in no case shall streets intersect at an angle of less than seventy (70) degrees;
- (2) Minimum clear sight distance at all minor 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;
- (3) No more than two (2) streets shall cross at any one (1) intersection;
- (4) "T" intersections may be used whenever such design will not restrict the free movement of traffic. In such cases, parallel street centerlines shall be offset by a distance of at least one hundred twenty-five (125) feet; and
- (5) Curbs at street intersections shall be rounded with curves having a minimum radius of twenty-five (25) feet.

(D) Pedestrian Walkways--

- (1) Sidewalks shall be a minimum of five (5) feet in width and may be required to be wider in areas near shopping centers, schools or where pedestrian traffic may warrant a greater width; and
- (2) Right-of-way for pedestrian walkways in the middle of long blocks may

be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. The pedestrian easement shall be at least ten (10) feet wide.

(E) Lot Requirements--

- (1) Lot width, depth, total area and minimum setback lines shall comply with provisions of 8.0 of this Ordinance;
- (2) Side lot lines shall be substantially at right angles or radial to street lines except where other treatment can be demonstrated to provide a better street and lot plan;
- (3) Every lot shall have access to a public street;
- (4) Where parcels of land are subdivided into lots of one acre or larger, the parcels shall be divided, where feasible, so as to allow for future re-subdividing into smaller parcels and lot arrangement shall allow for the ultimate extension of adjacent streets through the center of large blocks. Whenever such future subdividing, or lot-splitting, is contemplated, the plan therefor shall be approved by the Commission prior to such action; and
- (5) Where individual septic tanks and/or water systems are to be installed pursuant to waiver of the City, the Guidelines on Subdivisions of the Health Authority shall be followed.

(F) Planting Strips--Planting strips shall be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses, road frontage, and entrances into subdivisions 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. The Planning and Zoning Commission shall review on a case-by-case basis each proposed installation of planting strips prior to requiring their installation and may modify the requirements based on findings of fact. All planting strips shall be subject to the "General Standards" for landscaping materials, maintenance, and a landscape plane, and the "Minimum Landscaped Setbacks" as provided with every subdivision application.

(G) Public Sites and Open Spaces--

- (1) Existing natural features which add value to a residential development and enhance the attractiveness of the community shall be preserved in

the design of a subdivision; and

- (2) Open areas and/or recreation areas may be required in subdivisions with lots of less than one (1) acre in size when the Commission deems such spaces are necessary to the health, safety and convenience of the residents of the subdivision.
- (H) All new construction within the City, residential or otherwise, shall include a water meter coil pit constructed in accordance with the standards adopted from time to time by resolution of the City Council. (Ord 589 8/17)

10-16-7: STREET AND UTILITY STANDARDS: Street and utility improvements shall meet the following minimum requirements:

(A) Streets--

- (1) Asphalt pavements or an approved equal shall be required on all new dedicated streets in a proposed subdivision where such roads abut an existing paved county road. When proposed subdivision roads abut a non-paved county road, asphalt pavement will not be required;
- (2) Subdivision developers within the City or within one-quarter (1/4) mile of the City limits shall be required to install all street improvements, including sidewalks, curbs and gutters; and
- (3) Such improvements shall be installed under the supervision of the City Engineer to the minimum relevant specifications.
- (4) Non-Curb and Gutter Areas: Subdivisions may be approved by the City which do not have curb and gutter but do have "grass-drainage areas". Such areas shall have a 4-inch minimum swell that will be a grass drainage area between the edge of the street pavement and the edge of the right-of-way or the sidewalk area. The distance between the edge of the pavement and the edge of the right-of-way and/or the sidewalk shall be a minimum of 11 feet with a swell having a minimum of 5 inches in depth between the level of the pavement edge and the bottom of the swell and the base of the swell with be at least 2 inches in width. Likewise, to maintain a drainage system in the area and avoid ponding or puddling on the street, all driveways will have a 5-inch minimum depth swell across the driveway to allow drainage of the water through the swell system. The City shall retain the right to provide additional minimum relevant specifications for such grass-drainage areas.

- (5) Grass Drainage. If the City approves a grass drainage area in a subdivision, the following regulations will apply to the property owners of that subdivision:
 - (a) Property owners in grass drainage areas shall be required to keep such areas clean and free of debris.
 - (b) Parking of automobiles or any other vehicles shall not be allowed on grass drainage areas.
 - (c) The City retains the right to require property owners in such areas to remove or correct any unsightly situation in a grass-drainage area.
- (B) Drainage--Proper and adequate provision shall be made for disposal of storm waters. The type, extent, location and capacity of drainage facilities shall be determined for the individual subdivision by the subdivider and approved by the City Engineer.
- (C) Sewage and Water--
 - (1) No lot which requires a water supply and/or sewage disposal facility located on site shall be erected until written approval is first obtained from the Health Authority approving plans and specifications;
 - (2) Subdivisions which plan to maintain their own water and/or sewage disposal systems shall first obtain written approval of all plans and specifications from the Health Authority; and
 - (3) All subdivision water and sewage disposal systems, particularly those within one-quarter (1/4) mile of the City limits, shall be an extension of the existing City systems whenever possible.
- (D) Monuments--Monuments shall be installed in accordance with Section 50-1303, Idaho Code.
- (E) Fire Protection--
 - (1) A fire hydrant hookup shall be provided at the well site on all subdivisions having a community water system and ten (10) or more units. Such hookup shall be waterproof and have a two and one-half (2 1/2) inch National Standard Thread Connector and shall be in an accessible location. In larger subdivisions, additional fire hydrant

hookups may be required; and

- (2) Adequate fire hydrants and water mains shall be required in subdivisions on the City water system in accordance with the appropriate fire district standards.

(F) Street lights–

- (1) Street lights shall be installed by the subdivider at intersections throughout the subdivision, unless waived after recommendation of the Commission and approval of the Council. The subdivider shall conform to the requirements of the City and public or private utilities servicing the area.
- (2) Street lights shall be located in subdivisions at intervals of no more than 300 feet between each street lights, unless this requirement is waived after recommendation of the Commission and approval of the Council. (Ordinance 642)

(G) Secondary Irrigation System – Secondary irrigation systems shall be required pursuant to Idaho law. The specifications for such secondary irrigation systems shall be those as established from time to time by resolution of the City Council. (Ordinance 625)

10-16-8: PREAPPLICATION MEETING: Prior to the filing of an application for approval of a Preliminary Plat, the subdivider shall meet with the Administrator and shall submit generalized plans and data of the proposed subdivision. The Administrator shall review said plans and data and advise the subdivider within ten (10) days as to the general conformance of the proposal with this Ordinance. Subdivider shall pay a preapplication fee of \$500.00 for the City's initial review of the application, plans, and data. Following the preapplication meeting and the City's initial response, should the subdivider request, or should the City reasonably require, additional services involving the City Engineer, the subdivider shall pay for such services based on the actual cost of such services to the City as billed by the City Engineer. The city may suspend any further review or action on an application until such time as the subdivider pays for these additional services. (Ord. 629 2/8/22)

10-16-9: CONTENTS OF APPLICATION FOR APPROVAL OF PRELIMINARY PLAT: Upon completion of the preapplication, the subdivider shall file a completed subdivision application form and three (3) copies of the Preliminary Plat and all related information with the Administrator.

All mapped data for the plat shall be drawn at the same

standard engineering scale, having not more than two hundred (200) feet to an inch. Whenever practical, scales shall be adjusted to produce an overall drawing measuring twenty-four (24) by thirty-six (36) inches and not exceeding forty-two (42) by sixty (60) inches. The drafting date and the generally northerly direction shall be indicated thereon.

Preliminary engineering plans, not meant to be cross-sections or detailed designs, shall show streets, water systems, sewers, sidewalks and other required public improvements in sufficient detail to enable the Administrator to make a determination as to the conformance of the proposed improvements to applicable regulations and standards.

Additional required information as indicated below shall be shown graphically, by note on plans or by narrative, and may comprise several sheets showing the various elements of required data.

(A) Identification and Descriptive Data--

- (1) Proposed name of subdivision and legal description of the proposed subdivision location;
- (2) Names, addresses and phone numbers of the subdivider(s) and the Engineer or Surveyor who prepared the plat;
- (3) Statement of the intended use of the proposed subdivision as listed in 10-16-4 herein;
- (4) Statement of present land use and existing zoning of the proposed subdivision and the surrounding land; and
- (5) Vicinity map showing the relationship of the proposed plat to the surrounding area.

(B) Existing Conditions Data--

- (1) Topography by contours, related to USGS or other data, shown on the same map as the proposed subdivision layout;
- (2) Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes and areas subject to inundations whether such inundation be frequent, periodic or occasions;

- (3) Locations of all platted streets, rights-of-way and roadway widths, including adjoining streets;
- (4) Location of railroads, utility rights-of-way of public record, public areas and permanent structures to remain, including water wells;
- (5) Name of any recorded adjacent subdivision having common boundary with the tract; and
- (6) By note, the acreage of the tract and the existing zoning classification of the tract.

(C) Proposed Conditions Data--

- (1) Street layout, including connections to adjoining platted streets, with location, width and proposed names of public streets and addresses of each lot;
- (2) Lot lines and blocks showing dimensions, areas and numbers of each;
- (3) All dedications to the public and/or easements, together with a statement of location, dimensions and purpose of each;
- (4) A copy of any proposed restrictive covenants and/or deed restrictions which will appear on the Final Plat;
- (5) A statement as to whether a zone change will be needed and whether or not a modification or waiver will be requested with respect to any provisions of this chapter; and
- (6) A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent stages of development.

(D) Proposed Utility Methods--

- (1) A site report as required by the Health Authority;
- (2) A full description, including preliminary calculations and plans, if central water and/or sewage treatment facilities are planned;
- (3) A full description and preliminary calculations and plans if connection with City water and/or sewage treatment facilities is planned; and

- (4) Preliminary calculations and layout of the proposed storm water/drainage system.

Upon receipt of the Preliminary Plat and all required data as provided herein, the Administrator shall certify the application as complete and shall affix the date of the application acceptance thereon.

10-16-10: ADMINISTRATIVE REVIEW OF PRELIMINARY PLAT: The Administrator shall transmit one copy of the application within ten (10) days of receipt to the City departments and other experts and agencies that have jurisdiction or an interest in the proposed subdivision for their review and recommendation. The reviewing departments and agencies shall have thirty (30) days from the date of referral to transmit comments to the Administrator.

Within seven (7) days of receipt of recommendations from all the reviewing agencies, the Administrator shall certify that the application is complete and shall submit a recommendation on the application to the Commission. The subdivision committee of the Commission shall visit the proposed subdivision site prior to the meeting at which the Preliminary Plat is to be considered. The Preliminary Plat shall be placed on the agenda of the next regular Commission meeting after the site review is completed.

10-16-11: ACTION BY THE COMMISSION ON PRELIMINARY PLAT: The Commission shall review the Preliminary Plat, all agency and department comments and the report of the Administrator as well as receive comments from concerned or affected persons in order to arrive at a decision on the Preliminary Plat.

In determining the acceptability of a proposed subdivision, the Commission shall consider the objectives of this Ordinance and:

- (A) The conformance of the subdivision with the Plan;
- (B) The availability of public services to accommodate the proposed subdivision;
- (C) The public financial capability of supporting services for the proposed subdivision;
- (D) Other health, safety and environmental problems that may be brought to the Commission's attention; and
- (E) The compatibility of the proposed development with existing uses of the adjoining land.

The Commission may recommend approval, conditional

approval, disapproval or may table the Preliminary Plat for additional information. Action on the request shall occur no later than the next regular meeting of the Commission following the meeting at which the plat is first considered. Upon recommendation of approval or denial of a Preliminary Plat, the Commission shall specify the Ordinance section(s) or standards used in evaluating the application and the reasons for approval or denial. If no action is taken by the Commission within sixty (60) days, the plat shall be deemed to have been recommended for approval.

10-16-12: **ACTION BY THE COUNCIL ON PRELIMINARY PLAT:** The Council shall act upon the report of the Commission within fifteen (15) days following receipt of the report and plat. The Council shall base its decision upon the testimony of representatives of the Commission and any witnesses in the Commission's behalf and the testimony of interested citizens affected by the proposed subdivision. If the Improvement Drawings are not submitted with the Preliminary Plat, then the Council shall have thirty (30) days from receipt of the Improvement Drawings to review the Improvements Drawings. The Council may sustain, modify or reject the recommendations of the Commission and make such findings as are consistent with the provisions of this Ordinance and Idaho Code. Such action shall be taken within fifteen (15) days and the reason for such action shall specify the Ordinance section(s) or standards used in evaluating the application and the reasons for approval or denial. (Ordinance 625)

10-16-13: **REQUEST FOR HEARING BY AFFECTED PERSONS:** At any time prior to final action on a Preliminary Plat application, if no hearing has been held, any affected person may petition the Commission or Council in writing to hold a hearing as required in 10-10-5 of this Ordinance. If twenty (20) affected persons petition for a hearing, the hearing shall be held.

After said hearing, the Commission may recommend approval, conditional approval or disapproval or may delay such recommendation no later than the next regular meeting. The Council may sustain, modify or reject the Commission's recommendation or may delay such decision for no longer than thirty (30) days for further consideration.

An affected person aggrieved by a decision may, within sixty (60) days after all remedies have been exhausted under this Ordinance, seek judicial review under the procedures provided by Sections 67-5215(b) through (g) and 67-5216, Idaho Code.

10-16-14: **CONTENTS OF APPLICATION FOR APPROVAL OF 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.

The Final Plat shall include and be in compliance with all items required under Title 50, Chapter 13, Idaho Code. The plat shall contain the name, address and registration number of the seal of the registered engineer or surveyor preparing the plat. The plat shall also show the scale, north arrow and date of plat preparation.

The application for approval of a Final Plat shall include:

(A) Survey Data--

- (1) Boundaries of the tract to be subdivided shall be fully balanced and closed, showing all bearings and distances determined by accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof;
- (2) Location and dimensions of all parcels within the plat boundaries showing all bearings and distances determined by accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof; and
- (3) Location and description of cardinal points, to which all dimensions, angles, bearings and similar data on the plat are referenced.

(B) Descriptive Data--

- (1) Name, right-of-way lines, courses, lengths, width of all public streets, alleys, cross-walks, utility easements, radii, points of tangency, central angles of all curvilinear streets and alleys and radii of all rounded street line intersections;
- (2) All drainageways, irrigation ditches and canals with rights-of-way of all major drainageways, ditches and canals designated by the County and dedicated to the public;
- (3) All easements for rights-of-way provided for public services or utilities and any limitations of these easements. Construction within the easements shall be limited to utilities and wood, wire or removable section-type fencing;
- (4) All residential lots, consecutively numbered, with exceptions, tracts and private parks designated, lettered or named and clearly dimensioned;

- (5) Location, dimensions, bearings, radii, arcs and central angles of all sites dedicated to the public with intended use specified; and
- (6) Any proposed private deed restrictions to be imposed upon the plat or any part or parts thereof.

(C) Dedications--

- (1) A statement of dedication of all streets, alleys, crosswalks, drainageways, pedestrian ways and other easements for public use signed by the persons holding title as vendees under land contract and by spouses of said parties;
- (2) Signature by mortgage, if any, on the plat or on a separate instrument which can be recorded with the plat;
- (3) Location by section, township and range of the dedication; and
- (4) Acknowledgement before a notary public of all statements of dedication.

(D) Required Certifications--

- (1) Certification by owner and/or subdivider as to the accuracy of the application;
- (2) Certification by the Engineer or Surveyor attesting to the accuracy of the survey and plan that the monuments described on it have been located as described;
- (3) Certification by the County Auditor verifying that all required bonds of the subdivider have been properly filed;
- (4) Certification by the County Treasurer verifying that all tax liens against the property within the plat have been duly paid;
- (5) Certificate of plat approval by the City Engineer, the Health Authority and the Administrator.
- (6) Certificate of plat approval from all surface water providers, if any; and (Ordinance 652 10/24/23)
- (7) Certificate of plat approval by the Eastern Idaho Regional Sewer District

if said District is providing any sewer services.
(Ordinance 653 10/24/23)

(E) Improvement Conditions--

- (1) All improvements of streets, alleys, water systems, sewer systems, utilities and other improvements or easements which are required as a condition to plat shall be the responsibility of the subdivider and subject to inspection and compliance with the latest version of the Idaho Standards for Public Works Construction (ISPWC); provided, however, that he may be allowed to meet the requirements by participation in an improvement district approved by the Council, through a Development Agreement with the City or through some other financial guarantee or performance bond;
- (2) Prior to the filing of the Final Plat, the subdivider shall file with the City Engineer construction drawings for all improvements required in the portion of the subdivision contained in the Final Plat;
- (3) At the time of recording the Final Plat, the subdivider shall have previously constructed all required improvements and shall have secured a certificate of completion from the City Engineer or shall have entered into an agreement with the Council to ensure the actual construction of such improvements as submitted and approved;
- (4) Prior to acceptance of any improvements installed by the subdivider, two sets of prints of the "as-built" plans and specifications shall be certified by the subdivider's engineer and filed with the City Engineer; and
- (5) Within thirty (30) days after completion of improvements and submission of "as-built" plans, the City Engineer shall certify the completion and acceptance of the construction and shall transmit a copy of said certification to the subdivider and the County Recorder. The County Recorder shall thereafter, upon application by the subdivider, release any surety or guarantee.

The Final Plat prepared in accordance with applicable State law and the provisions set forth herein shall be filed with the Administrator.

10-16-15: ADMINISTRATIVE REVIEW OF FINAL PLAT: The Administrator shall have ten (10) days from receipt of the Final Plat to review the Final Plat for compliance with the approved and conditionally approved Preliminary Plat and to determine whether all conditions and requirements have been met. The

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Administrator may transmit a copy of the Final Plat for review and recommendation to City departments, other experts or other agencies he deems necessary to insure compliance with the preliminary approval and/or conditions of preliminary approval. Such agencies or departments shall have ten (10) days to comment. Such review shall also include legal review of any Development Agreement or performance bond.

If the Administrator determines that there are substantial differences in the Final Plat from that which was approved as a Preliminary Plat or that there are conditions which have not been met, the Administrator may require that the Final Plat be submitted to the Commission in the same manner as required in the Preliminary Plat process. If the Administrator determines that the Final Plat is in compliance with the Preliminary Plat and all conditional requirements have been met, the Administrator shall certify that the application is complete, affix the date of acceptance thereon and forward the Final Plat application to the Council.

10-16-16: **ACTION BY THE COUNCIL ON FINAL PLAT:** The Council shall consider the Administrator's report and comments from concerned persons and agencies to arrive at a decision on the Final Plat. The Council shall approve, approve conditionally or disapprove the Final Plat within thirty (30) days. Upon granting or denying the Final Plat, the Council shall specify the Ordinance section(s) and standards used in evaluating the application and the reasons for approval or denial.

10-16-17: **RECORDING FINAL PLAT:** Upon approval of the Final Plat by the Council, posting of security bond or other acceptable guarantee, the inclusion of all signatures and certifications required by this Chapter and the certification and signature of the Council verifying that the Final Plat of the subdivision has been approved, the subdivider shall submit the Final Plat to the County Recorder for recording.

10-16-18: **VACATIONS AND DEDICATIONS:**

(A) Application Procedure--

- (1) Any property owner desiring to vacate an existing subdivision, right-of-way, easement or other dedication or any property owner desiring to dedicate a street right-of-way or easement other than those dedications included in a Final Plat application shall complete and file an application with the Administrator; and
- (2) Upon receipt of the completed application, the Administrator shall affix the date of application thereon and shall place the application on the agenda for consideration at the next regular meeting of the Commission which is more than five (5) working days after the date of application.

(B) Review Procedure--

- (1) The Commission shall review the request and make a recommendation to the Council for approval, conditional approval or denial; and
- (2) Such recommendation shall be forwarded to the Council within fifteen (15) days following consideration by the Commission.

(C) Council Action--

- (1) When considering an application for vacation procedures, the Council shall proceed pursuant to Title 50, Chapter 13, Idaho Code; and
- (2) When considering an application for dedication procedures, the Council may approve, deny or modify the application. Deeds describing and conveying such lands to the City shall become final only after said deed has been recorded with the County Recorder.

10-16-19: MODIFICATIONS AND WAIVERS: The Commission may recommend to the Council a modification or waiver from any provision of this chapter upon a finding that undue hardship may result from the strict compliance with the specific provision or that such requirement is impracticable.

 No modification or waiver shall be favorably acted upon by the Council unless there is a finding that all the following exist:

- (A) That there are such special circumstances or conditions affecting the property that the strict application of the provisions of this Ordinance would clearly be impracticable or unreasonable. In such cases, the subdivider shall first state his reasons in writing as to the specific provisions or requirements involved;
- (B) That the strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the subdivider because of unusual topography, other physical conditions or other such 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 modification or waiver will not be detrimental to the public welfare or injurious to other property in the are in which the property is situated;
- (D) That such modification or waiver will not violate the provisions of the Idaho Code; and

- (E) That such modification or waiver will not have the effect of nullifying the interest and purpose of this Ordinance and Plan.

10-16-20: UNRESOLVED ISSUES OR VIOLATIONS: Any person or entity who has any unresolved issues or violations with respect to any other subdivision development within the City of Shelley shall not receive from the City any approval of any new subdivision plat until said issues or violations related to other subdivision developments within the City are resolved to the satisfaction of a majority of the City Council Members.