

**CITY OF POCATELLO**  
**CITY COUNCIL STUDY SESSION AGENDA**

July 14, 2016 · 9:00 AM  
Council Chambers | 911 N 7th Avenue

1. ROLL CALL

2. HISTORIC PRESERVATION COMMISSION UPDATE

Representatives from the Historic Preservation Commission will discuss the Commission's goals and projects, as well as Council's policies and expectations.

3. HUMAN RELATIONS ADVISORY COMMITTEE UPDATE

Representatives from the Human Relations Advisory Committee will discuss the Committee's goals and projects, as well as Council's policies and expectations.

4. FLAG DESIGN AD HOC COMMITTEE UPDATE

Representatives from the Flag Design Ad Hoc Committee will discuss the Committee's progress and goals. The Committee's next step will be to request submissions from the public regarding a new flag for the City of Pocatello.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM4.PDF](#)

5. PROPOSED CITY EMPLOYEE TIME AND ATTENDANCE SOFTWARE

Chris Sorensen, Chief Information Officer, will be present to discuss proposed software to track City employee time and attendance. Executime is the preferred provider for Time/Attendance/Scheduling software for SunGard, the City's current provider. The proposed software includes electronic timekeeping and scheduling capabilities that the City currently uses paper timesheets to accomplish.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM5.PDF](#)

6. TITLE 16 – SUBDIVISION ORDINANCE AMENDMENT

Planning Staff will be in attendance to review and discuss the comprehensive re-write of Title 16, Subdivision Ordinance. This re-write is to update and clarify ordinance provisions in compliance with current Idaho subdivision and survey statutes, zoning ordinance provisions and development practices.

(Pertinent information attached.)

Documents:

[AGENDA-ITEM6.PDF](#)

7. FISCAL YEAR 2017 BUDGET REVIEW

Finance Staff will be present to review the tentative Fiscal Year 2017 budget draft from the June 9, 2016 Budget Development meeting. This is the final review prior to submitting totals for publication and preparing materials for the public hearing scheduled for August

4, 2016.

8. COUNCIL WORKING LUNCH

Members of the Council may choose to participate in a working lunch in the Paradise Conference Room to discuss general City topics. No formal action will be voted on.

**AGENDA**

**ITEM**

**NO. 4**



# From worst to first!

A new flag for the City of Pocatello

# The words cut like a knife



“And finally, when we are all done, we can do something about Pocatello, Idaho, considered by the North American Vexillological Association as the worst city flag in North America.”

Worst flag in America (3 million+ views)



# An opportunity to go from worst to first!

.Facilitate community-wide discussion, design, and selection of a new graphical image for Pocatello

.That image should be beautiful, meaningful, and representative of our shared ideals

# Flag design rules

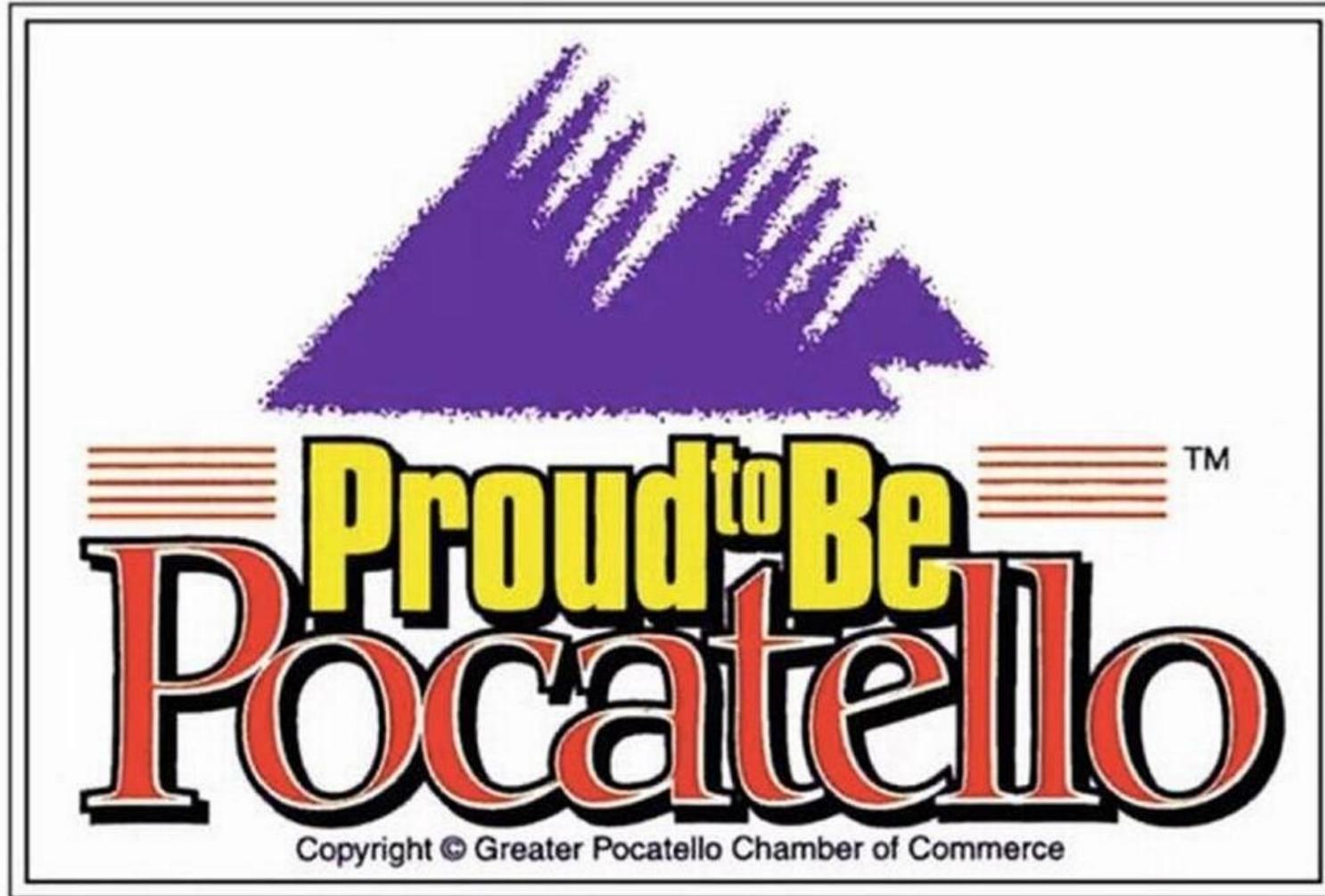
- .Keep it simple—A child can draw it from memory
- .Use meaningful symbolism
- .Use two to three basic colors
- .No lettering or seals
- .Be distinctive



# Flags and City Pride



# The Pocatello Flag



# It's time for a change

Flags, be they nation, state, or city are significant symbols that should be beautiful and representative.



# Flags are vital to group identity

.Flags represent group values

.A flag is something people can rally around



# Visual symbols influence people

.Groups that have a flag, symbol, or logo experience increased feelings of togetherness and cohesiveness

.The mere presence of the American flag makes people more egalitarian



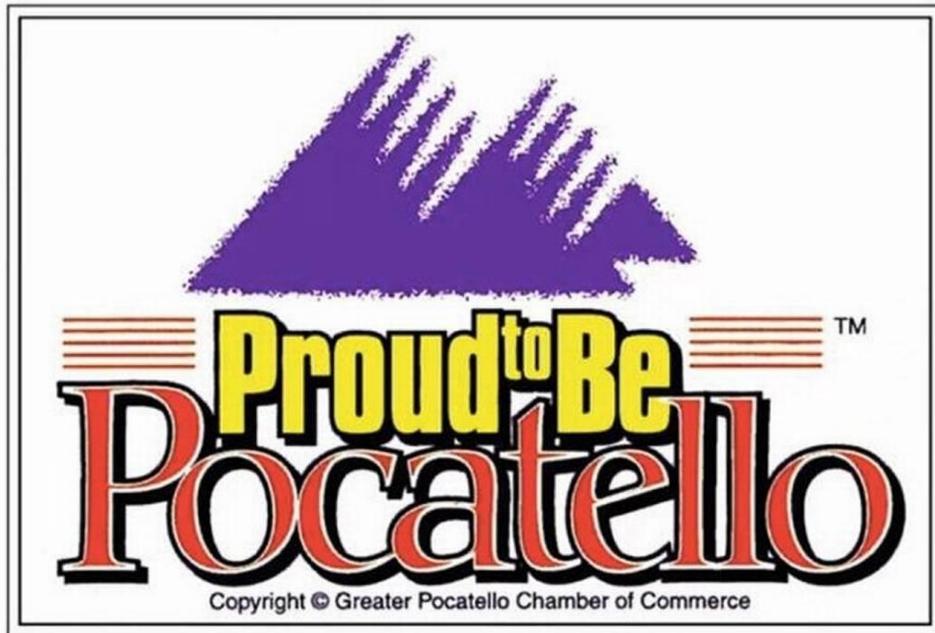
# Our city needs a new flag

.Was never designed to be a flag

.Move from worst to first!

.Create a beautiful symbol of our community's values

.Generate positive local and national publicity



# Flag Design Ad Hoc Committee



.Educate and engage the public

.Encourage community contributions

.Facilitate discussion

# Three steps

.Public education/information

.Submission

.Selection



# The flag and beyond

.Clarify the values and identities we hold close and select a beautiful flag that reinforces those identities

.Raise the community's awareness of the importance of art and design in all areas of our community

.Transform Pocatello into the foremost center for design in the intermountain west.

**What does Pocatello mean to you?**



**#NewFlagForPocatello**

**AGENDA**

**ITEM**

**NO. 5**

## EXECUTIVE SUMMARY

### PROPOSED TIME/ATTENDANCE/SCHEDULING SOFTWARE

July 14, 2016 Study Session

- Executime is the preferred provider for Time/Attendance/Scheduling software for SunGard.
- Executime software provides electronic timekeeping and scheduling capabilities that the City currently uses paper to accomplish.
- The current quote for the software is approximately \$78K for installation and \$12K annually for maintenance.
- The estimated return on investments between \$29K and \$353K.
- Information Technology Department has reserve funds to cover the installation and Year 0 maintenance.

Annual maintenance costs are available from recent cost cuts to the SunGard contract.

**AGENDA**

**ITEM**

**NO. 6**

6



# Planning & Development Services

◆ ECONOMIC DEVELOPMENT    ◆ NEIGHBORHOOD & COMMUNITY SERVICES  
◆ PLANNING & ZONING        ◆ POCATELLO REGIONAL AIRPORT

911 NORTH 7TH AVENUE | P.O. BOX 4169    POCATELLO, IDAHO 83205-4169    WEB: [WWW.POCATELLO.US/PDS/INDEX.HTM](http://WWW.POCATELLO.US/PDS/INDEX.HTM)

## CITY COUNCIL TITLE 16 – SUBDIVISION ORDINANCE – AMENDMENT STUDY SESSION – JULY 14, 2016

July 7, 2016

To: Mayor Blad & City Council Members  
From: Dave Foster, Senior Planner  
Re: Amendment of Title 16, Subdivision Ordinance

### INTRODUCTION:

City staff initiated the formal review process for the amendment of the City Subdivision Ordinance, Title 16 at the City Council Study Session on March 10, 2016. Following the Council Study Session, the initial draft was made available to surveyors, engineers, developers and other interested parties and was the focus of a public open house meeting on March 30<sup>th</sup>. The Planning and Zoning Commission initiated the public hearing process on April 13, 2016 and reviewed the proposed amendments at subsequent public meetings. Based on public testimony and deliberations among the Commission members, numerous changes were incorporated into the original draft. The Commission unanimously recommended approval of the revised subdivision ordinance at their June 8, 2016 meeting (copy attached).

The purpose of scheduling the Council Study Session is to provide an update of the major changes and the key issues resulting from the Planning and Zoning Commission hearing process. The tentative schedule is to conduct a public hearing before the City Council on August 4, 2016.

### BACKGROUND:

The principal governing Idaho Statutes include Title 50 Municipal Corporations, Chapter 13 Plats and Vacations and Title 55 Property in General, Chapter 19 Recording of Surveys and Title 67 State Government and State Affairs, Chapter 65 Local Land Use Planning.

Idaho Statute Section 50-1301(17) defines a subdivision as “a tract of land divided into five (5) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future...cities or counties may adopt their own definition of subdivision in lieu of this definition.” All subdivisions of five (5) or more lots are subject to the provisions of Idaho Statutes, Title 50, Chapter 13.

The existing City Subdivision Ordinance (Ord. 2350, 1991), Section 16.08.250 defines a subdivision to mean “any lot, parcel, or tract of land which is divided into two or more parcels...any parcel or tract of land which is divided into two or more building sites.” Section 16.30.010 defines a subdivision of a parcel into four (4) or fewer parcels under certain circumstances as a “Short Plat Subdivision”. A short plat subdivision may be processed under abbreviated procedures but must still comply with the technical aspects of a “regular” subdivision.

The proposed amended ordinance maintains the City’s current definition as “any lot, parcel or tract of land which is divided into two (2) or more lots, parcel or sites for the purpose of sale or development, whether immediate or future.” The ordinance also provides for an abbreviated short plat process that is more flexible than the current version.

## MAJOR CHANGES:

1. The current subdivision ordinance contains specific design, development and improvement standards for subdivisions in general and for specific residential zones that no longer exist due to being re-designated by the 2008 Zoning Ordinance. The engineering design and construction standards in the existing subdivision ordinance have been replaced by more current public works standards, the stormwater management plan, erosion and sediment control requirements and clearing, grading and excavation permit requirements.

Therefore, the amended subdivision ordinance eliminates specific design, development and improvement standards which are and will continue to be subject to the applicable engineering design, development and construction standards as adopted by the City.

2. The current subdivision ordinance requires all subdivision plat applications to be reviewed by the Planning & Zoning Commission for a recommendation at a public meeting before a final subdivision plat can be submitted for review and a decision by the City Council. This requirement applies to "regular" subdivisions of 5 or more lots where the Planning & Zoning Commission reviews the preliminary plat prior to the Council reviewing the final plat (Idaho Statute, Title 67, Chapter 65, Section 67-6513).

This two-tier review is also a requirement in the current ordinance for "short plats" of 4 or fewer lots. Based on review of the applicable State Statutes it was determined that short plat subdivisions could skip the review by the Planning & Zoning Commission. Therefore, the amended ordinance includes provisions that allow short plats to be reviewed by City staff and upon completion of staff review the short plat would be scheduled for review and decision by the City Council. This expedited review process does not relieve compliance with applicable plat requirements, but does streamline the review process and timelines.

3. The current subdivision ordinance (Section 16.36.260) states that "the subdivider shall post with the clerk prior to the recordation of the final plat...a performance and completion bond...cash...or an appropriate agreement committing that the amount...shall be adequate to cover the entire cost of installing the improvements, engineering, inspections, and replacement or repairs...". These provisions were intended to provide reasonable assurance of construction of the required subdivision improvements prior to the authorization to record the final subdivision plat with the County.

Implementation of these provisions has been accomplished by essentially requiring subdivision infrastructure and improvements to be completed, or substantially completed (subject to an appropriate surety) prior to authorization to record the subdivision plat, thereby allowing lots to be sold.

The amended subdivision ordinance perpetuates the "surety" requirements and provides specific details regarding the option to record a subdivision plat prior to completion or substantial completion of required infrastructure and improvements subject to the posting of the appropriate surety. These provisions clarify the option for recording an approved subdivision plat prior to initiating any construction activities.

For the record, it should be noted that the Idaho Statutes under Title 50, Chapter 13 Plats and Vacations do not contain any specific requirements for either developing a subdivision or posting a surety bond prior an approved plat being recorded. The City of Pocatello's subdivision codes dating back to 1969 have included development and bonding requirements prior to authorization to record. Other cities and counties within Idaho have implemented a variety of plat recording requirements, including recording an approved plat prior to any development without any type of development surety to requiring full development and/or with some type of surety before recording.

4. The current subdivision ordinance (Section 16.36.250 Guarantee of Construction Agreement & Section 16.36.260 Guarantee of Construction Assurance) contains provisions that the City has used to create the "Development Agreement" with the subdivider/developer. The Development Agreement contains provisions requiring the developer to guarantee (warranty) all materials, workmanship and equipment for a period of two years. However, the developer's guarantee (warranty) is not secured by any type of surety.

The amended ordinance requires a two year warranty period to be secured by either a designated warranty bond, or cash, or an appropriate contractor's bond. The minimum bond requirement is \$25,000 or five percent of the cost of the public infrastructure and improvements, whichever amount is higher. In the event the warranty bond is not sufficient to cover the total cost of needed repairs, the developer will still be responsible for all costs. The ordinance contains provisions for implementation of this requirement.

5. Section 16.12.040 in the current subdivision ordinance prohibits the issuance of any building permits to a developer or owner until the final subdivision plat has been recorded with the County. An interpretation of this section to allow what is referred to as "early recording" (recording a final plat prior to completion of all improvements, subject to appropriate surety and agreement) resulted in the development of a staff manual "protocol" in 2005 that would allow staff to issue a building permit prior to completion of the subdivision.

The "protocol" allowed a final plat to be recorded when subdivision improvements were "substantially finished". Based on the language, the only unfinished improvement concerned the street which was subject to approval by the Fire Department and the Development Services Engineer and subject to an appropriate performance/completion bond. The issuance of a building permit under this protocol was subject to specific restrictions that no structures could be sold, rented or otherwise occupied until all subdivision improvements were completed. In other words, the "Certificate of Occupancy" was withheld until everything was completed in the subdivision and the performance bond was released.

The amended ordinance incorporates provisions that allows "early recording" and allows the issuance of a building permit for a recorded subdivision lot if the only "unfinished" improvement is the pavement of the street. Approval is still required from the Fire Department and the Public Works Department and a surety is required for completion of the pavement. The "Certificate of Occupancy" is not subject to being withheld under this provision.

6. The existing subdivision ordinance (Section 16.04.30) and the existing zoning ordinance (Section 17.02.190(F)) contain provisions for adjusting property ownership lines between abutting property owners. This process is typically referred to as a "Property Line Adjustment" and is implemented by a surveyor performing a "Record of Survey" and recording new deeds describing the reconfigured ownerships.

Section 16.04.030 of the existing subdivision ordinance states that "the signatures of the surveyor, engineer, clerk, and Mayor of the City shall be required on [subdivision] plats and records of survey and be considered as proof of approval of the City". The requirement for official City signatures on subdivision plats is based on State Subdivision Statutes and has been required in order to record a final subdivision plat.

The Idaho Statutes for "Recording of Surveys" (Title 55, Chapter 19) do not have any requirements for official City signatures on a record of survey. Idaho Statute, Section 55-1904 Records of Survey does require the recording of a "Record of Survey" under five separate conditions. The two most common conditions associated with a property line adjustment includes any survey which "establishes boundary lines and/or corners not previously existing or of record [and/or] results in the setting of monuments at corners of record which were not previously monumented".

This discrepancy between the City subdivision ordinance provision and Idaho Statutes regarding records of survey has resulted in inconsistent application of the provision by City staff, licensed surveyors and the public in general. The existing City ordinance does not provide any details pertaining to the review and approval of property line adjustments. The amended subdivision ordinance (Chapter 16.28) contains specific details and requirements for the review and processing of property line adjustments.

**SUMMARY:**

The six “Major Changes” discussed above were the main topics of discussion among the Planning & Zoning Commissioners and the private sector participants during the public hearing process. The attached copy of the recommended amendments contains provisions developed as a result of this process.

The overall objectives of re-writing the subdivision ordinance include:

- Deleting outdated and conflicting provisions.
- Promote options to subdivide properties suitable for infill development.
- Providing an improved step-by-step organization of the application requirements and processes.
- Clarify the final plat recording options and processes.
- Updating the existing “Development Agreement” warranty provision to require an actual warranty period surety to help protect the City from potentially incurring additional repair, replacement or maintenance costs associated with public infrastructure and improvements.

Attachment: Proposed Amendment - Title 16 Subdivision Ordinance

# PROPOSED AMENDMENT - TITLE 16 - SUBDIVISION ORDINANCE

June 9, 2016

## Chapters:

- 16.04 General Provisions
- 16.08 Definitions
- 16.12 Pre-application Review
- 16.16 Short Plat Subdivision Application
- 16.20 Preliminary Subdivision Plat Application
- 16.24 Final Subdivision Plat Application
- 16.28 Property Line Adjustment Provisions

## Chapter 16.04 General Provisions

### Sections:

- 16.04.010 Title
- 16.04.020 Purpose
- 16.04.030 Authority
- 16.04.040 Extraterritorial Authority
- 16.04.050 Penalty for Selling Lots or Parcels
- 16.04.060 Enforcing Execution of a Plat
- 16.04.070 Replat Requirements
- 16.04.080 Amendments

**16.04.010 Title:** This Title shall be known as and may be cited as the City of Pocatello Subdivision Ordinance. (City Code Title 16, 1996; City Ordinance 2407 (1), 1992).

**16.04.020 Purpose:** The purpose of regulating the subdivision of land is to ensure orderly development in the City of Pocatello; protection of the public, health, safety, and general welfare; to ensure an interconnected street system; to establish adequate provisions for water supply, drainage, sanitary sewer, and utilities; to ensure that new lots are adequate in size, shape, design, and topography to accommodate appropriate development; and to provide a process for the subdivision of land and to achieve these purposes.

**16.04.030 Authority:** This Title is adopted pursuant to the authority delegated to the City of Pocatello pursuant to Article 12, Section 2 of the Idaho Constitution; Chapter 65, Title 67, Idaho Local Land Use Planning Act, and Chapter 13, Title 50, Idaho Code, Plats and Vacations.

**16.04.040 Extraterritorial Authority:** Area within the Urban Service Boundary, rights of City to comment. All subdivisions of land within the officially designated Urban Service Boundary (Area of City Impact), located outside the official limits of the City of Pocatello shall be administered in accordance with the ordinances of the County having jurisdiction. The County with jurisdiction shall

transmit all proposed subdivision plats, within said area, to the City for review and comment at least fourteen (14) days before the first official decision regarding the subdivision is to be made by the County. Items which may be considered by the City include, but are not limited to, continuity of street pattern, street design, integrity and continuity of utility systems and drainage provisions and the provision of emergency services.

**16.04.050 Penalty for Selling Lots or Parcels:** Any person who shall dispose of or offer for sale any lot(s) or parcel(s) within the City until the subdivision plat thereof has been duly acknowledged and recorded, as provided in this Title and Idaho Code Title 50, shall be subject to penalties pursuant to Idaho Code, Section 50-1316.

**16.04.060 Enforcing Execution of a Plat:** Whenever the owner(s) of any tract/lot/parcel of land divide and/or sell and/or convey any part of said tract/lot/parcel without the approval of the City, the City shall have the authority to require the execution of a subdivision plat in accordance with the provisions of this Title and Idaho Code, Section 50-1314.

**16.04.070 Replat Requirements:** A replat shall comply with all applicable provisions of this Title and Idaho Code Title 50. The City may allow procedures other than replatting to adjust common property lines between abutting properties/lots subject to compliance with provisions of this Title.

**16.04.080 Amendments:** The Planning and Zoning Commission may recommend amendments to this Title, and the City Council, in acting on such recommendation or on its own motion, may amend this Title as applicable; provided that public hearing procedures are followed for said amendments.

## Chapter 16.08 Definitions

### 16.08.010 General Definitions:

**Affected Person:** As used herein, an affected person shall mean one having a bona fide interest in real property which may be adversely affected by the approval, denial or failure to act upon a submitted application by the City Council, City Planning and Zoning Commission, Hearing Officer or City staff.

**Applicant:** Any person legally authorized to submit an application for the subdivision of land. The applicant need not be the "owner" of the property as defined by this chapter.

**Area of City Impact:** The officially designated area consisting of the City Urban Service Boundary within the unincorporated area of the adjoining county.

**Block:** A group of platted lots fronting on a street and designated as a "block" on a recorded subdivision plat.

**City Major Street and Highway Plan:** A part of the city development plan which provides for the development of a system of major streets and highways, including the location and alignment of existing and proposed thoroughfares.

**City Development Plan:** A comprehensive plan, or parts thereof, providing for the future growth and improvement of the city and for the general location and coordination of streets and highways, schools and recreation areas, public building sites, and other physical development, which shall have been duly adopted by the City Council (sometimes referred to as "regional plan").

**Common Area:** That area delineated on a plat which is held in common undivided ownership by owners of land within the platted area.

**Developer:** The individual or entity with ownership and/or operational control of the development of public infrastructure and improvements associated with a subdivision.

**Development:** The physical alteration or improvement of land by a developer, including but not limited to, grading, excavating, filling, construction and installation of public infrastructure and improvements and service provider utilities.

**Development Master Plan (DMP):** A preliminary master plan for the development of a large, unusual or complicated land area, the platting of which is expected in progressive stages. A DMP may be designed by the developer, planner, or site plan committee and shall be subject to approval of the Planning and Zoning Commission.

**Director of Planning and Development Services:** The person, so titled, who is responsible for coordination of city plans and programs with all other governmental organizations involved in the process of community development and for the supervision and direction of all activities of the Planning and Development Services Department.

**Director of Public Works:** The person, so titled, who is responsible for the supervision and direction of all activities of the City's Public Works Department.

**Easement:** A right of use, falling short of ownership, and usually granted for a certain stated use or uses.

**Engineering Plans:** Plans, profiles, cross sections, calculations and other required details for the construction of public or private improvements, prepared by a Professional Engineer licensed by the State of Idaho and in current standing, in accordance with the approved preliminary plat and in compliance with existing standards of design and construction approved by the City Council.

**Exception Area:** Any parcel of land which is within the boundary of the tract of land containing the land division which is not owned or controlled by the developer and is not incorporated into the land division.

**Final Plat Approval:** The approval of the final subdivision plat by the City Council, as evidenced by certification on the plat by the Mayor of the City, constituting authorization to record a final subdivision plat.

**Irrigation Facilities:** Includes canals, laterals, ditches, conduits, gates, pumps, and other equipment necessary for the supply, delivery, and drainage of irrigation water.

**Lot:** A unit of land lawfully created by a recorded subdivision plat for the purpose of sale or development, whether immediate or future.

**Lot - Corner:** A lot abutting on two (2) or more intersecting streets where the interior angle of intersecting does not exceed one hundred thirty five degrees (135°). A corner lot shall be considered to be in that block in which the lot fronts.

**Lot - Interior:** A lot having only one side abutting (fronting) on a street.

**Lot - through lot or double frontage lot:** A lot abutting (fronting) two (2) parallel or approximately parallel streets.

**Lot frontage:** The length of the lot line of any lot abutting (fronting) a street, road or highway.

**Lot width:** The width of a lot shall be:

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

**Lot of Record:** A lot, parcel or tract of land that was lawfully created by a recorded deed, contract of sale, or recorded plat prior to the adoption of the City of Pocatello Subdivision Ordinance No. 1594 on October 16, 1969 or lawfully created pursuant to applicable Municipal Code provisions after said date.

**Owner:** The person, persons or other legal entity holding legal title by deed to land, or holding legal title as vendees under land contract, or holding any other legal title of record.

**Parcel:** A generic term for any unit or units of land, typically not platted, described by a deed of record, land survey of record or other legally acceptable description.

**Pedestrian-way, Pathway or Paseo:** A dedicated walkway, sidewalk or path through a block from street to street and/or providing access to a school, park, recreation area, shopping center or other public or private amenity.

**Planning and Zoning Commission:** As established and defined in City Code, Title 17, may be referred to as "Commission".

**Plat, Final:** The recorded drawing, map or plan of a subdivision or subdivided land, or a replatting of such, prepared by a Surveyor licensed by the State of Idaho and in current standing, including certifications, descriptions and approvals in accordance with requirements of this Title and as specified by Idaho Code, Title 50, Chapter 13, Section 50-1304.

**Plat, Preliminary:** The preliminary drawing(s) showing the proposed design and layout of a subdivision, including but not limited to, the configuration of lots and blocks, and the location of streets and utilities.

**Property Line Adjustment:** The relocation or elimination of a common property line between abutting properties that does not create an additional unit of land.

**Public Improvement Standards:** A set of regulations setting forth the details, specifications, and instructions to be followed in the planning, design, and construction of certain public improvements in the City, formulated by the City Public Works, the County Health Department, and other City departments and approved by the City Council.

**Public Infrastructure and Improvements:** The infrastructure, improvements, facilities, structures and appurtenances required to provide municipal services to the public. Such services include, but are not limited to:

- A. Potable and non-potable water systems (any required supply, transmission, storage, delivery, fire suppression, and distribution systems);
- B. Municipal wastewater systems (any required collection and transfer pumping/pressure systems);
- C. Stormwater systems;
- D. Public rights of way improvements (any required streets, alleys, asphalt, curbs, gutters, sidewalks, pathways, pavement and signage traffic control, signalized intersections, and street lights);

**Public Right-of-Way:** Any land dedicated and open to the public, usually for a stated purpose, under the jurisdiction of the City or other State or Federal entity having jurisdiction. The right-of-way may or may not contain public maintained improvements.

**Public Utilities:** The infrastructure, appurtenances and facilities, underground, above ground or overhead, utilized to provide utility services to the public from a common carrier or corporation subject to the jurisdiction of the Idaho Public Utilities Commission or a municipal franchise. Said entities provide services such as, but not limited to, electricity, gas and communications.

**Record of Survey:** A recorded survey map prepared by a professional land surveyor licensed by the State of Idaho and in good standing, in conformity with Idaho Code Title 55, Chapter 19, and recorded with the county or counties wherein the lands surveyed are situated.

**Replat:** The act of reconfiguration of an existing lot or lots in a recorded subdivision that results in the increase or decrease in the number of lots/parcels within the subdivision or results in the reconfiguration of the subdivision in a manner that affects its original integrity.

**Site Plan Review Committee:** The committee comprised of City staff to review proposed plans and concepts involving the division and/or development of land within the city limits and provide guidance and suggestions regarding said plans and concepts.

**Street:** The portion of a public or private right-of-way dedicated or reserved primarily to accommodate vehicular access and travel. Any street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for access, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded in the county recorder's office. A street includes the land between the right of way lines whether improved or unimproved and may comprise pavement, shoulders, curbs, gutters, sidewalks, parking areas, and lawns.

**Arterial route:** A general term including freeways, expressways, and major arterial streets; and interstate, state, or county highways having regional continuity.

**Collector street:** A street which provides for traffic movement within neighborhoods of the city and between major streets and local streets and for direct access to abutting property.

**Local street:** A street which provides for direct access to residential, commercial, industrial, or other abutting land and for local traffic movement and connects to collector and/or major streets.

**Marginal access street:** means a minor street parallel and adjacent to an arterial route which provides access to abutting property and intercepts local streets and controls access to an arterial route.

**Cul-de-sac street:** A local street having one end permanently terminated in a vehicular turnaround.

**Alley:** A public right-of-way used to provide secondary vehicular access to the rear of properties otherwise abutting upon a street.

**Subdivider:** The person(s) or entity with vested ownership or operational control of the subject property or their legally authorized representative responsible for the subdivision of the subject property. May also be referred to as the applicant.

**Subdivision or Subdivided Land:**

- A. Any lot, parcel, or tract of land which is divided into two (2) or more lots, parcels or sites for the purpose of sale or development, whether immediate or future.
- B. The creation of cemetery lots pursuant to Idaho Code Title 50, Section 50-1303 – 1304.
- C. The terms "subdivision" or "subdivided land" shall not apply under the following conditions, unless the method of disposition is adopted for the purpose of evading the requirements of this Title, to any division of land which:
  - 1. Is created by order of any court of competent jurisdiction or by operation of law.
  - 2. Is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in any investment entity.
  - 3. Is created by a lien, mortgage, or other security instruments.
  - 4. Creates an interest in minerals or water which is severed from the surface of ownership of real property.
  - 5. Is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, and such interest shall be deemed for the purpose of this section as only one interest so land as said acquisition continues to be a joint tenancy or tenancy in common.
  - 6. Is created by the combination of contiguous parcels of land not previously subdivided into one plat or parcel, but the resulting parcel shall constitute only one interest in land and only one building site; provided, however, that easements and right of way shall not be considered interests for purposes of this subsection.
  - 7. Involves the realignment of boundaries between adjoining landowners, providing the adjustment does not violate any existing ordinances or regulations of the city.

8. A bona fide division or partition of agricultural land into lots which are five (5) acres or larger and maintained for agricultural purposes pursuant to Idaho Code, Section 50-1301(16).

**Subdivision - Short Plat:** A recorded plat map, prepared by a professional land surveyor licensed by the State of Idaho and in current standing, in accordance with this Title and Idaho Code Title 50 and Title 55, of the division of a lot, parcel or tract of record into four (4) or fewer lots for the purpose of sale or development, whether immediate or future.

**Tract:** A generic term for any unit or units of land, typically unplatted, described by a deed of record, land survey of record or other legally acceptable description.

**Usable Lot Area:** That portion of a lot usable for or adaptable to the normal uses made of property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements.

## **Chapter 16.12 Pre-application Review**

### **Sections:**

- 16.12.010 Pre-application Review**
- 16.12.020 Submission Requirements**
- 16.12.030 General Requirements**

**16.12.010 Pre-application Review:** All proposed land divisions shall be reviewed by City staff prior to the submittal of a formal application. Such review does not constitute filing of a land division application rather the purpose is to allow City staff concept review while allowing the applicant or applicant's duly authorized representative the opportunity to ask questions regarding the regulations and design requirements applicable to the division of property and to become aware of any issues prior to formal submittal of a land division application.

**16.12.020 Pre-application Submission Requirements:** The applicant or applicant's duly authorized agent shall submit six (6) 11" x 17" copies of the proposed land division concept plan to the Planning and Development Services Department.

- A City Staff shall review the submitted concept plan and evaluate compliance with the applicable provisions of the Comprehensive Plan, Zoning Ordinance, and other regulations.

### **16.12.030 General Requirements:**

- A. No Building Permit shall be issued for construction or development on any proposed lot within a proposed subdivision or upon land subject to subdivision requirements until:

1. A plat has been approved and recorded as required by this Title and Idaho Code, Title 50 and a copy of the recorded plat has been submitted to the City Surveyor; and
  2. All infrastructure and improvements required by the City have been installed, inspected and accepted by the City.
- B. The submission of a subdivision plat application shall be required if any of the following circumstances exist:
1. In all cases when any lot, parcel, or tract of land is divided into two (2) or more lots, parcels or sites for the purpose of sale or development, whether immediate or future.
  2. In all cases where the creation, dedication, access to, or extension of a public right of way is required, regardless of the number of lots being created.
  3. In all cases where land or property is to be dedicated to the City.
  4. In cases where, due to topography, future impact of the proposed land division, public utility needs, or other applicable circumstances, City staff determines that the recording of a plat is necessary.

### **Chapter 16.16 Short Plat Subdivision Application**

**16.16.010 Short Plat Subdivision:** A proposed land division creating four (4) or fewer lots, shall be reviewed by City staff in order to determine if the proposal will require the submission of a complete subdivision plat application or a short plat application pursuant to the provisions of this Title. If the City staff determines that a complete subdivision application consisting of preliminary plat and final plat applications is not required, then City staff may authorize the submittal of a Short Plat Subdivision application to ensure compliance with applicable provisions of this Title and Idaho Code Title 50.

The Short Plat Subdivision process does not require the submittal of separate “preliminary plat” and “final plat” applications. A “short plat” is submitted in the “final plat” format pursuant to this Title and Idaho Code Title 50.

- A. A Short Plat Subdivision application that does not require any public dedication of right-of-way for infrastructure or other public uses which requires acceptance by the City Council is subject to the provisions of § C through M of this Section.
- B. A Short Plat Subdivision application that requires the public dedication of right-of way for infrastructure, improvements or other public uses which requires acceptance by the City Council is subject to the provisions of § C through F of this Section and the applicable provisions of Section 16.24.110(A) of this Title.

- C. The proposed subdivision must comply with all other applicable design and survey standards adopted by the City.
- D. Upon receipt of the short plat application, City staff shall perform a completeness review within five (5) days from official receipt of the application and applicable fees.
  - 1. In the event that City staff determines that the application is incomplete, the applicant will be notified regarding what is needed to complete the application.
  - 2. In the event that an incomplete application is returned more than two (2) times, additional application fees may be required.
  - 3. Once it is determined that the application is complete, the application materials will be reviewed by City staff for technical compliance with applicable code provisions and notify the applicant of any deficiencies prior to the application being scheduled for review by the City Council at a regularly scheduled meeting.
- E. The review by the City Council is for the purpose of rendering a final decision.
- F. The "Final Short Plat Subdivision" shall be prepared in compliance with the applicable provision of Chapter 16.24 of this Title and applicable provisions of Idaho Code Title 50.
- G. The "Final Short Plat Subdivision" shall be submitted to the City Surveyor for review for substantial conformity to the plat reviewed by the City Council and applicable State statutes and City ordinance provisions.
  - 1. If the submitted final plat is not found to be in substantial conformity, the City Surveyor will notify the applicant and the applicant will be given the opportunity to make necessary corrections to achieve substantial conformity.
  - 2. The applicant must re-submit a corrected plat within thirty (days) from the date of notification by the City Surveyor.
  - 3. Failure to re-submit a corrected plat in conformity with the approved plat will result in a denial and require the applicant to submit a new application.
- H. The "Final Short Plat Subdivision" shall contain applicable certification statements pursuant to Section 16.24.050 of this Title.
- I. Upon a determination by the City Surveyor that the "Final Short Plat Subdivision" is in conformity with the requirements of this Title, appropriate City signatures may be affixed to the Plat.

- J. After obtaining all required signatures, the Plat shall be submitted to the County Clerk for review and recording in the County "Records of Plats" in accordance with applicable provisions of this Title and Idaho Code Title 50.
- K. The applicant shall provide the City Surveyor with a copy, on CAD film, of the recorded Plat and an electronic (digital) AutoCad® (DWG) format file within thirty (30) days of recording.
- L. Expiration of the approval to record the Short Plat shall be two (2) years from the date of approval by the City Council. Failure to record an approved plat within the designated time period serves to void the prior review and approval process and will result in requiring the submittal of a new application.
- M. All other applicable provisions of this Title shall be met.

### **Chapter 16.20 Preliminary Subdivision Plat Application**

**Sections:**

- 16.20.010 Preliminary Plat – Purpose**
- 16.20.020 Application and Fees**
- 16.20.030 Preliminary Plat Submittal**
- 16.20.040 Preliminary Plat Review**
- 16.20.050 Review Criteria**
- 16.20.060 Planning and Zoning Commission Recommendation**
- 16.20.070 Expiration of Planning and Zoning Commission’s Recommendation**

**16.20.010 Preliminary Plat – Purpose:** The purpose of the preliminary plat application is to require formal preliminary approval of a subdivision as provided herein in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto shall be in compliance with the provisions of this Title, other applicable City regulations and ordinances and applicable provisions of Idaho Code, Title 50, Chapter 13 Plats and Vacations.

**16.20.020 Application and Fees:** The applicant or their authorized representative, after completing the Pre-application Concept Review shall file an application for preliminary plat approval with the Planning and Development Services Department on a form prescribed by the City, together with ten (10) full size copies (18" x 24") and six (6) 11" X 17" drawings of the preliminary plat and the appropriate application fee paid in full.

**16.20.030 Preliminary Plat Submittal:** The preliminary plat shall be prepared and stamped, signed and dated by a professional land surveyor and/or engineer licensed by the State of Idaho and in current standing. The plat map shall be clearly identified as a "Preliminary Plat". The preliminary plat shall include the following information:

- A. Proposed name of the subdivision and its location by quarter-quarter section, township, and range, in bold letters at the top of the sheet.
- B. Name, address, and phone number of applicant(s) and/or owner(s) of record and a copy of the deed of record and current title report. If the applicant is not the owner of record, then duly executed authorization from the owner(s) is required.
- C. Name, address and phone number of the professional land surveyor preparing the plat.
- D. Scale, north arrow, date of preparation and revisions.
- E. Vicinity map clearly showing the proposed subdivision in relationship to adjacent subdivisions, main arterial routes, collector streets, etc.
- F. Topography by two-foot (2') contours based on NAVD 88 datum including the origin of the source and the date, or other datum approved by the City, shown on the same sheet as the subdivision layout and extending a minimum of fifty (50) feet beyond the perimeter of the subject property.
- G. Location of water features such as, but not limited to, streams, canals, irrigation facilities, ditches, washes, lakes, wetlands, floodways and floodplains.
- H. Platted streets, utilities, permanent structures to remain, water wells, and property deeded, dedicated or described for public use and Municipal boundary lines within or adjacent to the tract of land.
- I. Current instrument number and ownership of all contiguous property and the name of any recorded contiguous subdivision(s).
- J. Existing zoning classification(s) of the subject property shall be mapped and labeled.
- K. The acreage of the subject property.
- L. The boundary of the subject property to be subdivided shall be fully dimensioned.
- M. Proposed street layout, including location, width, grade and proposed names (public and private) and existing and potential connections to contiguous land(s).
- N. Lot dimensions, the size of each lot, sequentially numbered lots and the total number of lots listed by note.
- O. Location, width, and use of proposed and existing easements.

- P. The location, size and designated use of all land proposed to be dedicated or reserved for public or private use.
- Q. Any proposed private on-site septic system(s) for any lot(s) or parcel(s) will be subject to City Code Chapter 13.16.
- R. Preliminary engineering calculations demonstrating adequate volume, pressure and quality of water supply to the proposed subdivision can be achieved.
- S. Preliminary engineering calculations demonstrating adequate waste water disposal and layout of the system including locations of outlets, subject to approval of the City.
- T. Preliminary engineering calculations demonstrating adequate stormwater quantity and quality standards for the City can be satisfied.
- U. Letters from all affected public utility providers confirming the availability of their respective services to accommodate the proposed development.
- V. A traffic impact study will be required for any subdivision creating one hundred (100) or more peak-hour trips based on the Institute of Transportation Engineers Trip Generation Handbook (current edition).
- W. Proposed street names shall be no longer than fifteen (15) characters, including spaces and shall not be repetitive or similar to existing street names within the City. Proposed street names must be pronounceable and reviewed and approved by the City.

**16.20.40 Preliminary Plat Application Review:**

- A. Upon receipt of the preliminary plat application, City staff shall perform a completeness review within five (5) days from official receipt of the application and applicable fees.
- B. In the event that City staff determines that the application is incomplete, the applicant will be notified regarding what is needed to complete the application.
  - 1. In the event that an incomplete application is returned more than two (2) times, additional application fees may be required.
- C. Once it is determined that the application is complete, the application materials will be reviewed by City staff for technical compliance with applicable code provisions and notify the applicant of any deficiencies prior to the application being scheduled for review by the Planning and Zoning Commission at a regularly scheduled meeting.

- D. The City will place a sign (or signs) on the subject tract to provide notice to the public of the proposed subdivision.
- E. Pursuant to Section 67-6521, Idaho Code, any affected person may at any time prior to final action on a subdivision application, if no public hearing has been held, petition the City Council in writing to hold a public hearing pursuant to Section 67-6512, Idaho Code.
- F. Representatives from the following City departments and affected agencies shall be given the opportunity to review the plat and provide comments.
  - 1. City Public Works staff shall review the preliminary plat for the following:
    - a. Basic street plans such as proposed right-of-way width, curb, gutter and sidewalk location and width, and planter strips.
    - b. Basic public utility plan.
    - c. The proposed subdivision does not impede the future extension of streets and/or utilities to adjacent lands or recreational access to public lands.
    - d. Grading and drainage control measures.
    - e. City Water Pollution Control Department for review of sewage disposal.
    - f. City Water Department for review of water supply.
    - g. City Streets and Traffic Departments for review of new streets and traffic impacts on existing roadways.
    - h. Science and Environmental staff shall review plans for environmental impacts including but not limited to erosion and storm drainage.
  - 2. Planning and Development Services shall review the preliminary plat for consistency with applicable zoning and development codes.
  - 3. City Legal Department regarding applicable legal issues.
  - 4. City Parks and Recreation Department for recommendations regarding parks and recreation facilities.
  - 5. The City Fire Department shall review existing and proposed hydrant placement, fire apparatus access routes, design and location of required turn-around area(s) for developments.

- a. Construction standards for structures will be reviewed with applicable building permit applications.
  6. Southeast Idaho Department of Health for review of on-site water and sewage disposal, if applicable.
  7. School District 25 officials shall review for impacts to school facilities.
  8. Idaho Transportation Department officials shall provide written comment, where the land abuts a State controlled roadway, for review of right-of-way, access drives and intersection design.
  9. Affected public utility providers.
- G. The reviewing representatives/departments shall transmit their recommendations to the Planning and Development Services staff in writing within fourteen (14) days from the date that notice is provided. If no written comments are submitted by the required date, it shall be assumed that there are no concerns regarding the proposed subdivision.
- H. Planning and Development Services staff will prepare a written report for the Planning and Zoning Commission. The report will contain an evaluation of compliance with applicable ordinance provisions along with all comments resulting from the preliminary plat review process.

**16.20.050 Review Criteria:** The Planning and Zoning Commission shall review the preliminary plat, at a scheduled meeting, for compliance with applicable ordinance provisions subject to the following review criteria:

- A. The subdivision proposal complies with applicable provisions of this Title.
- B. The subdivision proposal complies with all applicable City design standards and development regulations.
- C. The subdivision proposal complies with all applicable zoning requirements of the underlying zoning district, applicable overlays, and other applicable development standards.
- D. All public facilities including streets, sidewalks, curbs, gutters, water, sewer, fire protection, and sanitation services can be provided to the newly created lots and accommodate future extension to adjacent land.
  1. The use of a "control strip" intended to control or prevent the future extension of public facilities or development of adjacent land is prohibited.

- E. If City Public Works determines that the proposed subdivision will result in significant traffic impacts pursuant to §16.20.030(V), then a “Traffic Impact Study” will be required as part of the Commission’s review.
- F. The proposal provides for a continuation of a connected transportation system unless topography or natural features prevents a connection to abutting streets or property.
- G. The proposed subdivision provides for bicycle and pedestrian transportation routes and amenities in accordance with Bannock Transportation Planning Organization’s adopted Bicycle and Pedestrian Plans.
- H. Public utilities are provided to the newly created lots in public rights-of-way or in appropriately sized easements.

**16.20.060 Planning and Zoning Commission Recommendation:** The Commission, by motion, may issue a recommendation (approval or denial), with or without conditions, or continue the meeting to a set date and time.

- A. The Planning and Zoning Commission’s recommendation shall be reduced to writing and mailed to the applicant.
  - 1. The recommendation may also be made available to other affected persons upon request.
  - 2. The Commission’s recommendation may be subject to “Reconsideration” by the City Council by an affected person pursuant to City Code Title 17 provisions.
- B. A recommendation of approval constitutes authorization for the subdivider to proceed with the preparation of the final plat application.
- C. If the Planning and Zoning Commission is unable to recommend approval of a preliminary plat, as submitted, due to a determination of non-compliance with applicable municipal code provisions, the following options are available:
  - 1. The Commission may discuss changes to the preliminary plat that would resolve non-compliant issues with the applicant and offer the applicant with the opportunity to agree to make such changes.
    - a. At the discretion of the Commission, said changes may be attached as conditions of a recommendation for approval; or

- b. The Commission may continue the meeting in order to provide the applicant with the opportunity to make such changes to the preliminary plat and submit the revised preliminary plat to the Commission for review at a subsequent meeting.
2. If the Commission and the applicant are not able to resolve non-compliant issues then the Commission shall, by motion, recommend denial of the preliminary plat application.
- a. The applicant may seek “Reconsideration” of the Commission’s recommendation for denial by the City Council pursuant to City Code Title 17 “Reconsideration” provisions; or
  - b. The applicant may, at their own discretion, proceed with the preparation and submittal of the final plat application pursuant to the provisions of Chapter 16.24 of this Title.

**16.20.070 Expiration of Planning and Zoning Commission’s Recommendation:**

- A. The Commission’s recommendation is valid for a period of two (2) years from the date the recommendation is reduced to writing and mailed to the applicant.
  - 1. The complete final plat application must be submitted to the Planning and Development Services prior to the expiration of the two year period.
  - 2. Failure to submit the complete final plat application prior to the two year expiration date shall require the submittal of a new preliminary plat application pursuant to this Chapter.

**Chapter 16.24 Final Subdivision Plat Application**

**Sections:**

- 16.24.010 Purpose**
- 16.24.020 Application and Fees**
- 16.24.030 Final Plat Application Requirements**
- 16.24.040 Final Plat Requirements**
- 16.24.050 Final Plat Certificates**
- 16.24.060 Final Plat Application Review**
- 16.24.070 Final Plat Approval**
- 16.24.080 Recording the Final Plat**
- 16.24.090 Recording of Phases**
- 16.24.100 Structures, Improvements and Building Permits**
- 16.24.110 Subdivision Surety Bond and Warranty Bond**
- 16.24.010 Purpose:** This Chapter addresses the submittal requirements and the review, approval and recording requirements for a Final Subdivision Plat.

**16.24.020 Application and Fees:** After the review and a recommendation of approval of the preliminary plat application by the Planning and Zoning Commission, the subdivider may proceed with the preparation of a final plat application pursuant to the provisions of this Chapter .

- A. The final plat application, with applicable fees shall be submitted to the Planning and Development Services Department within the required two (2) year approval period pursuant to Section 16.20.070 of this Title.

**16.24.030 Final Plat Application Requirements:**

- A. A completed Final Subdivision Plat Application.
- B. Planning, Surveying and Engineering review fees paid in full.
- C. Two (2) 18" x 24" full sized copies and a PDF copy of the final plat (in accordance with all items required under Title 50, Chapter 13, Idaho Code), an 11"x 17" and 8.5" x 11" reduction of the plat.
- D. Two (2) 18" x 24" full sized copies and a PDF copy of construction drawings for streets, water, sewer, sidewalks, storm water, curbs and other public improvements and utilities. One copy of which shall be returned to the applicant after the plans are reviewed and marked-up by City staff.
- E. The final plat shall be prepared in accordance with applicable provisions of Idaho Code, Title 50, Chapter 13 and with City survey standards and with City engineering design and construction standards.

**16.24.040 Final Plat Requirements:** The final plat shall include the following minimum requirements:

- A. The name and general location of the subdivision by quarter-quarter section, township and range, in bold letters at the top of the sheet.
- B. North arrow, basis of bearing and scale of the plat.
- C. Surveyor's name, company name, address and official seal of the Idaho registered and licensed land surveyor preparing the plat.
- D. The tract boundary must be accurately drawn showing the proper direction and dimensions of all boundary lines of the subdivision. Basis of bearing shall be City of Pocatello datum based on the East Zone of the Idaho State Plane Coordinate System.

- E. The street names, widths, lengths, bearings, curve data on centerlines of proposed streets, alleys and easements desired or necessary; the boundaries, bearings and dimensions of all parcels within the subdivision intended to be dedicated to the use of the public; and the sizes, lines, dimensions, curve data and number of all lots, blocks and/or parts reserved or excepted for any reason within the subdivision.
- F. The widths of abutting streets and alleys and street names. The names and boundaries of all adjoining recorded subdivisions shall be shown upon the plat offered for record. The adjoining subdivisions shall be clearly drawn to show their relationship to the plat offered for record. If adjoining land is not platted it should be noted as such.
- G. All linear dimensions shall be shown to the nearest .01 of a foot and all bearings shall be shown to the nearest second of arc. All curves shall be defined by the radius, central angle, tangent, arc length, chord distance and chord bearing. The description and location of all monuments used to control the survey shall be shown.
1. All monuments shall be set in accordance with Title 50, Section 13, Idaho Code. All exterior boundary corners shall be marked with 5/8" diameter by 24" minimum length iron rod with 2-inch diameter aluminum cap. All exterior boundary corners shall also be marked with a metal "T" type fence post at least 6' in length set immediately adjacent to the required corner monument.
  2. Street monument vaults shall meet City standards and be placed a maximum of 600' apart with a 2" aluminum cap on top of a 5/8" x 24" iron rebar. All other center-line monuments shall be a 2" aluminum cap on top of a 5/8" x 24" iron rebar.
- H. All lots and blocks shall be numbered sequentially throughout the plat in accordance with Idaho Code Title 50, Chapter 13 and City engineering and survey standards.
- I. The total acreage of the entire development and square footage of each lot, common areas and open space areas.
- J. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced. In addition to the requirements of Title 50, Chapter 13, Idaho Code. The exterior boundary of the subdivision shall be tied to not less than two public land corners or corners recognized by the County Surveyor.
- K. The NAVD 88 datum (date and source) utilized for the construction drawings shall be stated on the construction drawings.
- L. The required certifications shall be lettered on the plat for the following: the Idaho professional land surveyor's "certificate of survey", owner's dedication certificate with notary public acknowledgement, approval by the City Council and acceptance of any public

dedications, approval by the Engineer for the City, approval by the City Surveyor and other certificates as required by the County and Idaho Code.

**16.24.050 Final Plat Certificates:** The following certificates must appear on the Final Plat:

- A. A certificate confirming that the Pocatello City Council has approved the final plat and accepts all public dedications contained in the plat. Said certificate is to be signed by the Mayor of the City of Pocatello and the City Clerk.
- B. A certificate confirming the approval of the Engineer for the City of Pocatello. Said certificate is to be signed by the Engineer for the City of Pocatello.
- C. A certificate confirming the approval of the City Surveyor for the City of Pocatello. Said certificate is to be signed by the City Surveyor for the City of Pocatello.
- D. A certificate for the County Treasurer attesting to the fact that all property taxes have been paid. All Final Plats must be submitted for recording to the County within 30 days of being approved, signed and dated by the City.
- E. A certificate confirming the approval of the Surveyor for the County.
- F. A certificate signed by the County Recorder containing the recording date and instrument number of the plat.
- G. A certificate, signed by the owner or owners of the tract containing the subdivision plat. The signature(s) of the owner(s) must be acknowledged by a Notary Public. The owner's certificate must contain the following:
  - 1. The correct legal description of the subdivided tract and contain a statement as to their intention to include the described land in the plat and make a dedication of all public streets, easements, land and/or rights-of way shown on the plat.
  - 2. A sewage system (sanitary) restriction statement attesting to the fact that the City of Pocatello has agreed, in writing, that all of the lots in the subdivision plat will be served by the City's existing public sewage system.
  - 3. A water restriction statement attesting to the fact that the City of Pocatello has agreed, in writing, that all of the lots in the subdivision plat will be served by the City's existing public water system.
  - 4. A statement attesting whether all or part of the subject property is either outside the boundaries of an existing irrigation entity or is located within such boundaries pursuant to Idaho Code 31-3805(1). If all or part of the subject property is located within the boundaries of an existing irrigation entity then the statement shall comply with the applicable provisions of Idaho Code 31-3805.

5. A statement acknowledging that no building permits will be issued for any structures or improvements upon any of the proposed subdivision lots until;
  - a. The Final Subdivision Plat has been approved and signed by the City and recorded with the County; and
  - b. All required public dedicated structures, infrastructure and/or improvements have been constructed and accepted by the City.
- H. A certificate signed and stamped by the Idaho professional land surveyor who conducted the survey and prepared the final plat attesting to the correctness of the plat and that all required monuments have been set and/or that a post-monumentation agreement has been executed pursuant to Idaho Code 50-1332.
- I. A declaration stating whether or not there are recorded covenants conditions, and restrictions including the instrument recording number, if applicable.

**16.24.060 Final Plat Application Review:** After having been prepared in accordance with Idaho Code Title 50, Chapter 13, and the requirements set forth under this Title, the final plat application shall be submitted to the Planning and Development Services Department within the two (2) year validity period set forth in Section 16.20.070 of this Title. The final plat shall be in substantial conformance to the preliminary plat as reviewed and recommended by the Planning and Zoning Commission.

- A. Unless changes made directly reflect specific Planning and Zoning Commission recommendations, a final plat fails substantial conformity if any of the following occur:
  1. The number of lots has increased or a significant change in the configuration of lots.
  2. Street alignment has changed significantly.
  3. Additional streets are proposed.
  4. A significant change, more than 10%, in the size or location of open space whether public or private.
  5. Other proposed changes which may have affected the preliminary plat reviewed by the Planning and Zoning Commission.
- B. City staff will review the final plat application for substantial conformity.
  1. If the final plat application is not in substantial conformance the final plat application will be considered incomplete and returned to the applicant.
    - a. In the event that an incomplete application is returned more than two (2) times, additional application fees shall be required.

2. If the applicant desires to make changes affecting the substantial conformity of the final plat, then the plat application will be re-submitted to the Planning and Zoning Commission for review and a new recommendation pursuant to the preliminary plat provisions of this Title.
  - a. The re-submittal of a preliminary plat for review by the Planning and Zoning Commission will require the applicant to submit a new application fee according to the application fee schedule.

**16.24.070 Final Plat Approval:** Final approval of a subdivision plat is validated by the signatures of the appropriate City and County officials pursuant to Idaho Code Title 50 and all applicable City Code provisions. **All final plats submitted to the City must comply with the "Essentials of Plats"** pursuant to Idaho Code Section 50-1304 and applicable City engineering and survey standards.

- A. After City staff approves substantial conformity and completeness for the final plat application a meeting will be scheduled for City Council consideration for approval.
- B. Subject to City Council consideration and approval and prior to recording, the Final Plat is subject to the following review process:
  1. A full sized copy, drawn to scale, will be submitted to the City Surveyor for review and comment.
  2. The City Surveyor will review the final plat for compliance with applicable survey provisions of Idaho Code and this Title.
  3. The City Surveyor will return the submitted copy with review comments to the subdivider's surveyor within thirty (30) days of submittal.
    - a. If corrections are required, a corrected copy and the original copy with comments will be re-submitted to the City Surveyor for review.
    - b. Subsequent reviews, if required by the City Surveyor, shall be subject to additional review fees.
  4. Upon receiving authorization from the City Surveyor, the subdivider may submit the final plat to the Surveyor for the County for review.
  5. Upon receiving authorization from the Surveyor for the County, the subdivider may submit the final plat on CAD film to the City Surveyor in order to obtain the authorized City signatures.
  6. After all required City signatures are affixed to the final plat the subdivider will be notified that the final plat may be picked up and presented to the County for recording.
- C. The approval of the Final Subdivision Plat by the City, as signified by the signatures of the appropriate City officials, does not constitute the City's acceptance of, or the responsibility

for, any public facilities, improvements or infrastructure associated with the development and construction of the subdivision.

- D. Expiration of the approval to record the final plat shall be two (2) years from the date of approval by the City Council. Failure to record an approved plat within the designated time period serves to void the prior review and approval process and will result in requiring the submittal of a new subdivision application.

**16.24.080 Recording the Final Plat:** City approval of the final plat does not guarantee County approval for recording. After County signatures are obtained and the final plat is recorded, the subdivider is responsible for submitting one (1) full size copy of the recorded plat on CAD film and an electronic (digital) AutoCad® (DWG) format file to the City Surveyor within thirty (30) days of recording.

- A. Final Plat Recording Options: Authorization by the City for the subdivider to submit a final plat for recording to the County is signified by obtaining all required approval signatures from the City pursuant to one of the following processes.
  - 1. Authorization to record a final plat prior to development and acceptance of required public infrastructure and improvements requires the subdivider to submit a duly executed "Subdivision Surety Bond" pursuant to Section 16.24.110 of this Title prior to obtaining all required approval signatures from the City.
  - 2. Authorization to record a final plat after the construction and development and acceptance, by the City, of required public infrastructure and improvements requires the developer to submit a duly executed warranty bond pursuant to §16.24.110(E) of this Title prior to obtaining all required approval signatures from the City.
  - 3. Authorization to record a final plat prior to actual completion and approval of all infrastructure and improvements may be approved by the Public Works Director pursuant to the applicable provisions of the engineering, design and development regulations approved by the City and pursuant to compliance with the provisions of Sections 16.24.070 through 16.24.110 of this Title.

**16.24.090 Recording of Phases:** An approved Final Plat may be recorded in phases subject to the following:

- A. At the time of recording only the current phase proposed for development is to be shown on the Final Plat Map.
- B. Additional phases that have been reviewed and approved by the City Council as part of the original final subdivision plat application may be offered for recording subject to compliance with Sections 16.24.010 through 16.24.110 of this Title.
- C. The Final Plat Map of the additional phases offered for recording must conform to the original final plat subdivision plat application as approved by the City Council.

- D. All phases proposed with the final plat application must be recorded within two (2) years from the date the original final plat application was approved by the City Council otherwise said approval becomes null and void.
  - 1. Said two (2) year time period may be extended by the City Council.
- E. Any reconfiguration or changes affecting the original approved final plat application will require review and approval by the City Council prior to recording.

**16.24.100 Structures, Improvements and Building Permits:**

- A. Building permits may be issued for structures or improvements on subdivision lots under any one of the following circumstances:
  - 1. The approved Final Subdivision Plat has been signed by the City and recorded with the County and all required public dedicated structures, infrastructure and improvements have been properly constructed, inspected and officially accepted by the City.
  - 2. The approved Final Subdivision Plat or a phase thereof, has been signed by the City and recorded with the County and all required public infrastructure and improvements have been extended to the furthest lot line of the lot requesting the building permit and have been properly constructed, inspected and officially accepted by the City.
    - a. If the developer desires to record a Final Subdivision Plat prior to completion of all required public infrastructure and improvements then the developer shall be required to adhere to the Subdivision Surety Bond provisions of Section 16.24.110 of this Chapter for the remaining incomplete portion(s) of the recorded subdivision.
  - 3. A building permit may be issued to a subdivision lot pursuant to § (2) above if the only remaining incomplete infrastructure component is the street pavement and both the City Fire Department and the Public Works Department have determined that the street pavement sub base is sufficient to provide for emergency vehicle access to the lot until pavement is installed. Said determination shall be in writing.
- B. The City will not maintain any streets or provide water, sewer or sanitation services to any subdivision lots until the Final Subdivision Plat has been approved and signed by the City and recorded with the County and all required public dedicated structures, infrastructure and improvements have been properly constructed and officially accepted by the City.
- C. All development, improvements or other activities associated with the development and construction of an approved subdivision plat shall be solely the responsibility of the developer and shall be subject to applicable engineering, design and development regulations adopted by the City of Pocatello.

## 16.24.110 Subdivision Surety Bond and Warranty Bond:

- A. Prior to obtaining required signatures of City officials necessary for authorization for the subdivider to record a final subdivision plat, the subdivider shall provide the City with a Subdivision Surety Bond (Surety Bond) in order to ensure proper completion of all public infrastructure and improvements required to be installed in the subdivision. The Surety Bond shall be issued in the name of the developer (as defined below) and subject to these provisions.
1. Subdivider: Is defined as the person(s) or entity with vested ownership or operational control of the subject property or their legally authorized representative responsible for the subdivision of the subject property.
  2. Developer: Is defined as the individual or entity with ownership and/or operational control of the development of the public infrastructure and improvements associated with the subdivision.
  3. A Subdivision Surety Bond is not required for a Short Plat Subdivision that does not require any public dedication of new right of way.
  4. A Short Plat Subdivision that includes the dedication of right-of-way and associated infrastructure and improvements is subject to the provisions of this Section.
- B. The Surety Bond shall be in a form and contain such provisions as authorized by City Council and approved by the City Legal Department. The Surety Bond shall include at minimum, but not be limited to the following:
1. Incorporation by reference the official name of the final subdivision plat and all data which is used to compute the total estimated cost of the public infrastructure and improvements and public utilities. Said data is to be prepared by the developer in accordance with the Idaho Standards for Public Works for Construction and submitted, in the appropriate electronic format, to the Public Works Department for review and approval.
  2. Two sets of construction drawings and an electronic copy of the plans shall be submitted to the Public Works Department for review and approval.
  3. Subject to approval of the estimated cost data and construction drawings, the Surety Bond amount shall be set at a minimum of 125% of the estimated cost of the required public infrastructure and improvements.
  4. The form of the Surety Bond shall be a performance surety bond issued by a surety acceptable to and also signed by the City with the City named as the obligee.
    - a. A valid Surety Bond shall remain in effect for the duration of the project and until the full release by the City at the satisfaction of the required two (2) year warranty period.
    - b. Failure to maintain the required Surety Bond shall result in the suspension of City

authorization to continue with all development activities until such time as the Surety Bond is reinstated to the satisfaction of the City.

5. Completion date of the public infrastructure and improvements and public utilities within a period of time not to exceed two (2) years from the date the Surety Bond is executed.
6. The Public Works Director shall have authority over the Surety Bond proceeds which may be released, in whole or in part, only upon written approval of the Public Works Director.
7. If the Surety Bond proceeds, in whole or in part, are inadequate to pay the cost of the completion of the public infrastructure and improvements and public utilities according to City standards for whatever reason, then the developer shall be responsible for the deficiency.
8. Building permits shall not be issued for any lot in the subdivision until the final subdivision plat has been recorded and all public infrastructure and improvements have been completed and accepted by the City and/or the service/utility provider.
9. The developer shall submit written and notarized disclosure statement and a current title report attesting to the fact that there are no outstanding bills, liens or other encumbrances associated with any portion of the public infrastructure and improvements being offered to the City for acceptance.
10. In the event of the developer's failure to perform, all of the City's costs of obtaining the proceeds of the Surety Bond shall be deducted from the Surety Bond proceeds.
11. The developer agrees to hold the City, its agents, employees, public officials, and directors, harmless from any and all liability which may arise as a result of the public infrastructure and improvements which are installed until such time as the City accepts the public infrastructure and improvements.

C. Disposition and Release of the Surety Bond:

1. The developer giving the Surety Bond provided for here-in, shall be responsible for all costs, materials and workmanship of infrastructure and improvements and public utilities.
2. At the completion of the work, the developer giving the Surety Bond shall submit to the Public Works Department, one CAD film copy of the final construction drawings and a digital copy of the "as-built" drawings in accordance with the City electronic format and a certificate of completion signed by the developer and the developer's project engineer.
3. At completion of the work, the developer shall submit a written request to the Public Works Director requesting the City Council to accept the public infrastructure and improvements and release the Surety Bond in part or in whole.

4. The Public Works Director shall, within fifteen (15) business days of the receipt of the developer's written request, authorize City staff to conduct an inspection of the public infrastructure and improvements and prepare a written inspection report.
5. Upon completion of the inspection and the inspection report, the Public Works Director shall determine if the requested public infrastructure and improvements have been properly completed and passed inspection or if said infrastructure and improvements, or portions thereof, have not been properly completed and/or failed inspection.
6. Upon a determination of proper completion, the Public Works Director shall present the request to accept the public infrastructure and improvements to the City Council for final action.
7. Upon a determination that said infrastructure and improvements, or portions thereof, have not been properly completed and/or failed inspection, the Public Works Director will provide the developer with a copy of the inspection report and a detailed "punch list" of the deficiencies.
  - a. The developer must complete all identified deficiencies and pass required inspections in order to obtain a determination of proper completion and have their request for acceptance presented to the City Council for final action.
8. In the event the developer fails to properly complete the public infrastructure and improvements and/or fails to comply with all applicable development standards within established time-lines, the Public Works Director has the authority to initiate execution of the Surety Bond.

D. Partial Release Permitted: The Public Works Director may, upon receipt of a written request from the developer, authorize a partial release of the Surety Bond in accordance with the following schedule:

<u>Percentage of Work Value Completed</u>	<u>Maximum % of surety Eligible for Release</u>
25% of Total Surety Value	Up to 20% of Original Surety
50% of Total Surety Value	Up to 20% of Original Surety
75% of Total Surety Value	Up to 20% of Original Surety
100% of Total Work	Up to 25% of Original Surety

1. Based on this schedule, the City would retain 15% of the original Surety Bond amount.
2. Upon the proper execution of the required Warranty Bond pursuant to § "E" below the City will release any remaining balance of the Surety Bond.

E. Warranty Bond Requirements:

1. The warranty time period of two (2) years for all public infrastructure and improvements shall begin on the date following the completion of all said infrastructure and improvements and final acceptance by the City Council.

2. The required Warranty Bond shall be for a minimum of \$25,000 or a maximum of five percent (5%) of 125% of the original cost estimate for the required infrastructure and improvements, whichever is the greater amount.
  - a. The City of Pocatello shall be designated as the beneficiary with the right of execution and the bond shall cover the durability, condition, materials and workmanship of the infrastructure and improvements.
  - b. In lieu of providing a Warranty Bond, the developer may provide a cash surety with a title company or a financial institution with the City of Pocatello designated as the beneficiary and the cash surety is in conformance with the provisions of this Section.
  - c. A developer and/or a developer's contractor that is a licensed and bonded contractor within the City of Pocatello may utilize their contractor's bond in lieu of a separate Warranty Bond, provided said contractor's bond complies with the provisions of this Section.
3. If during the warranty period the durability, condition, materials, or workmanship of any of the infrastructure or improvements fails or shows unusual deterioration the Public Works Director shall provide written notice to the developer detailing the issues and required corrections and establish a reasonable time-line for the repair work to be completed.
4. If the developer fails to make the required corrections within the reasonable time set per §3 above, the Public Works Director may declare such developer in default and initiate execution and use of the Warranty Bond to defray the cost of required work.
  - a. In the event the Warranty Bond is insufficient to cover the cost of making such corrections, the developer shall be responsible for all additional costs.
  - b. If corrections have been required by the Public Works Director, the original warranty period shall be extended an additional one (1) year, for that work which has been corrected, from the date all required corrections have been completed and approved by the Public Works Director.
5. The developer shall acknowledge and agree to the Warranty Bond provisions of this Section as a written condition in the required "Development Agreement" to be executed with the City prior to authorization to initiate construction activities pursuant to the provisions of Municipal Code Chapter 12.

## Chapter 16.28 Property Line Adjustment Provisions

### Sections:

- 16.28.010 Definitions
- 16.28.020 Standards
- 16.28.030 Application
- 16.28.040 Implementation
- 16.28.050 Final Approval

### 16.28.010 Definitions:

- A. A Property Line Adjustment is the relocation of or elimination of a common property line between abutting properties that does not create an additional unit of land.
- B. Common Property Line is a property line between abutting properties and may consist of one or more connected line segments.

### 16.28.020 Standards:

- A. The adjusted properties must comply with all applicable zone district requirements.
  - 1. All existing and proposed structures must comply with applicable setbacks.
  - 2. The adjusted properties must comply with applicable minimum lot/parcel size and configuration requirements.
- B. City staff may allow the adjustment of common property lines within a platted subdivision without being subject to replatting or plat vacation requirements pursuant to Title 50, Chapter 13, Idaho Code or land division requirements of Title 16 of the City Municipal Code, provided that the adjustment does not result in the increase or decrease in the number of lots or parcels within the subdivision or result in the reconfiguration of the subdivision lot(s) or parcel(s) in a manner that affects its original integrity.

### 16.28.030 Application:

- A. An application and applicable fees must be submitted to the Planning & Development Services.
  - 1. A copy of the current recorded deed(s) for each affected property.
  - 2. A site plan map showing the existing property lines and dimensions, the location of all existing structures and setbacks and the size of each affected property.
  - 3. A site plan showing the proposed adjusted property line(s) and dimensions, the location of all existing structures and setbacks and the size of each affected (adjusted) property.
  - 4. The signatures of the current owner(s) of the affected properties.
  - 5. A copy of the original plat for properties within an existing platted area.

- B. Planning & Development Services staff shall review property line adjustment applications within five (5) days from official receipt of the application and applicable fees and determine compliance with the above provisions.
  - 1. In the event that City staff determines that the application is incomplete, the applicant will be notified regarding what is needed to complete the application.
  - 2. In the event that an incomplete application is returned more than two (2) times, additional application fees may be required.
- C. Staff review and determination is a ministerial action subject to applicable standards adopted by the City.
- D. City staff shall notify the affected parties concerning compliance with these standards.

**16.28.040 Implementation:**

- A. An approved property line adjustment shall be implemented by the recording of a "Record of Survey" pursuant to Idaho Code Title 55, Chapter 19, Recording of Surveys and the recording of the appropriate deed(s) with the County Clerk.
  - 1. The relocation (adjustment) of common property lines shall be surveyed and monumented pursuant to Idaho Code Title 55, Chapter 19, Recording of Surveys.
  - 2. The "Record of Survey" shall be submitted to the City Surveyor for review prior to being recorded and shall contain the signature and date of approval of the City Surveyor.
  - 3. A "Record of Survey" map shall be filed with the County surveyor and a full size copy of the filed survey shall be submitted to the City Planning & Development Services.
  - 4. Appropriate deeds shall be recorded with the County Clerk and shall contain the names of the affected parties, the description(s) of the adjusted line(s) references to the original recorded deeds for the affected properties and signatures of the affected parties with proper acknowledgements. A copy of the recorded deeds shall be submitted to the City Planning & Development Services.

**16.28.050 Final Approval:**

- A. Planning & Development Services staff shall review the "implementation" documents for compliance with the above provisions and shall notify the affected parties.
- B. No building permits or other land use permits shall be issued for the affected properties until the provisions of this Chapter have been met.