

## Chapter 18

### SUBDIVISIONS

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10-18-1: **PURPOSE:** The subdivision permit procedure is designed to assure the land development is accompanied by the installation of the necessary on site public facilities and that it is compatible with the approved land uses, the comprehensive plan, the landscape setting, and the capacity of offsite public facilities and services. City review of subdivisions helps protect utility easements and road rights of way from encroachment and protects consumers from purchasing inaccurately described property. Applications for subdivision permits shall follow the procedure described here:

10-18-2: **LOT SPLITS/ BOUNDARY LINE ADJUSTMENTS:** The lot split procedure is designed to assure that the creation of new parcels of land does not result in violation of this ordinance or unnecessary applications for variances. City review of lot splits also protect utility easements and street rights of ways from encroachment.

A. Requirements for Lot Splits: All lot splits shall comply with the following requirements:

1. Lot splits shall not be used as a means to evade the requirements of this ordinance for subdivisions — five years must pass before a

second division from the same parcel will be permitted as a lot split (however, the owner may apply for a permit to subdivide pursuant to subdivision regulations);

2. All deeds or other instruments conveying a parcel created as a lot split shall include a statement that the parcel may not be divided for five years and then may be divided only in compliance with this ordinance;

3. Any lot created shall be capable of accommodating a permitted use allowed by this ordinance;

4. Any lot created shall have frontage on and direct access to an existing public street or road in compliance with the performance standards of this ordinance;

5. With the exception of large individual lots in the area of city impact, all lots created shall have direct access to city water and sewer (when available) and all private utilities; and

6. Lot splits shall comply with applicable performance standards.

7. A single flag lot may be permitted, in which the “flagpole” projection is serving as a driveway as provided herein. Once established, a flag lot may not be further subdivided. For the purposes of this provision, a lot line adjustment is not considered a further subdivision. The “flagpole” portion of the lot shall be included in lot area, but shall not be considered in determining minimum lot width. The “flagpole” shall be of adequate width to accommodate a driveway as required by this ordinance, fire and other applicable codes.

8. Boundary Line Adjustments: Boundary line adjustments shall be reviewed by the Planning and Zoning Administrator, and agreed to by all property owners involved. The adjusted plat must meet submittal requirements and be filed with the county recorder within sixty ( 60 )days after being signed by the Mayor.

9. Boundary Line Adjustments will met all applicable performance standards.

B. The developers shall file a properly completed application form, supplied by the city, the required supporting material, and the required application fees with the administrator. (Ord. 94-11-1, 11-1-1995)

1. The administrator shall place a hearing of the application on the agenda of the next regular commission meeting for which the notice requirements of 10-1-14 A of this title can be met.

2. The Commission shall conduct a hearing on the proposed lot split following the procedures established in subsection 10-1-6A of this

chapter. No application for a lot split will be reviewed if the applicant or its representative is not present.

3. The Commission shall determine whether the proposed lot split is in compliance with the comprehensive plan, this title and the requirements of this section 10-7-3 of this title. If it finds that the proposed lot split complies, it shall approve the application. If it finds that the proposed lot split is not in compliance, it shall disapprove the application. Conditions may be attached to an approval, as provided in subsection I of this section. (Ord. 96-1119,11-19-1996)

4. The administrator will notify the developer and interested parties within ten (10) days.

5. The Commission decision may be appealed to the council using the appeals procedure of subsection 10-1-13 of this chapter. A notice of appeal must be filed with the administrator within ten (10) days after the notice of decision provided for in subsection B.4. of this section is issued.

6. The approval of the lot split does not constitute or imply approval of a permit for any prospective use of the lot created.

10-18-3:       **SUBDIVISIONS:**

A.       Requirements for Subdivision Permits: No plat shall be recorded or offered for record until the final plat has been approved by the Victor City Council ("Council"), or in the case of a lot line adjustment, the Planning and Zoning Administrator and the Mayor shall bear thereon the approval of the Mayor and as attested by the City Clerk.

1.   Pre-Application Conference: After development of a concept plan, and prior to submitting a preliminary plat application or having their preliminary plat heard by the Planning and Zoning Commission or city council, an Applicant and/or their engineer shall schedule a pre-application conference with the city engineer, planning and zoning administrator and/or their designees, and other agency officials.

2.   Neighborhood Meeting: Applicants for Subdivision Permits requiring a public hearing are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application, except a neighborhood meeting is not required for a vacation, and/or short plat.

a.   Notice of the neighborhood meeting shall be provided to all property owners of record within three hundred feet (300') of the exterior boundary of the application property. Notice of the meeting shall be either hand delivered or mailed to the recipients.

b. Notice of the meeting shall be provided at least five (5) days prior to the meeting. The meeting shall be held not more than three (3) months or less than five (5) days prior to the submittal of an application.

3. Preliminary Plat Application: In seeking to subdivide land or other property into building lots or other separate ownership and to dedicate streets, alleys, or other land for public use, the Applicant shall submit three (3) copies of the appropriate application materials including a completed preliminary plat application form, a preliminary plat checklist, and all corresponding materials.

a. Determination of Completeness:

1. An application shall contain all information deemed necessary by the administrator to determine if the proposed permit or action will comply with the requirements of the applicable zoning district and development regulation.

2. Upon receipt of application materials, staff will verify that all of the necessary components are included and that the application is complete. In the case that the application materials are not complete, the applicant and/or their representatives shall be notified and staff will not begin the preliminary review.

3. Once the application is deemed complete the Administrator shall assign a file number and begin the preliminary review.

b. Staff Review:

1. Staff will review the application materials with the necessary departments and other government entities to verify that the application materials and proposed project meet the minimum requirements of the current Public Works Standard Specifications and Drawings, Victor Development Ordinance, and all other applicable requirements.

2. The preliminary review process will take no less than fifteen (15) days. If the Preliminary Plat Drawings and required information are not complete, or do not meet the minimum Victor City requirements, the Staff will not accept the Preliminary Plat Application. Only when the minimum requirements are met will a project be placed on the agenda.

3. Once the preliminary review process is complete and staff has verified that the review comments have been addressed the applicant shall submit thirteen (13) copies of the appropriate application materials. A Public Hearing shall be scheduled for the next Planning and Zoning agenda for which space is available and all notice requirements can be met.

c. Form of Presentation: The information hereinafter required as part of the preliminary plat submittal shall be shown graphically or by note on plans or by letter, and may comprise several sheets showing various elements or required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, having a minimum scale of no more than one inch equals one hundred feet (1" = 100'). Drawings shall not exceed twenty four inches by thirty six inches (24" x 36") in overall dimensions.

1. Contents of Preliminary Plat:

a) Proposed name of subdivision and its location by section, township and range, reference by dimension and bearing to a section corner or quarter section corner. Subdivision names shall be sufficiently distinct from each other to avoid confusion or duplication. Subdivision names shall not be duplicative with any other plat name found in the city or Teton County.

b) Name, address and phone number of subdivider and engineer, surveyor, landscape architect or land planner preparing the plat.

c) Scale, north arrow and date of preparation including dates of any subsequent revisions, and legend of symbols used on plat.

d) Vicinity map drawn to a scale of one inch equals five hundred feet (1" = 500'), clearly showing proposed subdivision configuration in relationship to adjacent subdivisions, main arterial routes, collector streets, local streets, etc.

e) The location of the subdivision as forming a part of some larger tract or parcel of land referred to in the records of the County Recorder.

f) Contour lines shown and labeled at 5' intervals where land slopes are greater than 10% and at 1' intervals where land slope is 10% or less. References to an established Teton County Benchmark including location and elevation.

g) By note, the existing zoning classification of the tract and any requested zoning changes.

- h) The boundary lines of the tract to be subdivided shall be accurate in scale and bearing.
  
- i) The boundary lines, lot lines, zoning, and ownership of adjacent tracks of land.
  
- j) The location, widths and other dimensions of all existing or platted streets and other important features such as power lines, water courses, irrigation lines, easements, topography, substantial vegetation, wetlands, floodplain and floodway areas, avalanche areas, buildings, structures, or any other natural or manmade features, within, contiguous to, or in the general area of the property to be subdivided.
  
- k) The location, widths and other dimensions of proposed streets, alleys, easements, parks, lots and open space.
  
- l) The plan and cross section of proposed streets and alleys showing widths of roadways, location of sidewalks, curb and gutter, location and species of street trees, drainage areas, parking areas, snow storage areas, or any other improvement proposed or required for the rights-of-way.
  
- m) The proposed names of all the streets whether new or continuous. The new street names must not be the same or similar to any other street names used in the City or Teton County.
  
- n) The location of existing and proposed sanitary sewer mains, sewer services, storm drains, water supply mains, water services, fire hydrants, irrigation facilities, culverts etc. within the property and immediately adjacent thereto.
  
- o) Typical lot dimensions to scale; approximate dimensions of all corner lots and lots of curvilinear sections of streets; proposed lot and block numbers; total number of lots; and individual lot square footage and individual lot, nonstandard utility, waterway, easement (i.e., power lines) square footages.
  
- p) All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated, and planned improvements to that parcel or parcels.

q) A brief note indicating the proposed handling method for sanitary sewer, water, storm drainage and irrigation. Connection points into the existing system are to be reflected on the plat.

r) Brief notes requesting any variances.

2. Additional Information: The following items must also be submitted along with the preliminary plat before such application will be certified as complete:

a) Completed and signed preliminary plat application and checklist as promulgated by the council.

b) Project narrative fully describing the proposed project including the following: reason for project, project description, reason for any variances requested, any deed restrictions, who will maintain parks and open space, any special amenities, and any other pertinent project related issues that are foreseen.

c) Metes and bounds legal description of the subject property.

d) The names and mailing addresses of all property owners within 300 feet of the outer boundaries of the parcel proposed for subdivision. The names and mailing addresses of all easement holders within the subject property. This information shall be provided in a format acceptable to the Administrator.

e) Proof of property interest, which may include a warranty deed or affidavit of proprietary interest.

f) A scaled vicinity map showing the location of the subject property. (Scale not less than 1"=500')

g) A completed Pre-Application Conference Form.

h) Neighborhood Meeting Certification in a form provided by the administrator.

i) Commitment of Property Posting signed by applicant and/or their representatives.

j) A draft of any private restrictions proposed to be recorded for the purpose of providing regulations governing the use, building lines, open spaces or any aspect of their development, use and maintenance.

k) If the subject property is located within or partially within the Trail Creek Overlay, an application for Special Use Permit shall be submitted along with the preliminary plat for concurrent review by the Commission.

l) A phasing plan if the developer intends to develop the project in phases. The Plan must include the numbers of lots in each phase, the infrastructure planned for completion with each phase, the amenities to be constructed with each phase, the deadline for completion of each phase, and all other information pertinent to the completion of the development.

m) An Area Development Plan if applicable pursuant to Section 6: F. of this chapter.

n) Drainage report that includes a drainage plan for the proposed site drawn to a scale not less than 1"=100' showing water flow directions, 1' contour intervals, all permanent Best Management Practices, all onsite facilities, and all offsite facilities that are planned to accommodate the peak flows for the 25 year, 24 hour storm event and the volumes for the 100 year 24 hour storm event.

o) A Landscaping Plan of the proposed subdivision layout drawn to a scale not less than 1"=100' which reflects the existing natural features and vegetation that is to be retained as part of the plan. The landscaping plan shall also reflect the proposed landscaping including a legend of the species and size of landscaping.

p) An application fee as established by resolution.

q) Such other information as may be required by the City Engineer, Public Works Department, Planning and Zoning Administrator, and any other governing agency.

r) A traffic study for a subdivision with 40 lots or more which includes the proposed mitigation recommendations where applicable.

4. Following receipt of a completed application, the applicant shall be required to diligently pursue the application by providing revised plans, plat maps, etc. when requested by City Staff, or the Commission, in a timely fashion. Where the applicant fails to meet this requirement, and fails to take any further action on the application for a period of six (6) consecutive months the application shall automatically expire. When such application has expired, the applicant must re-apply and pay any applicable fees.

5. The Administrator shall place public notice of the application and public hearing in a newspaper of general circulation, and to owners of property located within three hundred (300) feet of the boundaries of the proposed subdivision, and all easement holders within the subject property, no less than fifteen (15) days prior to the scheduled date of hearing. The applicant shall provide the mailing addresses of all property owners within 300 feet of the outer boundaries of the parcel proposed for subdivision and all easement holders within the subject property.

6. The applicant shall post a notice of public hearing sign on the subject property no later than ten (10) days prior to the public hearing. The sign shall;

- a. Be a 4 ft by 4 ft piece of ply wood or other hard surface mounted on two posts.
- b. It shall be mounted perpendicular to the roadway and shall be a minimum of 3 ft off of the ground.
- c. The sign shall be painted white with black letters.
- d. Centered at the top of the sign shall be the words, "Victor Public Hearing Notice" followed by the nature of the hearing, date, time and address of the hearing location, the name of the proposed project, the location of the development and the name of the applicant.

7. Failure to post this sign will result in tabling the application until proper notice and sign posting has been given.

8. A public hearing will be held with the Planning and Zoning Commission in which the Commission shall give a recommendation to City Council to approve, conditionally approve, or disapprove the preliminary plat within ninety (90) calendar days after the public hearing is closed, unless all concerned agree upon an extension of time. Plats shall be eligible for

approval if all requisite/needed application/submittal materials have been received by the city, the proposed plat design complies with relevant zoning and subdivision standards, and engineering attests that provision of services to the future development is available.

9. The Planning and Zoning Commission shall evaluate a proposed plat's design based on city codes in making its determination(s). The reasons for such action by the planning and zoning Commission together with any recommended conditions of approval shall be stated in writing, a copy of which shall be sent to the applicant and to City Council. A Public Hearing for preliminary plat approval shall be scheduled for the next City Council agenda for which space is available and all notice requirements can be met.

10. The Administrator shall place public notice of the application and public hearing with the council in a newspaper of general circulation, and to owners of property located within three hundred (300) feet of the boundaries of the proposed subdivision, and all easement holders within the subject property, no less than fifteen (15) days prior to the scheduled date of hearing.

11. The applicant shall post a notice of public hearing with the Council on the subject property no later than ten (10) days prior to the public hearing. The sign shall be the same as set forth in section 3: A. 6. of this chapter. Failure to post this sign will result in tabling the application until proper notice and sign posting has been given.

12. The Victor City Council shall approve, conditionally approve, table, or disapprove the preliminary plat within ninety (90) calendar days after the public hearing is closed, unless all concerned agree upon an extension of time. Plats shall be eligible for approval if all requisite/needed application/submittal materials have been received by the city, the proposed plat design complies with relevant zoning and subdivision standards, and engineering attests that provision of services to the future development is available.

13. The City Council shall evaluate a proposed plat's design based on city codes in making its determination(s). The reasons for such action by the City Council together with any conditions of approval shall be stated in writing, a copy of which shall be sent to the applicant. Any appeals of the City Council's decision shall be filed and processed in accordance with provisions listed in section 10-1-13.

14. Reapplication for a plat that has been denied by the City Council shall not be filed with the city any sooner than ninety (90) calendar days after the Council's decision to deny the originally proposed plat.

15. At least one copy of an approved preliminary plat will be kept on file for public examination in the planning and zoning department. Approval of

a preliminary plat shall be valid for a period of one hundred and eighty three (356 days) calendar days (approximately 12 months), unless an extension of time is applied for and granted by the City Council prior to lapse of the approval period.

16. Final Plat Application: After approval (or conditional approval) of a preliminary plat, the applicant may cause the subdivision, or any part thereof, to be surveyed and a final plat prepared in accordance with the preliminary plat as approved with any corresponding conditions. The applicant shall file with the planning and zoning department requisite final plat application materials as hereafter denoted. The final plat must be submitted within six (6) months from the date of approval of the preliminary plat, unless otherwise allowed for within a phasing agreement.

a. Determination of Completeness:

- 1) An application shall contain all information deemed necessary by the administrator to determine if the proposed permit or action will comply with the requirements of the applicable district or development regulation and the corresponding conditions of approval established by the City Council.
- 2) Upon receipt of application materials, staff will verify that all of the necessary components are included and that the application is complete. In the case that the application materials are not complete, the applicant and/or their representatives shall be notified and staff will not begin the final review.
- 3) Once the application is deemed complete the administrator shall begin the final review.

b. Final Review:

- 1) Staff will review the application materials with the necessary departments and other government entities to verify that the application materials and proposed project meet the minimum requirements of the current Public Works Standard Specifications and Drawings, Victor Development Ordinance, and all other applicable requirements.
- 2) The final review process will take no less than fifteen (15) days. If the application materials are not complete, or do not meet the minimum Victor City requirements, the Staff will not accept the Final Plat Application. Only when the minimum requirements are met will a project be placed on the agenda.
- 3) In the event the final plat does not substantially conform to the approved preliminary plat based on considerations listed in this

chapter, the planning and zoning director or his designee shall so inform the applicant and proceed to assign the final plat to the Planning and Zoning Commission agenda for its consideration of the plat as a revised/amended or new preliminary plat, as deemed most appropriate.

17. Once the final review process is complete and staff has verified that the conditions of preliminary plat approval and review comments have been addressed the applicant shall submit seven (7) copies of the appropriate application materials. The final plat application shall be placed on the next City Council agenda for which space is available.

a. Form of Presentation: The following final plat application materials need to be bound in a single booklet in the following order:

- 1) Completed and Signed Final Plat Application
  
- 2) Completed and Signed Copy of Eastern Idaho Health District #7 Application
  
- 3) A revised narrative including conformance statements to the conditions set in preliminary plat and any other pertinent City Ordinances and State Regulations.
  
- 4) A copy of the Preliminary Plat 11"x17" along with the approval letter from the City that states the conditions of approval.
  
- 5) Recorded warrantee deed for the subject property.
  
- 6) A statement that all of the taxes are paid in full and current for the subject property.
  
- 7) Scaled vicinity map showing the location of the subject property
  
- 8) Copy of final restrictive covenants and/or deed restrictions
  
- 9) Final Phasing Plan if Applicable
  
- 10) Engineer's Estimate for the Construction of the Project

11) Flood Hazard Development Permit (If partially or fully inside the flood plain)

12) "Will Serve" Letter from the City of Victor

13) All applicable fees associated with the final plat application.

b. Final Plat Content Requirements. The plat shall be so drawn that the top of the sheet faces generally north. All lines, dimensions and markings shall be made on the plat in accordance with provisions of Idaho Code. The actual map shall be made on a scale of no less than one hundred feet (100') to the inch and shall clearly show all details. The following information shall be contained upon the final plat to be filed:

1). The approved subdivision name and general location of the subdivision in bold letters at the top of the sheet

2). Year of platting

3). Situate statement (Section Location and County)

4). North arrow and scale of the plat (Not less than 1" = 100')

5). Streets and alleys with widths and bearings

6). Street names

7). All lots and blocks shall be numbered throughout the plat in accordance with Idaho Code.

8). Any excepted parcels within the plat boundaries shall show all bearings and distances, determined by an accurate survey in the field.

9). Each and all lengths of the boundaries of each lot including curve and/or line table. All linear dimensions shall be calculated to the nearest 0.01 of a foot and all bearings shall be calculated to the nearest ten (10) seconds of arc. All curves shall be defined by the radius, central angle, tangent, arc, chord distances and chord bearings. The description and location of all monuments

shall be shown. Monuments shall be set in accordance with Idaho Code title 50, section 13.

10). Exterior boundaries shown by distance and bearing including curve and/or line table (Boundary must be darker than lots and street lines.)

11). 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 Idaho Code title 50, chapter 13, the exterior boundary of the subdivision shall be tied to not less than two (2) recognized county or city survey monuments.

12). Common area lots and/or landscape easements

13). Existing and proposed easements

14). Pertinent notes for easements, restrictions, dedications, etc.

15). The datum utilized for the final plat and construction drawings shall be stated on both the final plat and construction drawings.

16). Land Surveyor signed seal in the State of Idaho along with the name, address and phone number of the registered land surveyor preparing the plat.

17). The widths of abutting streets and alleys, and their names (if they have any), the names and boundaries of all subdivisions which have been previously recorded and are adjacent thereto, must be shown upon the plat offered for record. These adjacent subdivisions shall be shown as dotted lines to show their relationship to the plat offered for record. If adjoining land is unplatted it should be indicated as such.

18). Legend of symbols

19). Lot closure sheet for the plat (separate) Boundaries of the tract to be subdivided fully balanced and closed, showing all bearings and distances determined by an accurate survey in the

field. All dimensions, both linear and angular, are to be staked in the field by accurate control survey, which must balance and close within a limit of one in ten thousand (10,000). If staking is to be provided after the recording of the plat, the subdivider shall meet all requirements established by Idaho Code title 50, chapter 13.

20). Signature Sheet. The required forms shall be lettered on the plat for the following: registered land surveyor's "certificate of survey"; owner's dedication certificate with notary public acknowledgment; the approval of the mayor and council as attested by the clerk; approval by the city engineer; approval by the Planning and Zoning Commission; acceptance of the plat by the Teton County Recorder's and Teton County Treasurer's offices; and other certificates as required by Idaho Code.

c. Final Construction Plan Content Requirements Improvement Drawings: Construction drawings and specifications shall be prepared by a properly licensed engineer in conformance with and referenced to the current City of Victor Standard Specifications and Drawings. A general utility sheet showing all utilities combined (i.e., sewer, water, storm drainage, street lighting, etc.) shall be included in the set.

- 1). Approved subdivision name, north arrows on every page, scale on every page
- 2). Name & address of developer, engineer, surveyor, landscape architect, etc.
- 3). Vicinity map 1" = 1000' and Idaho location map
- 4). Sheet index
- 5). Legend of Symbols
- 6). Abbreviations Key
- 7). Site Plan/Project Overview Map
- 8). Drainage Plan

9). Grading Plan

10). Plan & Profile sheets. (Sheets may include water sewer, roadway etc.) All construction shall have reference to horizontal control or benchmarks with known northings, eastings, and elevations.

11). Detail sheets

12). (Separate) All pertaining Idaho Department of Environmental Quality Checklists. Sewer and water collection systems will be reviewed by City Engineer underneath a QLPE letter. (Any wells, pump stations, booster stations, etc. will still be reviewed by the DEQ.)

d. Final Landscaping Plan Content Requirements (see Chapter 21 of this title for landscaping requirements)

1). Date, Scale, North Arrow, Proposed Subdivision Layout

2). Names, Addresses, and telephone numbers of the developer and the person and/or firm preparing the plan

3). Existing natural features such as canals, creeks, drains, ponds, wetlands, floodplains, high groundwater areas, rock outcroppings, etc.

4). Location, size and species of all existing trees on site with trunks 4 inches or greater in diameter, measured 6 inches above the ground. Also indicate if the trees will be retained or removed.

5). Park and open space amenities, pathways, sidewalks, streets lights, mailboxes etc.

6). Proposed landscaping including a legend specifying species and size of landscaping

e. Other Documents That May be Required Include:

1). Traffic Study for subdivisions with 40 lots or more

2). Written approvals (irrigation company, ITD if property is adjacent to a highway, fire marshal, post office, etc.) including proposed mitigation recommendations.

3). Storm Drain Calculations

4). Soil's report

5). Digital copy in PDF format of all applications, checklists, and documents pertaining to the final plat package submittal.

6). The final plat drawings and plans for subdivisions proposed in the city and its impact area shall be submitted in digital form (Version AutoCAD 2000 or greater) and to a datum approved. This will assist with the updating of the city "base maps", record drawings, and addressing.

18. The Council shall review the plat in a regularly scheduled council meeting. Council may consider a final plat for approval, along with the improvement drawings associated with said plat. In all cases the city council reserves the right to impose or sustain any reasonable condition it so deems necessary.

19. The Administrator shall ensure that any conditions imposed by the Council, or required by this Ordinance, shall be met by the applicant prior to signature of the plat sheets for the purpose of recordation. Any final plat must be recorded within one (1) calendar year of the date of final plat approval, unless otherwise allowed for within a phasing or development agreement. Plats not recorded within one (1) year from the date of approval by the Council, or according to the phasing agreement, shall be considered expired and such approval shall become null and void. The Council may within the one year period extend the deadline for recording the plat for the purpose of completion of public improvements, or extending any other time frame in a development agreement, upon prescribed application to the council. Such application shall be in a form as provided by the administrator with fees paid as promulgated by the council.

20. The final plat shall be accompanied by copies of any private restrictions proposed to be recorded for the purpose of providing regulations governing the use, building lines, open spaces or any aspect of their development, use and maintenance.

21. Any approved Area Development Plan for contiguous parcels shall be recorded concurrently with the final plat.

22. Council may require the developer to enter into a development agreement with the city that among other things, guarantees full and satisfactory completion of the subdivision. Any violation of a development agreement shall give the council the option of revising any development rights given the developer.

23. Prior to commencement of construction of any public improvements such as roads, phone electric, water, sewer, fire protection, cable, lighting, or required landscaping, the developer shall provide to the City such financial guarantee as is acceptable to the City, in a form and in an amount as set forth below:

- a. A letter of credit or bond accruing to the City of Victor and covering all construction, operation, and maintenance of the public improvements (the "Guarantee"). Alternatively, a cash escrow deposit may be arranged as a Guarantee with agreement for disbursement in a form acceptable to the city council.
- b. The Guarantee shall be in an amount equal to one hundred twenty five percent (125%) of the total estimated cost for completing construction of the public improvements, as estimated by a registered engineer and approved by the Council.
- c. The Guarantee shall be in force for a period of 12 months with automatic renewals until such time as the public improvements are completed and accepted by the City.
- d. The Guarantee shall be with a financial institution authorized to conduct business in the State of Idaho, acceptable to the Council.
- e. The Guarantee shall be drawn to the favor of and furnished to the City of Victor, recorded with the County of Teton, and deposited with the City treasurer.
- f. The council may require the guarantee to give the city the option of using the proceeds of such guarantee to complete the subdivision or restore the land back to its original condition. In the event of a breach of the developers agreement or a violation of this ordinance which causes the developer to lose its development rights.

24. Following final plat approval, the applicant shall install improvements as required by City Code and by the Commission and/or City Council. A separate fee for inspection of improvements by City personnel, as established by ordinance, shall be paid by the applicant before the final plat is recorded or any posted security released.

- B. Short Plat Procedure: Applications for division of property that create four or fewer residential building parcels, two non-residential parcels, and applications for platting townhouse or condominium units in existing structures, can, at the sole discretion of the administrator, be reviewed through an abbreviated process. This process shall be known as a short plat procedure. The process shall be as follows:
1. Short plat applications shall be heard by the Administrator, except that the Administrator and Chair of the Commission, jointly, shall have discretion and authority to refer a short plat application to the Commission.
  2. If referred to the Commission, the developer shall submit the preliminary plat to the Commission for approval. The preliminary plat shall be submitted at least 42 days before a Commission meeting date.
  3. The Commission shall hold a public hearing and approve, conditionally approve, or deny the preliminary plat application. The preliminary plat application shall meet all established criteria.
  4. Following the preliminary plat approval or conditional approval by the Commission, as required under this Ordinance, the application will be noticed for a final plat hearing at the next available meeting of the Council.
  5. The Council shall hold a public hearing and approve, conditionally approve, or deny the final plat application. The final plat application shall meet all established criteria.
- C. Notwithstanding exceptions for the abbreviated process granted herein, short plats shall be required to meet all other requirements of this ordinance.

10-18-4: **PLAT AMENDMENTS:** This plat amendment procedure is established to provide for minor changes in existing subdivisions. If the administrator determines that a major change is being proposed, he or she may refuse to accept the application for a plat amendment and direct the developer to file an application for a new subdivision. Such a decision by the administrator may be appealed to the Commission using the procedure of Chapter 1-13 of this title

- A. Plat amendments shall be presented in the same form as a final plat, and be reviewed using the procedures of section 18-11 of this chapter.

- B. Plat amendments shall be made only with the consent of all owners, as shown by their signatures on the certificate as required by Idaho state statute.
- C. No plat amendment shall increase the number of lots in, or increase the acreage of, a subdivision, nor shall any plat amendment result in a lot that cannot be used for a conforming use.

10-18-5: **PERMITS:**

- A. No permit for the construction of any building shall be issued upon any land for which all improvements required for the protection of health and the provision of safety, (including but not necessarily limited to an approved potable water system, an approved wastewater system to accept sewage, and asphalt paving of the streets) have not been installed, inspected, and accepted by the City of Victor, with the following exception:
  - B. Building permits may be issued for any building in a development for which plats have been recorded and security provided, but the streets have not yet been completed with asphalt due to winter conditions. In such instances, the street shall be constructed as an all-weather surface to City Standards to the satisfaction of the City Engineer, and shall be kept clear to the satisfaction of the Fire Chief. No Final Inspection approval or Certificate of Occupancy shall be granted until all improvements, including asphalt, have been installed, inspected and accepted.

10-18-6: **DEVELOPMENT STANDARDS:** The configuration and development of proposed subdivisions shall be subject to the provisions found hereunder, and shall be subject to the development restrictions, guidelines and direction found within the Victor Comprehensive Plan, the Victor Zoning Ordinance and any other applicable Ordinance or policy of the City of Victor.

- A. Streets:
  - 1. All streets in the subdivision must be platted and developed with a width, alignment, and improvements such that the street is adequate to accommodate existing and anticipated vehicular and pedestrian traffic and meets City standards. Streets shall be aligned in such a manner as to provide through and efficient access from and to adjacent developments and properties and shall provide for the integration of the proposed streets with the existing pattern.
  - 2. Cul-de-sacs or dead end streets shall be allowed only if connectivity is not possible due to surrounding topography or existing platted development. Where allowed, such cul-de-sacs or dead end streets shall comply with all regulations set forth in adopted fire codes and other

applicable codes and ordinances. Street rights-of-way extended into unplatted areas shall not be considered dead end streets.

a. More than one access may be required based on the potential for impairment of a single access by vehicle congestion, terrain, climatic conditions, or other factors that could limit access.

3. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than eighty (80) degrees. Where possible, four way intersections shall be used. A recommended distance of 500 feet, with a maximum of 750 feet, measured from the center line, shall separate any intersection. Alternatively, traffic calming measures including but not limited to speed dips, speed tables, raised intersections, traffic circles or roundabouts, meanderings, chicanes, chokers, and/or neckdowns may be a part of the street design. Alternate traffic calming measures shall be approved with the recommendation of the City Engineer and Public Works Department. Three way intersections shall only be permitted where most appropriate or where no other configuration is possible. A minimum distance of 150 feet, measured from the center line, shall separate any two three-way intersections.

a. Subdivisions within the city or the area of impact shall, to the extent reasonably feasible, perpetuate the grid pattern of the original townsite, except as provided in A. 2. of this section.

b. The grid pattern of the original townsite shall not be perpetuated on slopes exceeding 8%. On such slopes, the road system serving the subdivision shall be designed to minimize grades, the runoff, and erosion potential and visual impacts, including the scarring of hillsides by road cuts and fill.

4. Street center – lines which deflect more than five (5) degrees shall be connected by a curve. The radius of the curve for the center line shall not be more than 500 feet for an arterial street, 166 feet for a collector street and 89 feet for a residential street.

5. Street Right-of-way width is to be measured from property line to property line. The minimum right of way, unless specifically approved otherwise by the Victor City Council, shall be as specified in Victor City Standards and Specifications for the type of street.

6. Roadway, for the purpose of this section, shall be defined as the area of asphalt from curb face to curb face or edge to edge. Roadway includes areas for vehicle travel and may include parallel or angle in parking areas. The width of roadways shall be in accordance with the adopted City standards for road construction.

7. Road Grades shall not generally exceed six percent (6%). Grade may exceed 6%, where necessary, by 1% (total 7%) for no more than 300 feet or 2% (total 8%) for no more than 150 feet. No excess grade shall

be located within 200 feet of any other excess grade nor shall there be any horizontal deflection in the roadway greater than 30 degrees within 300 feet of where the excess grade decreases to a 2% slope.

8. The developer shall provide storm sewers and/or drainage areas of adequate size and number to contain the runoff upon the property in conformance with the latest applicable Federal, State and local regulations. The developer shall provide copies of state permits for shallow injection wells (drywells). Drainage plans shall be reviewed by City Staff and shall meet the approval of the City Engineer. Developer shall provide a copy of EPA's "NPDES General Permit for Stormwater Discharge from Construction Activity" for all construction activity affecting more than one acre.

9. The developer shall provide and install all street signs in accordance with City standards.

10. All Streets: All streets and alleys within any subdivision shall be dedicated for public use, except as provided herein. New street names (public and private) shall not be the same or similar to any other street names used in Teton County.

a. Private streets may be allowed:

- 1). To serve a maximum of five (5) residential dwelling units,
- 2). within Planned Unit Developments, or
- 3). within commercial developments.

b. Private streets are allowed at the sole discretion of the City Council, except that no Arterial or Major Street, or Collector or Secondary Street may be private.

c. Private streets shall be constructed to all other applicable street standards including paving, and shall be maintained by an owner's association.

d. Private streets, wherever possible, shall provide interconnection with other streets.

e. The area designated for private streets shall be platted as a separate parcel according to subsection E. 3 below, as a dedicated access easement.

f. Easements and parcels shall clearly indicate the beneficiary of the easement or parcel and that the property is unbuildable except for ingress/egress, utilities or as otherwise specified on the plat.

g. When a private street is platted as an easement, a building envelope may be required in order to provide for adequate building setback.

h. Private street names shall not end with the word "Road", "Boulevard", "Avenue" or "Street".

i. Private streets shall have adequate and unencumbered 10-foot wide snow storage easements on both sides of the street, or an accessible dedicated snow storage easement representing not less than twenty-five (25%) of the improved area of the private street.

j. Subdivisions shall provide one (1) additional parking spaces per dwelling unit for guest and/or overflow parking. These spaces may be located:

- 1). Within the residential lot (e.g. between the garage and the roadway),
- 2). Parallel spaces within the street parcel or easement adjacent to the travel lanes,
- 3). In a designated guest parking area, or a combination thereof.
- 4). Guest/overflow parking spaces are in addition to the minimum number of parking spaces required pursuant to chapter 23 of this title.
- 5). Guest overflow parking spaces shall be improved with asphalt, gravel, pavers, grass block, or other all-weather dustless surface.
- 6). No part of any guest/overflow parking spaces shall be utilized for snow storage.

11. Driveways: Driveways may provide access to not more than two (2) residential dwelling units. Where a parcel to be subdivided will have one lot fronting on a street, not more than one additional single family lot accessed by a driveway may be created in the rear of the parcel. In such a subdivision, where feasible (e.g. no driveway already exists), both lots shall share access via a single driveway. Driveways shall not be named.

a. Driveways shall be constructed with an all weather surface and shall have the following minimum roadway widths:

Accessing one residential unit: 12 feet

Accessing two residential units: 16 feet

b. No portion of the required fire lane width of any driveway may be utilized for parking, above ground utility structures, dumpsters, snow storage or other service areas, or any other obstructions.

c. Driveways longer than 150 feet must have a turnaround area approved by the Fire Department. Fire lane signage must be provided as approved by the Fire Department.

d. Driveways accessing more than one residential dwelling unit shall be maintained by an owner's association, or in accordance with a plat note.

e. The area designated for a driveway serving more than one dwelling unit shall be platted as a separate parcel according to subsection below, or as a dedicated driveway easement. Easements and parcels shall clearly indicate the beneficiary of the easement or parcel and that the property is unbuildable except for ingress/egress, utilities or as otherwise specified on the plat. A building envelope may be required in order to provide for adequate building setback.

f. Any driveway shall not interfere with maintenance of existing infrastructure and shall be located to have the least adverse impact on residential dwelling units, existing or to be constructed, on the lot the easement encumbers and on adjacent lots.

12. A parking access lane shall not be considered a street, but shall comply with all regulations set forth in adopted fire codes and other applicable codes and ordinances.

13. Required fire lanes, whether in private streets, driveways, or parking access lanes, shall comply with all regulations set forth in adopted fire codes and other applicable codes and ordinances.

**B. Sidewalks and Curbs:**

1. Sidewalks, as required in all street improvements, shall be a minimum of 5 feet wide, shall be constructed of concrete installed to City standards or shall be constructed of an alternative material as recommended by the Victor Planning and Zoning Commission and approved by the Victor City Council.

a. Sidewalks shall accommodate anticipated pedestrian traffic, street trees where required, and shall be in accordance with established City standards and sidewalk master plan.

2. The developer shall install all non-vehicular pathways, to City standards, in all areas where said pathways are depicted upon the City of Victor Pathways System and said area is within or adjacent to the tract or property to be developed.

a. The developer may, at their option, propose alternatives to either the standard sidewalk configuration required in Section B.1 above, or the planned non-vehicular pathway required as part of this Section. The Council shall ensure that said alternative configuration shall not reduce the level of service or convenience to either residents of the development or the public at large.

C. Alleys and Easements:

1 The minimum width of an alley shall be 26 feet.

2. All alleys shall be dedicated to the public.

3. Dead-end alleys shall not be allowed.

4. Where alleys are not provided, easements of not less than ten (10) feet in width may be required on each side of all rear and/or side lot lines (total width = 20 feet) where necessary for wires, conduits, storm or sanitary sewers, and water lines. Easements of greater width may be required along lines, across lots, or along boundaries, where necessary for surface drainage or for the extension of utilities.

5. Easements: Easements, defined as the use of land not having all the rights of ownership and limited to the purposes designated on the plat, shall be placed on the plat as appropriate. Plats shall show the entity to which the easement has been granted. Easements shall be provided for the following purposes:

a. To provide access through or to any property for the purpose of providing utilities, emergency services, public access, private access, recreation, deliveries, or such other purpose.

b. To provide protection from or buffering for any natural resource, riparian area, hazardous area, or other limitation or amenity on, under, or over the land. Any subdivision that borders along Trail Creek shall dedicate a one hundred (50) foot wide riparian easement, measured from the mean high water mark, upon which no permanent structure shall be built, in order to protect the natural vegetation and wildlife along the creek bank and to protect structures from damage or loss due to river bank erosion. Removal of live vegetation within the riparian easement is prohibited, except for the removal of leaning or hazardous trees. Pruning of trees within the riparian setback is allowed. The riparian easement shall be fenced off during any construction on the property to prevent pollution of the waterway.

c. To provide for the storage of snow, drainage areas, or the conduct of irrigation waters. Snow storage areas shall be not less than twenty-five percent (25%) of parking, sidewalk, and other circulation areas.

D. Blocks: The length, width and shape of blocks shall be determined with due regard to adequate building sites suitable to the special needs of the type of use contemplated, the zoning requirements as to lot size and dimensions, the need for convenient access and safe circulation, and the limitations and opportunities of topography.

E. Lots:

1. All lots shown on the subdivision plat must conform to the minimum standards for lots in the zone in which the subdivision is planned. The City of Victor will generally not approve single-family residential lots larger than one acre (43,560 square feet). All lots will be supplied with irrigation water through Trail Creek Irrigation Co. where applicable.

2. Double frontage lots shall be prohibited except where unusual topography, a more integrated street plan, or other conditions make it undesirable to meet this requirement. Double frontage lots are those created by either public or private streets, but not by driveways or alleys.

3. No unbuildable lots shall be platted. Platted areas that are not buildable shall be noted as such and designated as "parcels" on the plat. Open space parcels or tracts shall be clearly designated as such on the plat.

4. Flag lots are not allowed in new subdivisions

F. Orderly Development:

1. Development of subdivisions may be phased to avoid the extension of City services, roads and utilities through undeveloped land.

2. Subdividers requesting phased subdivisions shall enter into a phasing agreement with the City. Any phasing agreement shall be approved and executed by the Council and the Developer on or before the final plat approval by the Council.

3. No subdivision shall be approved which affects the ability of political subdivisions of the state, including school districts, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents, unless the subdivider provides for the mitigation of the effects of subdivision. Such mitigation may include, but is not limited to the following:

a) Provision of on-site or off-site street or intersection improvements.

b) Provision of other off-site improvements.

- c) Dedications and/or public improvements on property frontages.
- d) Dedication or provision of parks or green space.
- e) Provision of public service facilities.
- f) Construction of flood control canals or devices.
- g) Provisions for ongoing maintenance.

4. When the owner of Contiguous Parcels proposes to subdivide any portion of the Contiguous Parcels, an Area Development Plan shall be submitted and approved. The Commission and Council shall evaluate the following basic site criteria and make appropriate findings of fact:

- a) Streets, whether public or private, provide an interconnected system and shall be adequate to accommodate anticipated vehicular and pedestrian traffic.
- b) Non-vehicular circulation routes provide safe pedestrian and bicycle ways and provide an interconnected system to streets, parks and green space, public lands, or other destinations.
- c) Water main lines and sewer main lines are designed in the most effective layout feasible.
- d) Other utilities including power, telephone, cable, and gas are designed in the most effective layout feasible.
- e) Park land is most appropriately located on the Contiguous Parcels.
- f) Grading and drainage are appropriate to the Contiguous Parcels.
- g) Development avoids easements and hazardous or sensitive natural resource areas.

The Council may require that any or all Contiguous Parcels be included in the area development plan.

- G. **Perimeter Walls, Gates and Berms:**  
The City of Victor shall not approve any residential subdivision application that includes any type of perimeter wall or gate that restricts access to the subdivision. This regulation does not prohibit fences on or around individual lots. The City shall also not allow any perimeter landscape berm more than 3' higher than the previously existing (original) grade.
- H. **Cuts, Fills, and Grading:**

1. Proposed subdivisions shall be carefully planned to be compatible with natural topography, soil conditions, geology and hydrology of the site, as well as to minimize cuts; fills; alterations of topography, streams, drainage channels; and disruption of soils or vegetation. Fill within the floodplain shall comply with the requirements of the Trail Creek Overlay Zoning District.

a. A preliminary soil report prepared by a qualified engineer may be required by the Commission and/or Council as part of the preliminary plat application.

b. A preliminary grading plan prepared by a civil engineer may be required by the Commission and/or the Council as part of the preliminary plat application, to contain the following information:

1). Proposed contours at a maximum of two (2) foot contour intervals;

2). Cut and fill banks in pad elevations;

3). Drainage patterns;

4). Areas where trees and/or natural vegetation will be preserved;

5). Location of all street and utility improvements including driveways to building envelopes; and any other information which may reasonably be required by the Administrator, Commission, and/or Council.

2. The proposed subdivision shall conform with the following design standards:

a. Grading shall be designed to blend with natural land forms and to minimize the necessity of padding or terracing of building sites, excavation for foundations, and minimize the necessity of cuts and fills for streets and driveways.

b. Areas within a subdivision which are not well suited for development because of existing soil conditions, steepness of slope, geology or hydrology shall be allocated for open space for the benefit of future property owners within the subdivision.

c. Where existing soils and vegetation are disrupted by subdivision development, provision shall be made by the subdivider for revegetation of disturbed areas with perennial vegetation sufficient to stabilize the soil upon completion of the construction, including temporary irrigation for a sufficient period to establish perennial vegetation. Until such time as said vegetation has been installed

and established, the subdivider shall maintain and protect all disturbed surfaces from erosion.

d. Where cuts, fills, or other excavation are necessary, the following development standards shall apply:

- 1). Fill areas for structures or roads shall be prepared by removing all organic material detrimental to proper compaction for soil stability, including vegetative matter, topsoil, and other deleterious debris.
- 2). Fill for structures or roads shall be compacted to at least 95 percent of maximum density as determined by American Association State Highway Transportation Officials (AASHTO) and American Society of Testing & Materials (ASTM).
- 3). Cut slopes shall be no steeper than two horizontal to one vertical. Subsurface drainage shall be provided as necessary for stability.
- 4). Fill slopes shall be no steeper than three horizontal to one vertical. Neither cut nor fill slopes shall be located on natural slopes of three to one or steeper, or where fill slope toes out within twelve (12) feet horizontally of the top of existing or planned cut slope.
- 5). Tops and toes of cut and fill slopes shall be set back from structures and property lines as necessary to accommodate drainage features and drainage structures.

I. Floodplain:

1. Subdivisions within the floodplain shall comply with all provisions of Title 11, Flood Hazard Overlay District.
2. Subdivisions located partially in the floodplain shall have designated building envelopes outside the floodplain to the extent possible.
3. All lots within the Trail Creek Overlay or its tributaries shall have designated building envelopes.

J. Parks:

1. Contribution:
  - a. The developer of each residential subdivision, or any part thereof, consisting of fourteen (14) or more dwelling units, without regard to the number of phases within the subdivision, shall set aside or acquire land area within, adjacent to, or in the general vicinity of the subdivision for parks. Parks shall be within the City

of Victor. Parks shall be set aside in accordance with the following formula:

$$P = x \text{ multiplied by } .0277$$

“P” is the parks contribution in acres

“X” is the number of single family lots, townhouse sublots, or condominium units contained within the plat. Where multi-family lots are being platted with no fixed number of units, “x” is maximum number of residential units possible within the subdivision based on current zoning regulations.

b. Where a parcel of land is owned or otherwise controlled, in any manner, directly or indirectly, i. by the same individual(s) or entity(ies), including but not limited to corporation(s), partnership(s), limited liability company(ies) or trust(s), or ii. by different individuals or entities, including but not limited to corporations, partnerships, limited liability companies or trusts where a) such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies), or b) the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies), multiple subdivisions of said parcel that cumulatively result in fourteen or more dwelling units, are subject to the provisions of this ordinance, and shall provide the required improvements subject to the required standards at or before the platting or development of 14 or more dwelling units.

2. Required Improvements: Improvements for parks shall be based on size and be considered either a Mini Park (between one-quarter acre and one acre), or a Neighborhood Park (between one and ten acres).

a. Mini Park:

Minimum improvements: finished grading and ground cover, trees and shrubs, picnic table, trash container(s), park bench(es). All parks shall provide an average of 15 trees per acre, of which at least 15% shall be of 4" caliper or greater. A maximum of 20% of any single tree species may be used.

b. Neighborhood Park:

Minimum improvements: finished grading and ground cover, large grassy areas, trees and shrubs, sheltered picnic table(s), trash container(s), park bench(es), parking as required by ordinance, and one or more of the following: play structure, restrooms, an athletic field, trails, hard surface multiple use court (tennis or basketball courts), or gardens that demonstrate conservation principles. All parks shall provide an average of 15 trees per acre, of which at least 15% shall be of 4" caliper or greater. A maximum of 20% of any single tree species may be used.

3. Required Standards. Land proposed to be dedicated for recreation purposes shall meet identified needs and standards contained within the Master Plan. All parks, green space, and trails shall meet the following criteria for development, location and size (unless unusual conditions exist that prohibit meeting one or more of the criteria):

- a. Shall provide safe and convenient access, including ADA standards.
- b. Shall not be gated so as to restrict access.
- c. Shall not be configured in such a manner that will create a perception of intruding on private space.
- d. Shall be configured in size, shape, topography and improvements to be functional for the intended users.
- e. Shall not create undue negative impact on adjacent properties and shall be buffered from conflicting land uses.
- f. Shall not create undue demands on city services.
- g. Shall require low maintenance, or provide for maintenance or a maintenance endowment.
- h. Shall not conflict with the use or planned use of parks recreation facilities.
- i. Shall be connected in a useful manner to other recreation opportunities. Preserved green space within proposed developments shall be designed to be contiguous and interconnecting with adjacent green space (both existing and potential future space). The following criteria for connections shall be met.
  - 1). The developer shall define a meaningful pedestrian circulation system for each development, which connects to the major trail system, parks, schools, shopping areas and community assets.
  - 2). Subdividers shall install such sidewalks and trails as required by ordinance and according to City standards.
  - 3). The developer shall construct and pave all trails through and abutting their developments identified in the City of Victor Pathways Systems. Such trail improvements shall be undertaken at the same time as other public improvements are installed within the development, (i.e., grading with site

grading and paving with street or parking lot paving). Deviation from this timing requirement may be allowed only when deemed beneficial for the project.

- 4). The developer may complete, construct and pave all trails not identified in the City of Victor Pathways System.
- 5). The City may permit easements to be granted by developers for trail corridors identified in the City of Victor Pathways System, thereby allowing the developer to include the land area in the determination of setbacks and building density on the site.

4. Dedication and Maintenance: All park land shall be dedicated to the City of Victor upon completion, unless otherwise allowed by the City Council. Pursuant to section 7: A.3 of this section, parks shall be guaranteed and maintained by the developer for a period of two years. Any privately owned and maintained park or recreation space (by the future residents or business owners of the subdivision) must meet the following:

a. Land area shall not be occupied by non-recreational buildings and shall be available for the use of all the residents or employees of the proposed subdivision.

b. The use of the private green space shall be restricted for park, playground, trail green space or recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract and which cannot be modified without the consent of the City Council.

c. The proposed private green space shall be reasonably adaptable for use for such purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private green space land.

d. The facilities proposed for such purposes are in accordance with the provisions of the recreational element of the comprehensive plan.

e. The private ownership and maintenance of the green space shall be adequately provided for by written agreement.

5. In-Lieu Contributions: After receiving a recommendation by the Planning and Zoning Commission, the City Council may at their discretion approve and accept voluntary cash contributions in-lieu of park land dedication/park improvements, which contributions must be segregated by the City and not used for any other purpose other than the acquisition of park land and/or park improvements. The fee structure for cash contributions for acquisition of park land shall be the

appraised value of the required land area at the time of the application. The appraisal shall be submitted by a mutually agreed upon appraiser and paid for by the applicant. The fee structure for park improvements, including all costs of acquisition, construction and all related costs, shall be based upon the estimated costs of an approved improvement provided by a qualified contractor and/or vendor.

10-18- 7: **IMPROVEMENTS REQUIRED:**

- A. It shall be a requirement of the developer to construct the minimum improvements set forth herein, for the subdivision, to all City standards.
1. Six (6) copies of all improvement plans shall be filed with the City Engineer and made available to each department head. Upon final approval two (2) sets of revised plans shall be returned to the developer at the pre-construction conference with the City Engineer's written approval thereon. One set of final plans shall be on-site at all times for inspection purposes and to note all field changes upon.
  2. Prior to the start of any construction, it shall be required that a pre-construction meeting be conducted with the developer or his authorized representative/engineer, the contractor, the City Engineer and appropriate City Staff. An approved set of plans shall be provided to the developer and contractor at this meeting.
  3. The developer shall guarantee all improvements pursuant to this Section for no less than one year from the date of final acceptance by the City, except that parks shall be guaranteed and maintained by the developer for a period of two years.
- B. The developer shall construct all streets, alleys, curb and gutter, lighting, sidewalks, street trees and landscaping, and irrigation systems to meet City standards, the requirements of this ordinance, the approval of the Victor City Council, and to the finished grades which have been officially approved by the City Engineer as shown upon approved plans and profiles. The developer shall pave all streets and alleys with an asphalt plant-mix, and shall chip-seal streets and alleys within one year of construction.
1. Street cuts made for the installation of services under any existing improved public street shall be repaired in a manner which shall satisfy the Public Works Department, shall have been approved by the Victor City Engineer or his authorized representative, and shall meet City standards. Repair may include patching, skim coats of asphalt or, if the total area of asphalt removed exceeds 25% of the street area, the complete removal and replacement of all paving adjacent to the development. Street cut repairs shall also be guaranteed for no less than one year.

2. Street name signs and traffic control signs shall be erected by the developer in accordance with City Standard Specifications, and said street name signs and traffic control signs shall thereafter be maintained by the City.

3. All street lighting in all zoning districts shall meet all applicable requirements of the City.

- C. The developer shall construct a municipal sanitary sewer connection for each and every developable lot, or building where sewer is required within the development. The developer shall provide sewer mains of adequate size and configuration in accordance with City standards, and all federal, state, and local regulations. Such mains shall provide wastewater flow throughout the development. All sewer plans shall be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
- D. The developer shall construct a municipal potable water connection, water meter and water meter vault in accordance with City Standards, or other equipment as may be approved by the City Engineer, for each and every developable lot, or building where water is required within the development. The developer shall provide water mains and services of adequate size and configuration in accordance with City standards, and all federal, state, and local regulations. Such water connection shall provide all necessary appurtenances for fire protection, including fire hydrants, which shall be located in accordance with the International Fire Code and under the approval of the Teton County Fire Marshal. All water plans shall be submitted to the Idaho Department of Environmental Quality (DEQ) for review and comments.
- E. The developer shall provide storm water drainage areas of adequate size and number to meet the approval of the Public Works and the City Engineer or his authorized representative.
- F. The developer shall construct each and every individual service connection and all necessary trunk lines, and/or conduits for those improvements, for natural gas, electricity, telephone, and cable television to the property line before placing base gravel for the street or alley.
- G. The developer shall improve all parks and open space areas as presented to and approved by the Commission and Council.
- H. All improvements are to be installed under the specifications and inspection of the City Engineer or his authorized representative. The minimum construction requirements shall be the latest published standard City specifications and improvement standard drawings or the Department of Environmental Quality (DEQ) standards, whichever is the more stringent.

- I. Installation of all infrastructure improvements must be completed by the developer, and inspected and accepted by the City prior to signature of the plat by City representatives, or according to a phasing agreement. A post-construction conference shall be requested by the developer and/or contractor and conducted with the developer and/or contractor, the City Engineer, and appropriate City Staff to determine a punch list of items for final acceptance.
  - 1. The developer shall provide to the City security pursuant to section 3: A. 23. of this chapter for all infrastructure improvements to be completed by developer after the final plat has been signed by City representatives.
- J. Prior to the acceptance by the City of any improvements installed by the developer, three (3) sets of "as-built plans and specifications" certified by the developer's engineer shall be filed with the City Engineer.
- K. Cost of all improvements, inspections, and engineers will be paid for by the developer.

10-18-8: **CONDOMINIUMS:** The purpose of this section is to set forth special provisions for property created or converted pursuant to the Condominium Property Act, Title 55, Chapter 15, Idaho Code.

- A. **By-laws:** The developer of a condominium project shall submit with the preliminary plat application as required by this Ordinance a copy of the proposed by-laws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, common area, recreational facilities, and open space. Prior to final plat approval, the developer shall submit to the City a copy of the final by-laws and condominium declarations which shall be approved by the Council and filed with the Teton County Recorder, including the instrument number(s) under which each document was recorded.
- B. **Garages:** All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. Detached garages may be platted on separate sub-lots, provided that the ownership of detached garages is tied to specific condominium units on the condominium plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the condominium project.
- C. **Storage/Parking Areas:** Condominium projects shall provide parking spaces per residential unit as required in 10-23 and one guest parking space per residential unit, of no less than 10' x 20' dimension. These spaces shall be designated as either overflow parking or vehicle storage for the residents of the development.

- D. Construction Standards: All condominium project construction shall be in accordance with the International Building Code and International Fire Code as adopted.
- E. General Applicability: All other provisions of this Ordinance and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by Condominium developments.
- F. All buildings will be a minimum of 20 feet apart from the closest exterior line.
- G. All buildings shall be set back a minimum of 10 feet from the edge of the roadway.

10-18-9: **TOWNHOUSES:**

- A. Agreements. The developer of the townhouse development shall submit with the preliminary plat application and all other information required herein a copy of the proposed party wall agreement and the proposed document(s) creating an association of owners of the proposed townhouse sub-lots, which shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the developer shall submit to the City a final copy of said party wall agreement and any other such documents and shall record said documents prior to recordation of the plat, which plat shall reflect the recording instrument numbers thereupon.
- B. Garage: All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sub-lots, provided that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.
- C. Storage/Parking Areas: Residential townhouse developments shall provide parking spaces per residential unit as required in chapter 23 of this code and one guest parking space per residential unit, of no less than 10' x 20' dimension, These spaces shall be designated as either overflow parking or vehicle storage for the residents of the development.
- D. Construction standards: All townhouse development construction shall be in accordance with the International Building Code and International Fire Code as adopted. Each townhouse unit must have separate utility services, which do not pass through another building or unit.

- E. General Applicability: All other provisions of this Ordinance and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by townhouse developments.
- F. Expiration: Townhouse developments which have received final plat approval shall have a period of three calendar years from the date of final plat approval by the Victor City Council to obtain a building permit. Developments which have not received a building permit, shall be null and void and the plats associated therewith shall be vacated by the Victor City Council. If a development is to be phased, construction of the second and succeeding phases shall be contingent upon completion of the preceding phase unless the requirement is waived by the City Council. Further, if construction on any townhouse development or phase of any development ceases or is not diligently pursued for a period of three years without the prior consent of the City Council, that portion of the plat pertinent to the undeveloped portion of the development shall be vacated.

10-18-10:      **STREET VACATIONS:**

- A. Applications for vacation of a public right-of-way, alley or easement shall comply with Idaho Code §. 50-311.
- B. Applications for vacation of streets, alleys, or easements shall be submitted to the Administrator. The Administrator and Chair of the Commission, jointly, shall have discretion and authority to refer a vacation application to the Commission. If referred to the Commission, the Commission shall make a recommendation, concerning the application for vacation, to the Council. The Commission shall consider the following items in making their recommendation:
  - 1 The application and statements of the applicant and such other information as may come before it with regard to the proposed vacation or dedication.
  - 2. The interests of the adjacent property owners and public utilities.
  - 3. Conformance of the proposal with the Comprehensive Plan.
  - 4. The future development of the neighborhood.
  - 5. That the public right-of-way, alley, or easement no longer serves a public purpose.
  - 6. In lieu of vacation, the Commission may recommend to the Council a revocable Landscape License. Said license may be revoked at such a time as deemed necessary by the City.

C. In considering a street, alley or easement vacation following recommendations by the Commission, the Council shall establish a date for public hearing and give such notice as required by law. The Council shall hear and consider the public testimony, applicant testimony, recommendations of the Commission, public purpose, and any other information, including findings of facts, as may be brought before the Council.

1. Any vacation to be granted by the Council shall be supported by findings that the right-of-way in question is no longer needed for public use.

2. Should the Council approve the application, in the case of public right-of-way, alley, or street, the City shall pass an Ordinance vacating the same. Said vacation shall become effective upon enactment of the Ordinance pursuant to Idaho Code.

10-18-11: **AMENDED PLATS:** In the event a plat of a subdivision has been recorded and substantial changes are proposed which change the subdivision materially, the amended subdivision must be approved and the prior plat vacated in accordance with the regulations set forth in this Ordinance. Any change in street location will require an amended plat for that portion of the plat that is affected. Any change of a public or private street name shall also require a resolution of the City Council. Unless the Administrator, in the Administrator's sole discretion, finds that the proposed changes materially alter the nature and character of the subdivision, amended plats are subject to the short plat procedure as set forth in section 3. B. of this chapter.

10-18-12: **EXCEPTIONS MAY BE MADE TO AVOID HARDSHIP:** Whenever the tract to be subdivided is, in the opinion of the Commission and the Council, of such unusual shape or size, or is surrounded by such development or unusual conditions that the strict application of the requirements contained herein would result in real difficulties and substantial hardships or injustices, the City Council may vary or modify such requirements by an official entry in the minutes of the City Council proceedings so that the developer is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the City and surrounding area, are protected and the general intent and spirit of this Ordinance are preserved. As used in this Section the phrase "real difficulties and substantial hardships or injustices" shall apply only to situations where strict application of the requirements of this Ordinance will deny to the developer the reasonable and beneficial use of the property in question, and not in situations where the developer establishes only that exceptions will allow a more financially feasible or profitable subdivision. The determination of what constitutes "substantial hardship or injustice" and/or "reasonable and beneficial use" is at the sole discretion of the Council. Such decision shall not be overturned unless the determination is arbitrary and capricious as shown by clear and convincing evidence.

10-18-13: **APPEALS AND MEDIATION:** Any aggrieved party is entitled to judicial review of any final decision by the Council in accordance with the provisions of Idaho Code sections 67-5201, et. seq.

A. Mediation:

1. The mediation of land use decisions will be governed by the provisions in Idaho Code Section 67-6510 and this ordinance.
2. If mediation occurs after a final decision, any resolution of differences through mediation must be the subject of another public hearing, consistent with the type of hearing which resulted in the original decision, before the decision-making body.
3. The Council shall act on the mediation recommendations within 60 days of the receipt of the recommendation. The mediation process shall not be part of the official record regarding consideration of the application upon which the mediation is based.
4. The application fee for mediation shall be established by resolution.

10-18-14: **ENFORCEMENT:** In addition to all other remedies and penalties provided herein and allowed by law, the City may enforce this Ordinance by initiation and prosecution of a civil action naming all parties believed to be responsible for a violation hereof, and said civil action may include a request for preliminary and/or permanent injunctive relief.

10-18-15: **VIOLATION AND PENALTY:** Any person, firm or corporation violating any regulation of this Ordinance shall be guilty of a misdemeanor and subject to a fine subject to a fine or imprisonment for a period not exceeding six months, or both. Each and every day during which the violation continues shall be deemed a separate offense. See Fees and Fine Schedule in Appendix A of this code.