

TITLE 6, CHAPTER 2 SUBDIVISION PLATS AND PROCEDURES

ORDINANCE NUMBER 227

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING TITLE 6 CHAPTER 2, AMENDING THE REQUIREMENTS OF THE PRELIMINARY AND FINAL PLAT PROCEDURES, THE COMPLETION OF IMPROVEMENTS AND GUARANTEES, AND PROVIDING FOR PENALTIES, SEVERABILITY AND AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and City Council of Dalton Gardens, Idaho:

SECTION 1: Title 6, Chapter 2 of the Dalton Gardens Municipal Code is hereby amended:

Chapter 2
SUBDIVISION PLATS AND PROCEDURES

6-2-1: PRELIMINARY PLAT:

6-2-2: FINAL PLAT:

6-2-3: COMPLETION OF IMPROVEMENTS; GUARANTEE:

6-2-1: PRELIMINARY PLAT:

A. Form: The preliminary plat shall be clearly and legibly drawn. The plat of a subdivision containing five (5) acres or less shall be drawn at a scale of one inch equals fifty feet (1" = 50'). All other subdivisions shall be drawn at a scale of one inch equals one hundred feet (1" = 100'), unless otherwise required by the City Council. The plat shall conform to and contain the essentials set forth in Idaho Code 50-1304.

B. Map Contents: The preliminary plat shall show, on a map, all the facts needed to enable the City Council to determine whether or not the proposed layout of the land in a subdivision is satisfactory from the standpoint of public interest. At a minimum, the preliminary plat shall contain the following information:

1. Description:

a. Proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with any other recorded subdivision.

b. Names of adjacent subdivisions and owners of adjoining parcels or un-subdivided land.

c. Names and addresses of the subdivider, owner and engineer.

d. Location by section, town, range, township, county, state.

e. Names of streets within the adjoining plat.

f. Title Report – All preliminary plats must be accompanied by a Title Report.

2. Existing Conditions:

a. Boundaries of the subdivision indicated by a heavy line and the approximate acreage.

b. Location, widths and names of existing or platted streets, railroad rights of way, easements, parks, permanent buildings, section and corporation lines.

c. Zoning districts.

3. Survey Data: Existing contours with intervals of not more than five feet (5') where the slope is greater than two percent (2%) and not more than two feet (2') where the slope is less than two percent (2%). Elevations are to be based on NAVD 88 datum.

a. Drainage channels, wooded areas, power transmission poles and lines telephone, fiber optic, water, sewer, storm and any other significant utilities and items should be shown.

b. Vicinity sketch.

4. Drafting Of Plat: Date of preparation, scale of map, north point.

5. Proposals: Location and principal dimensions for all proposed streets, alleys, easements, lot lines and areas to be reserved for public use.

C. Other Information:

1. Statement of the proposed use of lots so as to reveal the effect of the development on traffic, fire hazards or congestion of population.

2. Proposed covenants and restrictions.

3. Source of water supply.

4. Provisions for sewage disposal, drainage and flood control.

5. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.

6. All other requirements of plats as contained in Idaho Code 50-1304.

7. The subdivision shall also provide a list of names and addresses of all persons owning real property situated within three hundred feet (300') of the external boundaries of the subdivision, as their names appear on the Kootenai County tax rolls.

D. Preparation: The preliminary plat shall be prepared, stamped and signed by an Idaho Professional surveyor, with all improvements prepared stamped and sign by an Idaho Professional engineer.

E. Filing: The subdivider, shall file an application for preliminary approval with the Planning and Zoning Commission and as many copies of the preliminary plat as may be required by the City, according to the standards and other provisions of these regulations. The preliminary plat shall be considered officially filed after it is examined by the City and is found to be in full compliance with the formal provisions of these regulations.

F. Staff Approval:

1. Official Recommendation: The City shall transmit copies of the plat for study and recommendations to the:

a. City Clerk.

b. Commission.

c. Each company, agency, municipality or department furnishing water, sewer, electric or gas service.

d. Panhandle Health District.

e. Such other official, body, company or agency as may be directed by the City.

The Commission, shall consider the completed subdivision application and plat at its next scheduled meeting which shall be a public hearing as delineated in Title 5 chapter 10. The Commission shall, submit to the City Council its written findings and recommendations regarding the preliminary plat. After receiving the findings and recommendations of the Commission, a public hearing shall be held before the City Council.

2. Notice And Hearing: The Applicant and the City shall follow the procedures delineated in Title 5 Chapter 10 of the Dalton Gardens Municipal Code for public hearing notifications.

3. Notice Of Action Taken: The City Council shall determine whether the preliminary plat shall be approved, approved with modifications or disapproved and shall give notice to the subdivider in the following manner:

a. If approved, the City Clerk shall affix his signature to the plat and attach thereto a notation that the plat has received preliminary approval of the City Council and return it to the subdivider for compliance with final approval requirements.

b. If approved with modifications or disapproved, the City shall attach to the plat a statement of the reasons for such action and return it to the subdivider.

In any case, a notation of the action taken and requisite reasons therefore shall be entered in the records of the City Clerk.

4.. Effect Of Approval: Approval of the preliminary plat by the City Council shall not constitute final acceptance of the subdivision plat by the City Council.

5.. Right Of Subdivider After Approval: Preliminary approval shall confer upon the subdivider the right for a one year period from the date of approval that the general terms and conditions under which the preliminary approval was granted will not be changed by the City Council without reason. The City, upon application by the subdivider, may grant two (2) extensions not exceeding six (6) months each in duration upon payment of a new subdivision fee for each extension period.

6-2-2: FINAL PLAT:

A. Scope: The final plat will have incorporated all changes or modifications required by the City Council. Otherwise, it shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time; provided, that such portion conforms with all the requirements of this Title.

B. Form: The final plat shall conform to and contain the essentials set forth in Idaho Code 50-1304. The map of a subdivision containing five (5) acres or less shall be drawn at a scale of one inch equals fifty feet (1" = 50'). All other subdivisions shall be drawn at a scale of one inch equals one hundred feet (1" = 100') unless otherwise required by the City Council.

C. Map Contents: The final plat shall conform with Idaho Code title 50, chapter 13 and contain:

1. Description:

- a. Name of the subdivision.
- b. Names of adjacent subdivisions and owners of adjoining parcels of un-subdivided land.
- c. Names and addresses of the owner, and surveyor.
- d. Location by section, range, township, town, county and state.
- e. Names of streets within the adjoining plat.

2. Survey Data:

- a. Length of all arcs, radii, internal angles, points of curvature and tangent bearings.
- b. When lots are located on a curve or when side lot lines are at angles other than ninety degrees (90°), the width at the building line shall be shown.

c. All lot numbers and lines, with accurate bearings to the nearest second and distance to two decimal places.

4. Drafting Of Plat: Date of preparation, scale of map, north arrow.

5. Proposals:

a. All easements for right of way provided for public services or utilities and any limitations of such easements.

b. Accurate outlines and dimensions of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon including vision triangle restrictions, fire lane access, parking lot outlines with care capacity estimates, landscaping outline to show conformance to regulations .

D. Other Information:

1. The recording information for any protective covenants shall be identified on the plat.

2. City Surveyor and Engineer's certificate as required under subsection F1d of this Section.

3. Certification shall be furnished from the County Treasurer that all taxes and assessments have been paid on the land within the proposed subdivision.

4. If a zoning change is involved, certification from the Commission shall be furnished indicating that the change requested has been approved and is in effect.

5. Certification by a Professional Land surveyor to the effect that the plat represents a survey made by him and that all monuments shown thereon actually exist and that their location is correctly shown.

6. An acknowledgment by the owner or owners of his or their adoption of the plat and of the dedication of streets and other public areas.

7. Certification by the City Clerk of the approval of the plat by the City Council.

8. Those certificates required of plats as set forth in title 50, chapter 13, Idaho Code.

E. Preparation: The final plat shall be prepared by a Professional Land surveyor.

F. Filings:

1. Required Matter: After receiving notice of the action of the City Council approving the preliminary plat, the subdivider shall proceed to file with the City Council:

- a. Copies of the final plat in the amount required by the City Council.
 - b. A written application for final approval.
 - c. Cross-sections and profiles of streets and all other construction drawings as deemed necessary by the City related to the improvements to be constructed in the subdivision.
 - d. A statement by the City Engineer certifying that he is in receipt of a map showing all utilities, identifying those portions already installed and those to be installed and that the subdivider has complied with Section 6-2-3 of this Chapter.
2. Time Limits: The final map shall be filed not later than one year after the date of approval of the preliminary plat. Otherwise, it will be considered void, unless an extension is requested in writing, by the subdivider and for good cause granted by the City Council. The final plat shall be filed at least twelve (12) working days prior to the meeting at which it is to be considered.

The final plat shall be considered officially filed after it is examined by the City and is found to be in full compliance with the formal provisions of these regulations.

G. Approval:

1. Official Recommendation: Cross-sections, profiles and other construction drawings shall be forwarded to the City Engineer for his study and recommendations. The City Engineer shall, within thirty (30) days after the filing of the final plat, transmit copies of the plat for their study and recommendations to the:

- a. City Clerk.
- b. County Surveyor.
- c. Each company, agency, or municipality, or department furnishing water, sewer, electric or gas service.
- d. Panhandle Health District.
- e. Such other official, body, company or agency as may be directed by the City Council.

2. Notice And Hearing: The Applicant and the City shall follow the procedures delineated in Title 5 Chapter 10 of the Dalton Gardens Municipal Code for public hearing notifications.

3. Final Tracing: After receiving a written report from each official, body, company or agency enumerated in subsection G1 above, the City Council shall notify the subdivider of any recommended changes or suggestions so that the subdivider may correct the final approval.

4. Time Requirements: The final plat, in the form of a final tracing, shall then be resubmitted to be considered by the City Council. The City Council shall act on the final plat within forty five (45) days after filing, unless such time is extended by agreement with the subdivider or his agent.

5. Notice Of Action Taken: The City Council shall determine whether the final plat shall be approved or disapproved and shall give notice to the subdivider in the following manner:

a. If approved, the City Clerk shall affix his signature to the plat and attach thereto a notation that it has received final approval by the City Council and return it to the subdivider for compliance with recording requirements.

b. If disapproved, the City shall attach to the plat a statement of the reasons for such action and return it to the subdivider.

In any case, a notation of the action taken and requisite reasons therefore shall be entered in the records of the City Clerk.

6. Recording: The subdivider shall record the final plat in the office of the County Recorder within ninety (90) days after the date of the approval. Otherwise, the final plat shall be considered void.

7. Recorded Copy: The subdivider shall provide to the City a recorded copy of the final plat with corresponding instrument number within fifteen (15) days of recordation.

6-2-3: COMPLETION OF IMPROVEMENTS; GUARANTEE:

A. Acceptable Financing: In lieu of the actual installation of required public improvements prior to approval and filing of the final plat, the Council may permit the subdivider to provide a financial guarantee of performance in one or more of the following methods:

1. Surety Bond: Surety bond meeting the following requirements:

a. The bond shall accrue to the City and shall cover construction of any required public improvements.

b. The bond shall be in an amount equal to one hundred fifty percent (150%) of the total estimated cost of completing construction of the specific public improvements, as estimated by the City building official and the City Engineer and approved by the City Council.

c. The bond shall be in full force and effect for a period to be specified by the Council.

d. The bond shall be written by a surety company authorized to do business in the State and acceptable to the Council.

2. Cash Deposit, Certified Check, Negotiable Bond Or Letter Of Credit: Cash deposit, certified check, negotiable bond or irrevocable bank letter of credit may be accepted by the Council. If accepted, the subdivider shall proceed as follows:

a. A cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be deposited with an escrow agent or trust company.

b. The dollar value of the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be equal to one hundred fifty percent (150%) of the estimated cost of construction for the specific public improvements, as estimated by the City and approved by the Council.

c. The escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit shall be for a period to be specified by the Council.

d. By an agreement entered into between the Council and the subdivider, provision for progressive payment out of the cash deposit, or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvements may be made.

Unless one or more of the above specified financial guarantees of improvement completion has been accomplished, no approval of the final plat, nor recording thereof, shall be permitted unless the subdivider provides satisfactory proof that all required public improvements and facilities have been fully and satisfactorily constructed and installed.


B. Agreement For Inspection: Before approving a final plat, construction plan and specifications for public improvements, an agreement between the subdivider and the Council shall be made to provide for inspection of the construction to ensure its conformity to the submitted plans.

C. Failure To Complete Improvements: In the event the subdivider shall, in any case, fail to complete such work within the period of time required by the conditions of guarantee for the completion of public improvements, it shall be the responsibility of the City Council to proceed to have such work completed. In order to accomplish this, the City Council shall reimburse itself for the cost and expense thereof by appropriating the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company.

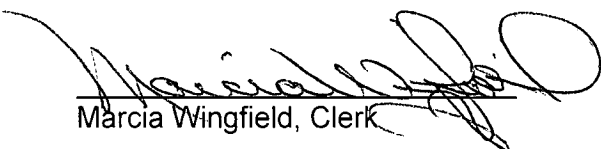
EFFECTIVE DATE

This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the Coeur d'Alene Press

Dated: November 1, 2012



Dan Franklin, Mayor



Marcia Wingfield, Clerk

AFFIDAVIT OF PUBLICATION

SUMMARY OF
CITY OF DALTON GARDENS,
IDAHO
ORDINANCE NO. 227

STATE OF IDAHO, }
County of Kootenai, } ss.

Amber Fice

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Legal Notice

of which the annexed is a printed copy, was published in the regular *Wednesday* issue of said newspaper for *1* consecutive *week* commencing on the *7th* day of *November* 20 *12* and ending on the *7th* day of *November* 20 *12* and such publication was made as often during said period as said *daily* newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice *Amber Fice*

On this *7th* day of *November* in the year of *2012*, before me, a Notary Public, personally appeared *Amber Fice*, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Katrina George

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

In accordance with Idaho Code §50-901A, the following is a Summary of Ordinance 227 of the City of Dalton Gardens, Idaho:

1. This is an ordinance of Dalton Gardens, Idaho, a political subdivision of the State of Idaho, which amends Title 6 Chapter 2 of the Dalton Gardens municipal code known as the SUBDIVISION PLATS AND PROCEDURES ORDINANCE OF THE CITY OF DALTON GARDENS.

2. The ordinance amends the requirements of the preliminary and final plat procedures, amends the requirements for completion of improvements and guarantees, and provides for severability and an effective date. The Ordinance also provides for

penalties.

3. This Ordinance was passed on November 1, 2012.

4. The Ordinance takes effect upon publication of this Summary in the Coeur d'Alene Press.

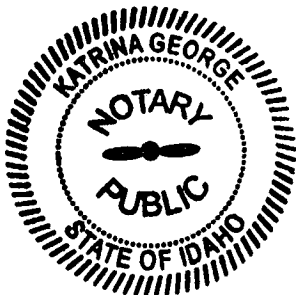
5. The full text of Ordinance 227 is available at the Dalton Gardens City Hall.

DATED this 1st day of November, 2012.

Daniel Franklin /s/
Daniel Franklin, Mayor

ATTEST:

Marcia Wingfield /s/
Marcia Wingfield, Clerk
Legal 7375
November 7, 2012



MY COMMISSION EXPIRES 8/29/17