

ORDINANCE NO. 2006-2

AN ORDINANCE OF THE CITY OF LAVA HOT SPRINGS, IDAHO, ADOPTING A SUBDIVISION ORDINANCE FOR THE CITY; PROVIDING THAT THE PURPOSE OF SAID ORDINANCE IS TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR JURISDICTION OF THE ORDINANCE AS IT RELATES TO WHAT PROPERTY MUST BE PLATTED AND SUBDIVIDED; PROVIDING EXCEPTIONS TO THE REQUIREMENTS THAT PARCELS OF GROUND TO BE DIVIDED INTO LOTS MUST BE PLATTED AND SUBDIVIDED; PROVIDING FOR DEFINITION OF TERMS AND SUBJECTS CONTAINED WITHIN THE ORDINANCE; PROVIDING FOR PRE-DEVELOPMENT CONFERENCE AND SETTING FORTH THE ELEMENTS WHICH WILL BE REQUIRED TO BE SUBMITTED BY A DEVELOPER TO THE PLANNING AND ZONING COMMISSION; COMMENTS FROM REVIEWING AGENCIES; PREPARATION BY DEVELOPER OF A COMMUNITY IMPACT ANALYSIS; PROVIDING FOR PUBLIC HEARINGS RELATING TO THE DEVELOPER'S CONCEPT PLAN OR MASTER PLAN OF THE PROPOSED AND CONDITIONS THAT MAY BE PLACED UPON THE PROPOSED PLAT; PROVIDING FOR PRE-APPLICATION PLAT; PROVIDING FOR A PRELIMINARY PLAT AND REVIEW THEREOF AND ESTABLISHING CRITERIA FOR APPROVAL AND TIME FOR APPROVAL; PROVIDING FOR A FINAL PLAT AND THE DETAILS WHICH ARE REQUIRED WITH SAID PLAT, SIGNATURES AND CERTIFICATIONS REQUIRED, COMPLETION OF IMPROVEMENTS OR SUBMISSION OF BOND, AND DESIGN STANDARDS, STANDARDS FOR ROADS, BRIDGES AND STREETS, STANDARDS FOR BLOCKS AND LOTS, SETBACKS, DRAINAGES, CANALS, WATER SYSTEMS, UTILITIES, BUFFER ZONES, NATURAL RESOURCE STANDARDS, STORM WATER RUN-OFF, ACCESS FOR EMERGENCY VEHICLES, DESIGN STANDARDS FOR SUBDIVISION; REPEALING ALL ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT WITH ORDINANCE; PROVIDING FOR A METHOD OF APPEAL FROM THE DECISION OF THE COMMISSION; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE; AND DISPENSING WITH THE RULE REQUIRING THE READING OF THIS ORDINANCE ON THREE SEPARATE OCCASIONS.

BE IT ORDAINED by the Mayor and City Council of Lava Hot Springs, Idaho as follows:

SECTION 1 - TITLE

The title shall be cited as the "Subdivision Ordinance of the City of Lava Hot Springs, Idaho".

SECTION 2 - PURPOSE

The purpose of this title is to protect the public health, safety, and welfare of the City and its residents by establishing regulations, administrative procedures and process of review for the subdivision of land into two (2) or more lots. These regulations are established to prevent overcrowding of the land; to lessen congestion of streets and highways; to provide adequate

space, light and air; to provide adequate facilities for water, sewage, parks and recreation areas, sites for schools and other public uses; to provide for proper ingress and egress and to require the conveyance of land by accurate legal description.

SECTION 3 - JURISDICTION:

These regulations shall apply to the subdividing land within the corporate limits of the City and shall include the following:

- (a.) The subdivision of land into two (2) or more tracts, lots or parcels for transfer of ownership or for change of use, or for the development of said property;
- (b.) The dedication of any street or alley through or along any tract of land.
- (c.) The re-subdivision of any original parcel of land into two (2) or more parcels except as provided in the exception listed below;
- (d.) The development of condominium projects. In condominium projects, as permitted by Idaho Code, the City Planning & Zoning Commission and City Council may regulate and attach conditions to the design and location of buildings, the creation, shape and size of condominium units, the provisions and maintenance of open space and off-street parking. Unless excepted pursuant to the provisions of this title, the Planning & Zoning Commission and City Council shall require the installation of public improvements and utilities for condominium projects as required under the provision of this title.
- (e.) Any projected use of land which requires the construction of multiple buildings or structures thereon for human habitation or occupancy, roadways for access thereto, or habitation or occupancy on said property, whether said property remains under single ownership or is transferred to another person.

For purpose of the administration of zoning and subdivision regulations, the Planning & Zoning Commission may consider a condominium development as the single building, requiring one (1) front yard, (2) side yards, a rear yard and other regulations pertinent to a given lot, and may grant such exceptions as are necessary to the zoning and subdivision regulations to permit such development.

SECTION 4 - EXCEPTIONS:

- 1. A readjustment of lot lines which does not reduce the area, frontage, width, depth or building setback lines below the minimum required;
- 2. One division of any original parcel into not more than two (2) parcels, provided that each parcel resulting from each subdivision shall front upon a public street and cannot be reduced to less than 90 ft. x 110 ft;
- 3. An allocation of land in the settlement of an estate or court decree for the distribution of property thereunder;
- 4. The unwilling sale of land as a result of legal condemnation as defined and allowed under the Idaho Code.

SECTION 5 - DEFINITIONS:

1. ACCESS: The right to enter or leave a tract of land from a public way or the way, road, street or private road used to approach or leave specific real property.
2. ALLEY: A public service way used to provide secondary vehicular access to properties otherwise abutting on a street.
3. ARTERIAL ROUTE: A general term including expressways and major arterial streets and interstate, state or county highways having regional continuity.
4. BLOCK: A piece or parcel of land or group of lots entirely surrounded by public streets, streams, railroads or parks, or a combination thereof.
5. BOUNDARY: A property line or other line of demarcation such as a zoning district boundary.
6. CITY: City of Lava Hot Springs, Idaho.
7. CITY COMPREHENSIVE 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, and periodically updated.
8. CITY ENGINEER: A licensed State of Idaho engineer retained or temporarily hired by the City as a consultant for the project to be compensated by the developer.
9. CITY MAJOR STREET & HIGHWAY PLAN: Part of the City Comprehensive Plan which provides for the development of a system of major streets and highways which may include the location and alignment of existing and proposed thoroughfares.
10. CITY PLANNING & ZONING COMMISSION: The City Planning & Zoning Commission hereinafter referred to as the "Commission".
11. COLLECTOR STREET: Provides for traffic movement within neighborhoods of the City and between major streets and local streets and for direct access to abutting property.
12. COMMON SPACE/AREA: A lot or portion of a platted subdivision on which development is prohibited or restricted and ownership is held in common by all the lot owners in the subdivision.
13. COMMUNITY IMPACT ANALYSIS: A study performed to quantify the effect of a planned development or subdivision. Such a study addresses provision of service to the development, taxes generated, resources consumed, output of sewage, dust, traffic and the like.

14. CONCEPT PLAN: The initial proposal presented by a developer to the area, proposed areas for development, transportation routes, other improvements and landscaping.

15. CONDITIONS: A provision that if a certain event occurs, a reciprocal event may occur.

16. CONDITIONAL APPROVAL: An affirmative action by the Commission, indicating that approval may be forthcoming upon satisfaction of certain specified stipulations.

17. CORNER LOT: A lot abutting on two (2) or more intersection streets where the interior angle or intersection does not exceed one hundred thirty-five (135) degrees. A corner lot shall be considered to be in that block in which the lot fronts.

18. COUNTY: Bannock County, Idaho.

19. COVENANT: A rule or restriction having the power of law; imposed privately, not by government and enforced by the Homeowner's Association. (Also called CC&R's.)

20. CUL-DE-SAC STREET: A short local street having one end permanently terminated in a vehicular turnaround.

21. CULINARY (Potable) WATER: Water for human consumption.

22. DEVELOP, DEVELOPMENT: To divide land; to prepare land for division, building, or improvements, including grading, fencing for planned residential lots, road building, or utility placement; to place structures or utilities, or fencing. Also includes a change in the use of an existing structure; deposit of waste or fill on a parcel of land; alteration of a flood plain. "Development" does not include maintenance and repair within a right-of-way, external maintenance or improvements or an existing structure or use of land.

23. DEVELOPMENT MASTER PLAN (DMP): A preliminary master plan for the development of large, unusual or complicated land areas, the platting of which is expected in progressive stages. A DMP may be designed by the sub divider, planner and engineer and shall be subject to approval of Commission.

24. DEVELOPMENT PERMIT: Authorization to develop; issued by the City Council required for all development as defined by this Ordinance; does not include interior modification of existing structure where usage does not change. A development permit considers zoning requirements, plat or deed restrictions and performance standards, among other issues.

25. DITCH (IRRIGATION) COMPANY: The owner of a man-made water system.

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26. DRAINAGE OR DRAINAGE WAY: The natural path surface water follows above ground.

27. DRAINAGE SYSTEM: A system of drainage ways, ditches, basins, pipes or drains to remove surface water.

28. DRIVEWAY: A private roadway for the use of vehicles or pedestrians, connecting a structure or use to a public road. Driveways over 150 -ft. in length must meet the requirements for fire and emergency vehicle access as approved by the Commission and determined by the controlling emergency and fire authority.

29. DWELLING UNIT: A building or portion of a building, such as an apartment, designed for occupancy as one household.

30. EASEMENT: A property right short of ownership; permanent or limited right to use the land of another.

31. EGRESS: The path or opening by means of which one goes out; exit.

32. ENCUMBER: To place a lien, liability, or requirement upon a title of ownership.

33. ENVIRONMENTAL PROTECTION AGENCY: An agency of the federal government which was created to assure protection of the environment by abatement and control of pollution.

34. ENVIRONMENTAL IMPACT ASSESSMENT (OR REPORT): A written report provided by the applicant which describes potential impacts to natural resource values such as soils, ground or surface water, air quality, wildlife, archaeological significance or other concerns specified by an independent engineer selected by City Council, which would result from a subdivision. (Also known as EIA or EIR).

35. FINAL APPROVAL: Unconditional approval of the final plat by the Council, as evidence by certification on the plat by the mayor of the city constitutes authorization to record a plat.

36. FINAL PLAT: A map of a subdivision providing substantial conformance to an approved Preliminary Plat prepared by a registered professional engineer or registered land surveyor in accordance with the Idaho Code.

37. FISH AND GAME DEPARTMENT, IDAHO (F&G): An agency of Idaho charged with protection and management of wildlife in the State of Idaho.

38. HEALTH DEPARTMENT (DISTRICT): Southeastern Idaho District Health Department.

39. HILLSIDE SUBDIVISION: Any subdivision or that portion of a subdivision located in terrain having a slope exceeding twenty (20) percent.

40. HOMEOWNERS ASSOCIATION: An association of homeowners and lot owners having responsibility for the management and upkeep of common property and improvements in a specific subdivision. Such associations may be formed to include a specific combination of subdivisions.

41. IMPORTANT WILDLIFE HABITAT: As determined by Idaho Fish & Game. Habitat changes with development, agricultural activities and other land use changes; therefore, important wildlife habitat is relative and changes over time.

42. INGRESS: The right or permission to enter; a means or place of entering.

43. INTERIOR LOT: A lot having but one (1) side abutting on a street.

44. IRRIGATION FACILITIES: Includes canals, laterals, ditches, conduits, gates, pumps and allied equipment necessary for the supply, delivery and drainage of irrigation water.

45. LANDSCAPING: To alter the natural grade of land; to alter the appearance of the land by planting or placing non-plant materials such as rock, structures, water, cement or wood.

46. LAND EXCEPTION: A parcel of land which is within the boundaries of the subdivision which is not owned by the sub divider.

47. LEGAL DESCRIPTION: A surveyor's identification of property adequate for transferring title.

48. LOCAL STREET OR ROAD: A roadway used primarily as land access, connecting driveway access to collector or arterial roads.

49. LOT (see Plat):

50. MARGINAL ACCESS STREET: 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.

51. MASTER PLAN: The concept plan or sketch for a subdivision of two or more phases.

52. MOBILE HOME: A vehicle or structure constructed with wheels for transportation or use on public streets or highways, and which may have sleeping, cooking and plumbing facilities, and intended for human occupancy as a residence or as an office or business building.

The term "mobile home" including all types of mobile homes or "house trailers" including but not limited to "double wide" or other oversized structures. The term "mobile home" shall not apply to residence or business building constructed in prefabricated sections and moved from factory or place of construction to a location within the City to become affixed to and a part of a

real property by erection upon a concrete or other permanent foundation in the same manner as on-site built structures.

53. NRCS: Natural Resource Conservation Service.

54. OCCUPANCY PERMIT: Permission to occupy or use a structure, or to begin a new use, issued by the designated city building inspector.

55. OPEN SPACE: Land restricted from development.

56. OWNER: Person or persons holding title by deed to land or holding title as vendors under land contract, or holding any other title or record.

57. PARCEL: An area of land described as a unit by the County Assessor's office.

58. PEDESTRIAN WAY: A public way dedicated entirely through a block from street to street and/or providing access to a school, park, recreation area or shopping center.

59. PLANNED UNIT DEVELOPMENT (PUD): A use or combination of uses planned for a tract of land to be developed as a unit.

60. PLAT: A map of a subdivision representing land divided into lots. Shows roads, streets and improvements required to record the plat and sell the lots.

61. PRELIMINARY PLAT: Preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with the Idaho Code.

62. 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 Idaho Standards for Public Works Construction (ISPWC), the city council, the appropriate health authority and other city or county departments.

63. RECORD OF SURVEY: A survey made in conformance with Idaho Code Title 55 by a licensed surveyor or engineer, and recorded in the office of the County Clerk or County Recorder.

64. RECORDED PLAT: Final plat bearing all certificates of approval required and duly recorded in the office of the County Recorder.

65. STREET: Any street; avenue, boulevard, lane, parkway, place, viaduct, easement for access or other way which is in an existing state, county, or easement for access or other way which is in 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 office of the County Recorder. A "street" includes the land

between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulder, curbs, gutters, sidewalks, parking areas and lawns.

66. STREET TREES: Trees planted between sidewalk and roadway.

67. THROUGH LOT: A lot abutting two (2) parallel or approximately parallel streets.

68. TRACT (OF LAND): An area of land which can be described or referred to as one unit; may contain more than one parcel of ownership(s).

69. USABLE LOT AREA: That portion of a lot usable for or adaptable to be normal uses mode of residential property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements.

70. UTILITIES: Installation or facilities, underground or overhead, furnishing for the use of the public electric, gas, steam, communications, water, drainage, sewage disposal or flood control, owned and operated by any person, firm, corporation, municipal department or board duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments or boards as applicable herein.

71. WILDLIFE: Any form of animal life, living in a natural state and under the authority of Idaho Fish & Game and/or U.S. Fish & Wildlife Services.

72. ZONING DISTRICT: Land delineated on the Zoning Map of the Zoning Ordinance, in which requirements for the use of land and building and development standards are prescribed by the Planning & Zoning Ordinance of the City of Lava Hot Springs or the City of Lava Hot Springs Subdivision Ordinance.

SECTION 6 - PRE-DEVELOPMENT CONFERENCE - CONCEPT OR MASTER PLAN

All information will be reviewed and combined in a preliminary plat. City engineer may need to be present at development conference. Prior to plat or other land division being presented to the Commission for consideration, the developer shall supply copies of the information as outlined below in order to be placed on the agenda. Commission has the right to advise applicant if any of the information outlined below can be incorporated into the preliminary plat.

(a.) SUBMITTAL REQUIREMENTS: Developer shall submit review fees as established by the Commission, the report from District Health and the following items at least thirty (30) days prior to any hearings, review fee, will cover City Engineer fee.

1. A list of all property owner(s) and the property tax parcel number(s), located within 300 feet of the boundary of the proposed development including street or road right-of-way and bodies of water.

2. The list described in item 1 above on mailing labels equal to Avery 5150 2.63" x 1" on a sheet 8.5" x 11", or as approved by the Commission.

Name

Street Address or P.O. Box Number

City, State, Zip

3. A sketch, accurate to plus or minus five (5) percent showing:
- Proposed use(s) of property and present zoning, if applicable,
 - Proposed and/or existing deed restrictions, if any including easements and right-of-ways.
 - Description of the improvements proposed to be made or installed, the time such improvements are proposed to be made or completed, and the procedures the subdivider wishes to use.
 - Statement describing proposed water supply, sewage disposal, drainage, municipal services and public utilities.
 - Approximate location of blocks and number of lots in each.
 - Legal description to quarter-quarter section, township and range.
 - North arrow.
 - Landscaping locations and general type of vegetation.
 - Ownership and land use of subject development including areas within 300 feet beyond plat boundaries.
 - Road names - subject to approval of City and Commission.
 - Road design deviations if open space subdivision is proposed.

4. Comments from Reviewing Agencies

a. If an agency does not comment and applicant has proof of contact twice, the Commission will make contact. If no testimony or written comments are presented at the public hearing, Commission may proceed to review application without the comments from the agency. This does not however relieve the developer from complying with all requirements as stipulated by State Code or Law.

b. Included in the information should be name, address, and phone number of developer, and name address and phone number of engineer and surveyor preparing the plat.

(b.) REVIEWING AGENCIES: Application must contain impact statements from the following agencies:

1. School Districts: To establish the location of existing school bus stops or routes, the possible need for additional stops, and the impact upon schools and availability of classroom space.

2. Idaho Fish & Game Department: This Agency will review the site for its natural wildlife habitat values, indicating areas of important wildlife habitat.

3. Idaho Department of Water Resources: This Agency will be asked to provide well logs and information regarding water rights.

4. Southeast Idaho District Health Department: Water and sewer system plan approvals, as well as review and approval of the Water and Sewer system design by the Idaho Department of Environmental Quality.

5. Bannock County Highway Department, State Transportation Department, as appropriate to obtain:
 - a. Current maintenance status of roads, right-of-way width and other physical characteristics and traffic counts, if available.
 - b. If roads not presently maintained are proposed for maintenance, an assessment of maintenance including current level manpower and equipment are to be provided and reviewed by the City of Lava Hot Springs Street Department.
 - c. Any additional comments or concerns the agency may have.
6. Lava Volunteer Fire Department: Impact review.
7. Army Corps of Engineers: (If applicable) for determination (1) wetlands or riparian areas, (2) stream crossing needs, or (3) any additional issues the Corps may address.
8. Public Land Agencies: (If applicable) such as Forest Service, BLM or State, without regard to location of proposed subdivision.
9. City of Lava Hot Springs Street Maintenance: As applicable.

(c.) PROPOSED SUBDIVISION NAME: Name will be reviewed with the Commission and Council. A name shall not duplicate or resemble the name of any other subdivision. The sub divider shall place the name upon each submittal of the proposed subdivision. The area of land for which the name was issued shall not thereafter be changed or altered in any manner unless and until a new name has been accepted by the City.

(d.) CONCEPTUAL OR MASTER PLAN REVIEW: The developer will prepare a Community Impact Analysis for all developments to include:

1. Total population at build-out.
2. Population five to seventeen years of age.
3. Water usage per unit and total water usage for project.
4. Sewage produced per unit and total sewage output for project.
5. Tax generated for average size lot and dwelling of 2,000 square feet.
6. Cost to provide services by Sheriff's department, Road and Bridge, School District for transportation and per student cost, if known; fire, ambulance and any other affected agency as determined by the City and the Commission.

(e.) The Commission may require an environmental impact assessment be prepared by an environmental engineer, licensed in the State of Idaho, when any of the following conditions apply; inclusion of wetlands, streams or flood plains; land which may have been used previously as an industrial site or has a history of pollution; land which may be subject to sliding, slumping or historical or anthropological artifacts, or other land deemed by the City or Commission to be sensitive to development. Said assessments shall address, but not be limited to, the items listed above, without regard to size of the proposed development.

(f.) CONCEPT PLAN: Concept plan must satisfy the following criteria:

1. The proposed tentative plan and proposed roads and bridges are in conformance with the City Comprehensive Plan and all applicable provisions of all City Ordinances and Idaho Code.

2. The proposed partitioning of land does not prohibit the extension of dedicated streets or roads and will not conflict with legally established easements or access within or adjacent to the proposed land partition.

3. The blocks of lots are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities.

4. The proposed property is physically suitable for the type and proposed density of development and conforms to existing zone standards.

(g.) DIVISION OF LAND: Divisions shall be prepared in accordance with Chapter 13, Title 50 and Chapter 19, Title 55 of Idaho Code. All other standards, requirements, processes and criteria of this Ordinance shall be met.

(h.) CONCEPT PLAN/MASTER PLAN APPROVAL: The commission will recommend approval or disapproval of the master plan or concept plan and will forward the recommendation to the City Council within thirty (30) days. The City Council will approve or disapprove the master plan or concept plan within thirty (30) days of receiving the commission's recommendation. Concept/Master Plan are valid for one year from the date of approval by the Commission and City Council. Concept/ Master Plan not advanced to Preliminary Plat review must be resubmitted for a new Concept/Master Plan approval.

SECTION 7 - PRELIMINARY PLAT, PUBLIC HEARING (City Engineer should be present.)
In phased subdivisions, each phase is considered a preliminary plat.

(a.) Submit to the City Council after approval of pre-application.

(b.) Summary of items to be submitted:

1. Application - 12 copies
2. Vicinity map - 12 copies
3. Preliminary Plat - 12 copies including:
 - Identification and descriptive data
 - Existing conditions
 - Proposed conditions
 - Proposed utilities

4. Filing fee established by resolution of the City Council. This would include a fee for a City Engineer time.

(c.) Review by:

1. City Departments - within ten (10) days of notification.
2. Other agencies such as IDEQ, IDWR, IHD, or other regulatory agencies - within fifteen (15) business days of notification.
3. Planning & Zoning Commission - at regular meeting and completed thirty (30) days thereafter.
4. City Council - at regular meeting and completed thirty (30) days thereafter.

(d.) Preliminary Plat review will be considered by the Lava Planning & Zoning Commission as a business item following a public hearing on the plat posted at the City Hall and published once in the official newspaper designated by the City of Lava Hot Springs no less than ten (10) days prior to the Commission meeting date.

(e.) The Commission will then forward a finding and fact recommendation to the City Council for consideration at the next regularly scheduled City Council meeting. The following items must be submitted to the City Engineer and Commission at least thirty (30) days prior to the regular monthly meeting of the commission.

1. Plat: The Preliminary Plat shall be drawn to a scale of one inch equals 100 feet or one inch equals 200 feet, prepared by a land surveyor or engineer licensed to practice in Idaho. The scale may be increased or decreased provided such deviations obtain approval by the Commission. A copy, reduced to 11" x 17" shall also be provided. The Preliminary Plat shall show:

a. TITLE BLOCK: Date of submittal; north arrow; scale of drawing; tax parcel number(s); legal description sufficient to define the location and boundaries of the proposed subdivision; identification clearly stating that the map is a Preliminary Plat; plat name; engineering or surveying firm and seal of engineer or surveyor.

b. The location width and names of all existing or platted streets, ways, or public ways in the proposed subdivision or within 660 feet of the proposed subdivision; easement(s), railroad right-of-way; and any other important survey features, such as section lines and corners, found monument and City boundary lines.

c. Contour lines of existing grade shall be shown at the following minimum intervals, and shall be related to some established bench mark or other datum as approved by the City Engineer.

(1) Five foot contour intervals for ground slopes between five and ten percent;

(2) Ten foot contour intervals for ground slopes exceeding ten percent; and

(3) for a rural area, contour lines shall be at intervals necessary to properly indicate the ground contour and to design the street pattern and lot layout.

d. The location and direction of all water courses including a delineation of the high water mark.

e. Natural features, such as rock outcroppings, marsh lands, wooded areas, bodies of water, trees to be preserved.

f. Existing uses and zoning of property, including the location of all existing structures or fences on the proposed plat and within 660 feet of its boundary, and proposal for the use or removal of fences on the proposed plat.

g. Proposed streets showing the location, widths, names, approximate grades, and approximate radii of curves and the relationship of all streets to any projecting streets.

h. The location and width of all existing and proposed easements, including the purpose of such easement.

i. Lot layout showing approximate (to within 10 feet) dimensions, lot sizes within 5% of actual at final submittal, and proposed lot and block numbers.

j. All land proposed to be reserved by the sub divider for all public purposes, showing the location, size and proposed uses.

k. Any other information on plat requested by Commission, Council, or Engineer during concept review and approval.

- l. Fire suppression and prevention measures.
- m. Timing and sequence of total project and phases if required.
2. Drainage Plan in same detail as contour for existing grade described above.
3. Other engineering or study data required by the Commission, Council or Engineer.

(e.) The Council will review the Preliminary Plat as a business item, considering the plat for:

1. Conformance to concept approval. Preliminary plats which:
 - a. alter water sources or delivery systems or other utilities, including sewage treatment, as approved in concept.
 - b. increase the total number of lots by ten percent (10%) or more, or
 - c. change access points to existing collector arterial roads or streets by a distance greater than fifty (50) feet and not recommended by the Council during concept approval, shall require a new concept review and a new review fee as established by resolution of the City Council.

2. Utility easements and facilities.

3. Open space if required in concept approval: amount of land, location, use, ownership and management plan.

(f.) The Preliminary Plat may be approved only if the reviewing authority finds that it satisfies the following criteria:

1. The preliminary plat is in conformance with the Planning & Zoning Ordinance, approved Concept Plan, all applicable provisions of this Ordinance and other City codes, comprehensive plan and ordinances, and Idaho Code.

2. The street plan for the proposed subdivision will permit its development in accordance with Idaho Code and will permit the development of adjoining land by providing access to that land by right-of-way dedicated to the City, or a developed street to the property boundary.

3. Lot lines and roads relate to land shapes and existing development.

(g.) The Commission or Council may place conditions on the preliminary plat which enables the plat to meet criteria for approval. If the applicant accepts the conditions, he or she may proceed to the Final Plat review.

(h.) Failure to file and obtain acceptance of the final plat application by the Commission and City Council within one (1) year from the date of approval of the preliminary plat, as evidence by minutes of the Commission and Council meeting, said Preliminary Plat will become null and void, unless an extension of time is applied for by the sub divider and granted by the Commission and City Council. Extension may be granted for up to one year based upon work the developer has performed at the discretion of the Commission and Council.

1. If no engineered plans have been submitted or there are no completed improvements, the plat shall not be given an extension;

2. If 50 percent of the engineering or improvements are completed, an extension may be given for up to one full year at the discretion of the Council and the Commission.

SECTION 8 - FINAL PLAT

(a.) The Council shall review the proposal to ensure that any conditions which the Council have placed on the plat have been complied with. The Engineer will compare the submitted plat to the approved preliminary plat, and if it conforms, applicant and Council shall proceed as outlined by this ordinance.

(b.) In addition to the items required for the preliminary plat approval, the following must be submitted and approved by the Council.

1. As-built engineering details for water delivery systems, both culinary and irrigation. Before construction may commence four (4) copies of Agency approved design drawings that have been properly sealed by an engineer registered to practice within the State of Idaho shall be submitted to the City.

2. Landscaping detail and fence cross section, if applicable.

3. Bridge, road and street cross sections and profiles, weight capacity calculations.

4. Engineering for any other improvements on the plat.

5. Final Codes, Covenants and Restrictions.

6. Maintenance and Operation Plans for commonly owned utilities and open space.

7. Homeowner's Association incorporation documents; codes, covenants and restrictions.

8. A copy of the subdivision plat as approved with conditions, if any will be submitted with a number assigned to every lot corner, and at all angle points and points of curvature comprising the boundary lines of said lots or the centerline of streets, roads and special easements.

9. We require all survey data be submitted in an industry standard electronic format (data point file). All coordinates must be based on the City established datum (NAVD 88 or similar datum) or some other nationally recognized datum (as required by City).

10. The bearing and distance, or two parts of curve (radius, length of curve, delta, etc.) in the case of curved lines will be done between coordinate pairs which traverse lot boundary lines or street centerline.

11. Dedication statements on the plat.

12. Plans and engineering detail for all work required by design standards found elsewhere in this ordinance.

(c.) Signatures and Certifications Required: Council will have example dedication statements required on plat.

1. District Health Department and DEQ

2. County Engineer and Mayor certifying that Idaho Code and this Ordinance have been complied with, and that improvements are complete and accepted.

3. County Treasurer certifying that taxes have been paid.

4. County recorder certifying that the plat has been recorded.

5. Surveyor or Engineer certifying that markers have been set and the plans are correct.

6. Owner, dedicating roads, easements, common areas if applicable and any other lands dedicated to City or others.

7. Plat shall reference other recorded documents relating to the plat including but not limited to: Homeowner's Association documents, codes, covenants and restrictions.

(d.) Bonding for Improvements: Prior to the recording of any approved plat, the developer shall have completed the improvements on the plat or posted a bond as required in an amount of one hundred ten percent (110%) of the amount of the work to be completed. Developer shall also submit proposed agreements, work schedule and estimated completion times to accomplish the improvements approved in the final plat stage. Off-site improvements, if required, are bondable items.

1. Type of Bond: The City will accept only the following types of bond:
a. Certified check or
b. Cashier's check or
c. Certificate of Deposit made to, or irrevocably assigned to the City of Lava Hot Springs, or
d. Irrevocable bank letter of credit by a bank authorized to do business in the State of Idaho.

2. Amount: The bond, if approved by the City, shall be for 110 percent of the estimated improvements. A higher percent may be required, if, in the opinion of the City Engineer, Council or Commission, the improvements may take over six months to complete.

3. Documentation/Agreements: The developer shall provide detailed plans, e.g., drainage areas, cross sections, sizes of culverts, cost per each, re-vegetation costs, etc., which are needed to determine the total dollar amounts required to ensure that the improvements will be completed.

4. City Review: All documents, plans, estimates, and bond proposals shall be submitted to the City Clerk, who will coordinate the reviews with the appropriate agency. If the proposal meets the requirements of this Ordinance, the developer shall be notified by the staff who will forward the proposal to the City Council in the appropriate time. The City Engineer shall have a minimum of ten days to review the final plat.

a. Acceptance by the City: The council may, after all other considerations have been made, review the proposal and if appropriate, accept the proposal. Official acceptance are by resolution. The resolution shall state the conditions of acceptance, amounts, time frames, and conditions of the bond release.

5. Release of Bond: The Council shall release bonds only after certification of completion. The developer shall, in writing, and at the completion of the project, make request of the staff to make final inspection. The City Engineer shall inspect the work and make a written report as to the completion and compliance with the conditions of approval and this Ordinance. If the project requires additional work, the developer shall, when appropriate, request another final inspection. If, in the opinion of the staff, the proposal meets the standards, then they shall notify the Council of said compliance. The Council may at that time release the portion of the bond covering the materials and work performed. The City shall keep ten percent of the total bond amount as a performance bond for eleven (11) months after the proposal was first accepted.

6. Performance Bond: At the end of the eleven month probationary time, the developer shall request another inspection and shall follow the procedures as above.

7. Bond for Completed Improvements: Developers shall post a bond for at least ten percent of the cost of the completed improvements as determined by the City Engineer, as assurance that the improvements will not fail within a twelve (12) month period. At the end of the period, the Engineer shall re-inspect the improvements. If repairs are deemed necessary by the Engineer, the cost of the repairs shall be deducted from the bond; any unused moneys will be returned to the developer.

(e.) Requirement for Open Space: As a condition of approval of any development required to be platted under the provisions of this ordinance, which includes residential structures, each developer will be required to dedicate ten percent (10%) of the land for parks, recreational purposes, and/or greenbelt walkways to serve the immediate and future needs of the residents of the development, or make a contribution in lieu of actual land dedication, or a combination of both, at the option of the City.

(f.) Design Criteria: Open space subdivisions will be designed to:

1. Assure buildable areas on individual lots which will assure privacy to that lot and its neighbors and to preserve open lands.
 - a. Dwelling sites (buildable area) and building height limits, if appropriate, will be specified for each lot on the preliminary plat in such a manner as to provide privacy to subject lot and adjoining lots.
 - b. Layout of the subdivision will avoid structure sites on ridges or other land forms which would increase visibility of new development.
2. Reduce road building which increases traffic dust, storm water runoff, and road maintenance expense.
3. Save water by connecting to the Municipal water system. If the municipal water system is not within a reasonable distance, the establishment of a community water system will be required.
4. Protect ground water quality by using sewage and effluent pretreatment.
5. Protect wildlife, crucial habitats and corridors.
6. Retain and enhance character of the area.
7. Reduce infrastructure costs and service needs.
8. Reduce visibility of the development areas.
9. Offer on-site outdoor recreational opportunities.

(g.) Roads, Bridges and Streets - Design Standards: Roads, bridges and streets, curbs, gutters, sidewalks and fire hydrants shall be designed and constructed in accordance with State of Idaho Transportation Department "Manual of Street Design Standards", current edition.

1. The Standards contained therein are considered minimum and may be exceeded where the City deems necessary. A written discussion of these areas shall be included in the concept approval process.

2. Cul-de-sacs may not exceed 1,320 feet in length and shall provide a 45' radius turnaround or equivalent back-up area, and are considered fire apparatus access roads, requiring review by fire chief.

3. All weather surface: Where driveway meets a paved road, driveways must be paved with concrete or asphalt to the right-of-way line of the public road.

4. No ditch sections shall exceed 300 feet on grades of 3% or greater without a cross-drain or other approved structure to provide water run-off management.

5. Prior to commencement of construction, driveways shall be either paved or graveled to prevent the tracking of soil off the site. It is the responsibility of the building permit holder to pave or gravel the driveway adequately prior to grading the building site.

6. A developer of a subdivision is responsible for construction.

7. Driveways serving more than two residences or other use, without regard to length must be built to standards required for Roads, Bridges and Streets above.

(h.) Subdivision Ingress and Egress: Subdivision of twenty (20) or more lots, or which adjoin an existing subdivision, the combination of which will equal 25 lots, shall provide two or more ingress/egress roadways, developed to standards adopted herein. When connected to an adjoining subdivision street which has egress to a collector or arterial road, that roadway may be considered the second ingress/egress. The Council shall have the option of requiring two adequate, safe ingress and egress due to steepness, or development which would preclude the use as a safe exit.

(i.) Block Shapes: Block length and width shall comply with the standards acceptable to the City Engineer and City.

(j.) Lots-building site: Each lot shall contain a satisfactory building site which is related to topography and conforms to the requirements of this Ordinance and has been approved by the reviewing agencies.

(k.) Restricted Lots: All lots which meet the following criteria shall be marked with an "R" indicated by shading on the preliminary and final plats. An "R" placed next to a lot number and the reasons for the restrictions: flood plain, steep slope, sub-water, drainage easement, etc., shall be noted on the plat.

1. Steep Slopes: Lots with a slope in excess of 20 percent grade over 25 percent of the lot. Such areas will be shaded on the plat, with explanation of the restriction on the face of the plat.

2. Water Problems:

- a. Lots with riparian areas, wetlands, sub-water, flood way or flood plain.
- b. Lots with easements or drainage way(s) anywhere on the lot.
- c. Lots with free-flowing water on any portion of it.
- d. Lots bounded by collector or arterial roads or streets. No access shall be permitted onto such roads or streets.

(l.) Side Lot Lines: In so far as practical, side lot lines shall be at right angles to straight roads or streets, and radial to curved roads or streets.

(m.) Approved Road or Street: All lots must front upon an approved road or street, either public or private; all roads must be certified by City as suitable road or street, and shall be constructed in accordance with the Idaho Department of Transportation "Manual of Street Design Standards" current edition.

(n.) Hazardous building site prohibited: Where there is a question of suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions, access

problems or similar circumstances, the Commission may, after adequate investigation, withhold approval of such lot.

(o.) Reverse Frontage: All lots in subdivisions of more than four lots shall access to an interior subdivision road or street.

1. Access shall not be permitted onto functionally classified roads, highways or streets.

(p.) Drainage Ways - Easements: Where a subdivision is transversed by a water course, drainage way, wet weather line or surface drainage, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course. Such drainage ways shall be preserved as open space areas. Such areas shall be restricted from development of roads and structures, and the plat shall so indicate.

1. Design and performance standards in this Ordinance further restricts development in stream or riparian areas.

(q.) Drainage Way-Alteration: Re-grading, stripping of vegetation, or filling may be permitted in these areas, provided however that the drainage is not a riparian area as defined in this ordinance, and a plan is submitted and approved by the City Engineer. Such plans shall ensure that storage capacity and flow is not degraded.

CANALS

1. No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users for such use, and the approval of the City Engineer and Idaho Department of Environmental Quality. No ditch or canal shall be used for storm water unless adequately improved to handle such water as might be reasonably expected to flow from the canal and ditch water, subdivision runoff water, and other water expected to reach such canal or ditch.

2. Open ditches or canals shall not be allowed within a subdivision without provisions to eliminate hazards or nuisance. Where subdivision improvements affect existing canals or ditches, specific modifications shall be in accordance with the requirements of the irrigation company and the City Engineer.

WATER SYSTEMS

1. Culinary water systems must be approved by the Division of Environmental Quality, City Engineer and Southeast Idaho District Health Department.

2. Such systems must be designed by a licensed engineer, who will sign the plans and certify that the system was installed according to the approved plans.

3. Additional Reports: The Council or Commission may require a report by a professional hydrologist and professional engineer at the applicant's expense. Said report shall indicate availability and quality of water; adequacy of water delivery system design and maintenance.

4. Hydrologist shall be selected jointly and approved by the City Engineer and the Council or Commission.

(r.) **Underground Utilities Required:** In all subdivisions, the electric, gas, telephone, cable TV and other utility lines shall be installed underground from the lot boundary to any structure(s). The subdivision applicant shall install power to the lot boundaries. The power shall be installed outside the road right-of-way except for crossings. Distribution of power lines may be above ground with the Council or Commission's approval.

(s.) **Placement:** See approved preliminary plat.

1. **Abbreviations to be used on plat:** T=telephone, UP=Underground power (electric), AP= Above ground power, W=water, S=sewer, G=gas, TV=cable, PL=pipeline, OC=optical cable.

(t.) **BUFFER YARD AREA:** Subdivisions and other types of development may conflict with existing or planned development. Subdivisions and commercial development within the City must create buffers to reduce this conflict, existing or potential. The following chart specifies the width of the buffer between the subdivision and existing or planned uses:

Use or Zone	Buffer Zone	Width (feet)
Agriculture, present use or zone		20
Forestry	Fire break at least 20' wide or as set by Council	
Residential, existing or zoned		0
Commercial or retail, zone or use		50
Indoor Recreation		50
Institutional Residential		50
Outdoor Recreation		50
Agricultural Support		30
Office and Professional, existing		30
Public Service		40
Road Service		40
Commercial Recreation		40

(u.) **Natural resource or Natural Limitation Performance Standards:** Shall conform to Section 409 of the Subdivision Ordinance of Bannock County.

(v.) **Storm Water Runoff:** Shall comply to Section 410 of the Subdivision Ordinance of Bannock County.

(w.) **Access for Fire Vehicle Access and Other Standards:** Shall comply with Section 411 of the Subdivision Ordinance of Bannock County Ordinance.

(x.) **Other Design Requirements for Subdivisions which create more than four lots:**
1. School bus accommodations shall be provided at the request of the Marsh Valley School District.

2. **Submittal Requirements:** Two certified copies of the record design drawings for roadways, utilities and all other improvements shall be submitted within two weeks of the

completion of the project by the project engineer or developer. No bond may be released and no building permits issued, until after the “As Built” Certificate, certifying that the utilities and roads are built and placed as approved has been reviewed and authorized by the City Engineer or authorized individual(s).

3. Details for Proposed and “As Builts”
 - a. Show lines and directional flow of utilities (arrows are optional).
 - b. Stake dead-ends or stub-in and/or show changes in direction or size.
 - c. Indicate utility crossings, depth, size, type, etc.
 - d. Use the approved abbreviations and make notes clear and concise.
 - e. Indicate bends, offsets, or dead-ends.
 - f. Do not show more than one utility at one location through only one view.

Use top and side views for clarification of details where necessary.

(y.) Profile and Cross Section Standards; Survey Profiles: Shall conform to Section 414 of the Subdivision Ordinance of Bannock County.

(z.) Standard or Survey Accuracy: The survey of the map or plat shall be of such accuracy as to conform to the minimum requirements of State Law. The City Engineer will check the plat to ensure mathematical correctness and certify that all Local Ordinances and applicable State Law have been complied with.

(aa.) Monument: Shall comply with State Law 50-1300 and conform with Section 416 of the Subdivision Ordinance of Bannock County.

(bb.) Final Plat

1. Submit to City Clerk after approval of preliminary plat.
2. Summary of items to be submitted:
 - a. Final Plat and six (6) blue line copies including:
 - Identification data
 - Survey date
 - Descriptive date
 - Acknowledgment of dedications
 - Required certificates from: Surveyor, City Engineer, City Council and

County Recorder.

Notarized signature of owner.

b. Two sets of plans and specifications for all proposed improvements. Proposed sewer and water plans and specifications must be accompanied by written approval of the Department of Health and Welfare and DEQ.

c. Current title report or other proof of ownership.

3. Review by:

a. City Departments - within ten (10) days of notification.
b. Other agencies - within ten (10) days of notification, i.e. health, engineer, etc.

c. Planning & Zoning Commission - at regular meeting and completed thirty (30) days thereafter.

d. City Council - at the next regular meeting and completed thirty (30) days thereafter.

(cc.) Miscellaneous: All items not covered in this ordinance will be at the discretion of the commission and city council.

SECTION 9 - REVIEW BY CITY COUNCIL:

Appeals of the decisions of Planning & Zoning Commission may be appealed to the City Council as a business item within ten (10) working days of the staff decision. The City Council will hear the appeal at its next regularly scheduled meeting.

SECTION 10 - SEVERABILITY:

It is hereby declared to be the legislative intent that the provisions, and parts thereof, of this ordinance shall be severable. Should any section, subsection, paragraph, clause or phrase of this ordinance, or any particular application thereof, be declared invalid or unconstitutional for any reason by a court of competent jurisdiction, such decision shall not affect the remaining portion of said section, subsection, paragraph clause or phrase of this ordinance.

SECTION 11 - EFFECTIVE DATE:

This ordinance shall be published in at least one issue of the Idaho State Journal, the official newspaper of the City; and this Ordinance shall be in full force and effect from and after its passage, approval and publication, the Council dispensing with the rule providing that Ordinances must be read on three different days all as provided by law.

PASSED BY THE CITY COUNCIL of the City of Lava Hot Springs, Idaho this 14th day of September, 2006.

APPROVED by the Mayor of the City of Lava Hot Springs, Idaho this 14th day of September, 2006.

Raymond E. Bailey, Mayor

(Seal)

ATTEST:

Canda L. Dimick, City Clerk