CHAPTER 12: SUB-DIVISION CODE

The Sub-division code for the City of Rexburg, Idaho, establishing requirements for subdividing of land within the city and within the area of city impact; defining terms; establishing procedures for processing plats; adopting general design standards; establishing street and utility requirements for new subdivisions; regulating special developments; repealing ordinance 658 and all ordinances and parts of ordinances in conflict herewith.

CHAPTER 1:

SECTION 1.1 TITLE

This Section shall be cited as the Rexburg Subdivision Section of the Rexburg Development Code.

SECTION 1.2 AUTHORITY AND PURPOSE

The regulations are authorized by Title 50, Chapter 13 and Title 67, Chapter 65 of the Idaho Code, as amended or subsequently codified and Article 12, Section 2 of the Idaho Constitution. The purposes of these regulations are to promote the public health, safety, general welfare, and to provide for but not be limited to the following:

1. Harmonious development of the area.
2. Coordination of streets and roads within the subdivision with other existing or planned streets and roads.
3. Adequate open space for travel, light, air and recreation.
4. Conservation of or provisions for adequate transportation, water drainage and sanitary facilities.
5. Avoidance of population congestion as would involve danger or injury to health, safety, or general welfare by reason of:
   a. Lack of water supply, drainage, transportation, or other public services; or
   b. Unnecessary imposition of an excessive expenditure of public funds for the supply of such services.
6. Requirements as to the extent and manner in which:
   a. Roads shall be created and improved; and water and sewer and other utility mains; piping connections, or other facilities shall be installed as conditions precedent to the approval of a plat.
7. Manner and form of making and filing of any plat.
   a. Administration of these regulations by defining the powers and duties of approval authorities; including procedures for the equitable review and approval of all plats or subdivisions covered by these provisions.

SECTION 1.3 JURISDICTIONS

These regulations shall apply to the subdividing of all land within the city and shall include the following:

1. The subdivision of land into three (3) or more parcels for transfer of ownership. All of said lots or parcels created pursuant to this ordinance shall front upon a publicly maintained street unless specifically approved by this ordinance or the Council after recommendation of the Commission.
2. The dedication of any street or alley through or along any tract of land except where such dedication is initiated at the requirement of a public body.

Condominium Projects:

a. Condominium projects as permitted by Idaho statutes. Additionally, the Council may regulate and attach conditions to the design concepts and location of buildings, the creation, shape and size of condominium units, the provisions and maintenance of open space, off-street parking, and other related provisions as determined by the Council. Unless accepted pursuant to the provisions of this ordinance, the Commission and Council shall require the installation of public improvements and utilities for condominium projects as required under the provisions of this ordinance.
b. For the purpose of administering these subdivision regulations the City may consider a condominium development as a single building, requiring one (1) front yard, two (2) side yards, a rear yard, and other regulations pertinent to a given lot and may grant such exceptions as are necessary to the subdivision regulations to permit such development.

3. The re-subdivision of a parcel of land into more than one (1) parcel except as provided in the exceptions listed below:

a. A re-adjustment of lot lines which does not reduce the area, a frontage, width, depth, or building setback lines below the minimums required in the Zoning Regulation.
b. A subdivision of land into parcels that are larger than 40 acres or are lots in a section of land all as shown on the official U.S. Government General Land Office Township Survey maps including re-subdivisions thereof, all of which shall be designated exclusively for agricultural purposes, and which does not involve any new street dedication or the creation of private easement accesses to lots or parcels which could otherwise be provided access to a publicly dedicated street. (See definition of exclusive agriculture).
c. An allocation of land in the settlement of an estate or a court decree for the distribution of property thereunder with the stipulation that the land may not be divided into more than four (4) parcels with a minimum size per parcel to be five (5) acres, create lots that do not meet the requirements of the underlying zoning.
d. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code and when the dedication of a right of way for public purposes is initiated by a public body.
e. The exchange of land for the purpose of straightening property boundaries or adding land to existing parcels by trade or sale which does not result in change of the present land use or in any way result in land parcels which do not meet existing zoning and other regulations.

SECTION 1.4 DEFINITIONS

For the purpose of this ordinance certain words, terms and phrases are defined as follows:

1. Agriculture, Exclusive For purposes of interpreting the Idaho Code related to this ordinance on lands designated as exclusively agriculture in use, the following conditions apply:

All such lots shall be for agricultural purposes as the primary use of the land parcel. To determine primary use, the use of land parcel shall be clearly for tilling of soil,

horticulture, floriculture, forestry, viticulture, raising crops, raising livestock, farming, dairying and animal husbandry, including uses customarily accessory and incidental thereto, but excluding slaughter houses and commercial feet lots. Land shall not be defined as exclusively agricultural in use when determined to be a land development program where subdivision of and is evident for sub-urban residential development life style purposes.

2. **Block -** The space along one side of a street between the two nearest intersecting streets, or between and intersecting street and a right-of-way, waterway or other similar barrier, whichever is lesser.
3. **Board** - The Madison Board of County Commissioners hereinafter referred to as the Board.
4. **Council** - The Rexburg City Council hereinafter referred to as the Council.
5. **City Engineer -** An Idaho Registered Professional Engineer designated by the City to represent the City's engineering interests.
6. **City Impact Area** - That unincorporated area contiguous to the Rexburg City Limits officially adopted as the "Area of Impact".
7. **Commission -** The Rexburg City Planning and Zoning Commission hereinafter referred to as Commission.
8. **Common Area -** that area delineated on a plat which is held in common ownership by owners of land within the platted area.
9. **Comprehensive Plan** - The comprehensive plan for the City of Rexburg, or parts thereof, projecting future growth and development and for the general location and coordination of street and highways, schools and recreation areas, public building sites and other facilities, which shall have been duly adopted. This plan shall comply with the Idaho Code as adopted or amended.
10. **Condominium** - An estate consisting of (1) an undivided interest in common in real property, together with (2) a separate interest in real property, or any combination thereof.
11. **Conditional Approval** - An affirmative action by the Commission indicting the approval is given subject to certain specified stipulations.
12. **County Engineer** - An Idaho Registered Professional Engineer or consulting Engineering firm designated by the Board to represent the County's engineering interests.
13. **Dedication** - The setting apart of land or interest in land for use by the public. Land becomes dedicated when accepted as a public dedication either by ordinance, resolution, or entry in the official minutes of the City or by the recording of a plat showing such dedication.
14. **Development Master Plan (DMP) -** A preliminary master plan for the development of a large, unusual or complicated land area, the platting of which is expected in progressive stages. A DMP may be designed by a subdivider, planner, or engineer and shall be subject to approval of the Commission, except that a DMP does not fulfill the requirements of the preliminary platting process of this ordinance.
15. **Easement** - A grant by the owner of the use of a parcel of land by the public, corporation, or persons for specified use and purposes and so designated on a plat.
16. **Engineer** - Any person who is registered and certified in the State of Idaho to engage in the practice of professional engineering.
17. **Engineering Plans** - Plans, profiles, cross-sections, and other required details for the

construction of improvements, prepared by a registered professional engineer in accordance with the approved preliminary plat and in compliance with existing standards of design and construction.

18. **Exception, Land** - Any parcel of land which is within the boundaries of the subdivision which is not a part of the subdivision.
19. **Final Approval** - Unconditional approval of the final plat as evidenced by appropriate certifications on the plat; such approval constitutes authorization to record a plat.
20. **Floodplain** - Those areas designated as Zone A or AE as shown on the current Flood Insurance Rate Map (FIRM) as prepared by National Flood Insurance Program.
    a. "Flood of one hundred year frequency" shall mean a flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year.
    b. "Flood" shall mean the temporary inundation of land by overflow from a river, stream, lake or other body of standing water.
    c. "Channel" shall mean a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
    d. "Flood way" shall mean the channel of a watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water of any watercourse.
    e. "Flood way fringe" shall mean the part of the flood plain which is beyond the flood way encroachment lines limiting a designated flood way. Such areas will include those portions of the flood plain which will be inundated but which may be developed for use under land use regulations without material effect upon the flood water carrying capacity of the flood way and the flood water levels. Such areas are characterized by shallow flood depths and low velocities of water flow.
21. **DEQ** - The State of Idaho Division of Environmental Quality (DEQ)
22. **Irrigation Facilities -** Includes canals, laterals, ditches, conduits, gates, wells, pumps, and allied equipment necessary for the supply, delivery and drainage of irrigation water.
23. **Lot -** A piece or parcel of land separated from other pieces or parcels as shown on a recorded subdivision plat or by metes and bounds description for purposes of sale, lease, or separate use.
    a. "Corner Lot" - A lot abutting on two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees.
    b. "Interior Lot" - A lot having but one (1) frontage abutting on a street.
    c. "Double Frontage Lot" - A lot abutting two (2) parallel or approximately parallel streets.
24. **Lot Width** - The width of a lot shall be:
    a. If the side property lines are parallel, the shortest distance between these side lines.
    b. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the zone in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.
    c. For rural acreage developments, the distance between the side lot lines, measured at the street frontage.
25. **Mobile Home** - A structure transportable in one (1) or more sections which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length and which is

built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning and electrical systems.

26. **Mobile Home Subdivision** - A subdivision designed and intended for residential use where residence is in mobile homes exclusively.
27. **Neighborhood Plan** - A plan to guide the platting of remaining vacant parcel in a new or partially built up neighborhood so as to make reasonable use of all land, correlate street patterns, and achieve the best possible land use relationships.
28. **Open Space Land -** Any developed or predominately undeveloped land which may be set aside for the following:
    a. Park and recreation purposes.
    b. Conservation of land and other natural resources;
    c. Historic or scenic purposes.
    d. Flood ways or flood plains.
29. **Owner** - The person or persons, corporation, or legal entity holding title by deed to land or holding title as vendees under land contract, or holding any other ownership interest.
30. **Pedestrian Way** - A public right-of-way dedicated as a walkway entirely through a block from street to street and/or providing access to a school, park, recreation area, or shopping center.
31. **Planned Unit Development (PUD) -** Residential**,** commercial and/or industrial use, or combination thereof, planned for a tract of land to be developed as a unit under single owner ship or control. Said PUD is developed for the purpose of selling, leasing, or renting lots or estates, whether fronting on private or dedicated streets and may include two or more principal buildings as governed by the zoning ordinance. The requirements of this ordinance may be modified by the Council upon recommendation by the Commission to achieve the best possible planned development for the specific site under consideration.
32. **Plat** - A map of a subdivision (see also Short Plat definition)
    a. "Preliminary Plat" - A preliminary map, including supporting data, indicting a proposed subdivision development, prepared in accordance with this ordinance and the Idaho Code.
    b. "Final Plat" - A map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared by an Idaho licensed land surveyor in accordance with this ordinance and the Idaho Code.
    c. "Short Plat" – A platting process for small subdivisions, four (4) lots or less, that allows for a shortened, quicker process for subdividing land. See section 2.55
    d. "Recorded Plat" - A final plat bearing all of the certificates of approval required in this ordinance and duly recorded in the Madison County Recorder's Office
33. **Private Road** - A road within a subdivision plat that is not dedicated to the public and not a part of a public highway system.
34. **Public land survey corner** - Any land survey corner actually established and documented in an original survey or resurvey used as a basis of legal description for issuing a patent for the land to private person from the United States government.
35. **Public Works Director** – the person appointed by the Council to oversee all public work functions for the city.

36. **Reserve Strip -** A strip of land between a dedicated street or partial street and adjacent property; in either case, reserved or held in public ownership for future street extension or widening.
37. **Right-of-Way -** A parcel of land dedicated or reserved for use as a public way which normally includes streets, sidewalks, utilities or other service functions.
38. **Single Family Attached Dwellings** - Dwelling Units which share a common wall. (See requirements in Zoning Ordinance)
39. **Standard Drawings and Specifications** - Standard Drawings and Specifications are defined as **The Rexburg Engineering Department Standards Specifications and Drawings as adopted by the City of Rexburg.**
40. **Sanitary Restriction -** The requirement that no building or shelter which will require a water supply facility or a sewage disposal facility for people using the premises where such building or shelter is located shall be erected until written approval is first obtained from the state Division of Environmental Quality by its administrator or his delegate approving plans and specifications either for public water and/or sewage facilities, or individual parcel water and/or sewage facilities;

41. **Streets -** Any street, avenue, boulevard, road, lane parkway, place, viaduct, easement for access, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded within the right-of-way boundaries whether improved or unimproved and may be comprised of pavement, shoulder, curbs, gutters, sidewalks, parking areas, and lawns.
    a. "Arterial Route" - A general term including expressways, major and minor arterial streets; and federal, state or county highways having area wide or regional continuity.
    b. "Collector Street" - A street that provides for traffic movement within neighborhoods of the City and between major street and local street and for direct access and abutting property, may be residential, commercial or industrial.
    c. "Residential" - A street that provides for direct access to residential or other abutting land for local traffic movements and which connects to collector and/or arterial streets.
        1. "Frontage Street" - A minor street parallel and adjacent to an arterial route and intercepts local streets and controls access to an arterial route.
        2. "Cul-de-sac Street" - A short local street having one end permanently terminated in a vehicular turnaround.
        3. "Minor Residential" - A minor street with both terminal points on the same street or origin. Serves no more than 50 lots on one street
    d. "Rural Residential Street" - A minor street that serves a rural residential subdivision that does not require curb and gutter, but may require a concrete edging strip.
    e. "Alley" - A public service way used to provide secondary vehicular access to properties otherwise abutting upon a street.
41. **Subdivider** – A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndication, trust, or other legal entity having sufficient proprietary rights in the property to represent the owner that submits the required subdivision application and initiates proceeding for the subdivision of land in accordance with this ordinance.

42. **Subdivision -** The division of any lot, tract, or parcel of land into three (3) or more parts as it existed at the effective date of this ordinance, for the purposes of transfer of ownership or development and the dedication of a public street and the addition to, or creation of a cemetery.
43. **Surveyor -** Any person who is registered and certified in the State of Idaho to engage in the practice of land surveying.
44. **Usable Lot Area** - That portion of a lot usable for or adaptable to the normal uses made of the property, excluding any areas which may be covered by water, excessively steep, or included uncertain types of easements.
45. **Utilities -** Installation or facilities, underground or overhead, furnished for use by the public, including but not limited to electricity, gas, steam, communications, water, television, drainage, irrigation, sewage disposal, or flood control, whether owned and operated by any person, firm, corporation, municipal department, or board duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards, as applicable herein.
46. **Vicinity Map -** A small scale map showing the location of a tract of land in relation to a larger area.

CHAPTER 2
PROCEDURE
SECTION 2.1 PREAPPLICATION
Prior to the filing of an application for approval of a preliminary plat the subdivider shall submit to the City Planning and Zoning Office the plans and data as required hereinafter for a preliminary plat; provided, however, that such plans may be generalized in content and that such submission shall not require the official filing of a subdivision application and fee.

SECTION 2.2 PRE-APPLICATION REVIEW
The City Planning and Zoning Office shall review said plans and data as submitted and within ten (10) working days shall advise the subdivider in writing as to the general conformance or nonconformance with this ordinance, the City's Zoning Ordinance and/or ordinances governing the City's Area of City Impact, if the proposed subdivision is contained in the area of city impact. Such review may include official and unofficial comments on policies and guidelines followed by the Commission in the implementation of various development ordinances such as the Comprehensive Plan, Zoning Ordinances and similar plans or programs. The determination shall be made and stated by the City Planning and Zoning Office if a change to the Comprehensive plan or Zoning Plan is required for the proposed subdivision.

SECTION 2.3 PRELIMINARY PLAT
1. **Application** - Upon completion of the pre-application process, if the subdivider elects to proceed with the platting process he shall file with the City Planning and Zoning Office at least ten (10) days prior to the Commission Meeting eighteen (18) copies of the completed subdivision application form as prescribed by the Commission five (5) 24"x36" copies and eighteen (18) 11"x17" of the preliminary plat with data as required in this section.

a. **Form of Presentation** - The information hereinafter required as part of the Preliminary Plat Submitted 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 no more than one hundred (100) feet to an inch. Whenever practical, scales shall be adjusted to produce an overall drawing measuring 24"x36"or 22" x 34". All work shall be AutoCAD format and a digital copy shall also be submitted.

b. **Identification and Descriptive Data**

1. Proposed name of subdivision and its location by section, township, and range; reference by dimension and bearing to at least two (2) section corners or quarter section corners, and the basis of bearing.
2. Name, address, and phone number of subdivider.
3. Name, address and phone number of engineer or land surveyor.
4. Scale, north arrow, and date of preparation including dates of any subsequent revisions.
5. Vicinity Map drawn to a scale of 1" equal 800', clearly showing proposed subdivisions configuration in relationship to adjacent subdivisions, main arterial routes, collector streets, etc.

c. **Existing Conditions Data**

1. Topography by contours or other method approved by the City Engineer and shown on the same map as the proposed subdivision layout. Contour intervals shall be such as to adequately reflect the character and drainage of the land. In most cases the contour interval will be 2 feet.
2. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes, or other water feature; direction of flow; location and extent of known areas of wetlands.
3. Location, widths, and names of all platted streets, railroads, utility right-of-way of public record, public area, permanent structures to remain including water wells, and municipal corporation lines within or adjacent to the tract.
4. Name and filing number of any recorded adjacent subdivision or record of survey having common boundary with the tract.
5. By note, the existing zoning classification of tract.
6. By note, the approximate acreage of the tract.
7. Boundaries of the tract to be subdivided shall show approximate dimensions.

d. **Proposed Conditions Data**

1. Street layout, including classification, location, width and proposed names of public streets, alleys, pedestrian ways, and easements; connections to adjoining platted tracts.
2. Typical lot dimensions to scale; dimensions of all corner lots and lots of curvilinear sections of streets; each lot numbers individually; total number of lots.
3. Location, width, and use of easements.
4. Designation of all land to be dedicated or reserved for public use with use indicated.
5. If plat includes land for which multi-family, commercial, or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification and status of zoning change if any.
6. If the proposed subdivision is part of a larger area intended for development, a Development Master Plan of the entire area. (See definitions.)
7. Appropriate information that sufficiently details the proposed development within

any special development area, such as hillside, planned unit development, flood plain, cemetery, mobile home park, large scale development, hazardous and unique areas of development.

e. **Proposed Utility Methods**

1. Wastewater Management: It shall be the responsibility of the subdivider to furnish the City such evidence as may be required relative to the design and operation of the sanitary sewage facilities proposed. Including pipe size, manhole location, pipe slope and information on any required pump stations.
2. Water Supply: It shall be the responsibility of the subdivider to furnish the City such evidence as may be required relative to the design, operation, volume and quality of water supply and facilities proposed. Including pipe size, pipe materials, location, valve location, hydrant location and any special requirements.
3. Strom Water Management: It shall be the responsibility of the subdivider to furnish the City such evidence as may be required relative to the design and operation of any storm water system proposed and how storm water will be disposed of with supporting calculations.
4. Irrigation Management: The sub-divider shall indicate how site landscaping irrigation will be managed and provided.
5. Information required in items 1, 2 and 3 above shall consider and include Health Department and Soil Conservation Service data and requirements which the subdivider has accumulated for submission with the preliminary plat. Utility Plans shall be made in accordance with Standard Plans and Specifications.
6. Water Rights: All water rights that have been historically linked to the development property shall be used for site irrigation or surrendered to the city.
7. Streets: The preliminary plat information shall show road widths, typical sections and pavement structure. For larger development a traffic study may be required by the City Engineer.

2. **Certification -** Upon receipt of the preliminary plat and all required data as provided herein, the City shall certify the application as complete and shall affix the date of application acceptance thereon.
3. **Agency Review -** The City shall transmit a copy of the application to its various departments and such other agencies that have jurisdiction or an interest in the proposed subdivision for their review and recommendation. If no written reply is received from any of the various departments or interested agencies within fourteen (14) days from the date of notification, approval of the preliminary plat by such department or agency will be considered to be granted.

Some of the departments and agencies which may receive copies of the preliminary plat are as follows:

a. City Planning and Zoning Department
b. GIS Department
c. Fire Department
d. Water Department
e. Wastewater Department
f. Public Works Director

g. City Engineer
h. Parks and Recreation Department
i. County Commissioners
j. State Highway Department if the subdivision abuts a State Highway
k. Utility Companies
l. Irrigation District if the subdivision abuts or includes a canal or ditch.
m. Other department or agencies as necessary

4. **Commission Action -** The preliminary plat shall be placed on the Commission agenda for consideration at the next available regular meeting. The Commission shall approve, approve conditionally or disapprove the preliminary plat within thirty (30) days after the date of the meeting at which the preliminary plat is first considered. The reasons for such action shall be stated in writing, a copy of which shall be attached to one (1) copy of the preliminary plat and returned to the subdivider.

The Commission shall review the application and comments from the review agencies for finding of fact as to conformance to the City's comprehensive plan, zoning ordinance, subdivision ordinance, ordinance governing the negotiated area of city impact (if applicable) and City's design standards. After a finding of fact, the Commission shall determine if further action, will be necessary for the planning and zoning commission to complete its review and make its recommendations to the Council.

The Commission shall recommend to the City to conditionally approve, approve or disapprove the application. If the Planning and Zoning Department has determined that an amendment must be made to the Comprehensive Plan and/or the Zoning Ordinance to approve the application, the Commission shall follow the procedures detailed in 67-6509 IDAHO CODE.

Upon approval or disapproval by the Commission, the preliminary plat together with a complete copy of the Commission's finding and report of action shall be transmitted to the Council. The reason for action taken shall specify:

a. the ordinance and standards used in evaluating the application;
b. the reasons for approval or denial; and
c. the actions, if any, that the application could take to gain approval of the proposal.

5. **Council Action -** The Council shall act upon the report of the Commission within fourteen (14) days, or its next regular available meeting following receipt of the report. The Council may hear testimony of representatives of the Commission, and witnesses including interested citizens affected by the proposed subdivision.

   Upon conclusion of the meeting at which time the preliminary plat is considered, the Council shall base its findings upon the report and testimony presented before it and, within fourteen (14) days declare its finding. It may sustain, modify, or reject the recommendations of the Commission, and make such findings as are consistent with the provisions of this ordinance and the Idaho Code. The reason for action taken shall specify:

a. the ordinance and standards used in evaluating the application;
b. the reasons for approval or denial; and
c. the actions, if any, that the application could take to gain approval of the proposal

The time limits for acting on the preliminary plat as herein specified may be extended by mutual consent of the subdivider and the Commission and/or the Council. Once the preliminary plat is approved the approval is good for a period of 12 month from the date of approval. Prior to the progression to the final platting of the development all required zoning changes, if required, shall be obtained.

SECTION 2.4 FINAL PLAT

After approval or conditional approval of the preliminary plat, the subdivider may cause the subdivision, or part thereof to be surveyed and a final plat prepared in accordance with the preliminary plat as approved.

Application - If the subdivider elects to proceed with the platting process they shall file with the City Planning and Zoning Office at least ten (10) working days prior to the Commission Meeting eighteen (18) copies of the completed subdivision application form as prescribed by the Commission, five (5) 24”x36” copies and eighteen (18) 11”x17” copies of the final plat with data as required in this section.

1. **Method and Medium of Presentation:**
   a. All plats to be offered for recording shall be on transparent tracing(s) that show all pertinent information that was approved on the Preliminary Plat.
   b. Copies of the final plat that is to be recorded shall be prepared on clear Mylar silver emulsion with an overall dimension of 18 inches by 27 inches.
   c. The plat shall be drawn to an accurate scale having not more than one hundred (100) feet to an inch unless otherwise approved as to scale. An AutoCAD copy shall also be submitted to the City Engineering and GIS departments.

2. **Identification Data Required:**
   a. A title which includes the name of the subdivision and its location by number of section, township, range and county.
   b. Name, address, and official seal of the registered professional land surveyor preparing the plat.
   c. Scale, north arrow, and date of the plat preparation.

3. **Survey Data Required:**
   a. 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 shall be expressed in feet and decimals thereof. A legal description of the exterior boundary of the subdivision. All boundary corners are also to show state plane coordinates.
   b. Any excepted parcel(s) within the plat boundaries shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
   c. Location and description of cardinal point to which all dimensions, angles, bearings, and similar data on the plat shall be referenced.

d. Bearing and distance ties to 2 section or section corners and a description of the corners. Show basis of bearing.
e. All required data to accurately calculate any curvilinear dimensions show on the plat.

Each external property corner is to be marked with a 5/8" dia. steel rod 30" long. All interior property corners are to be marked with a ½" dia. Steel rod 30" long. All corners are to be marked with a plastic or aluminum cap that bears the surveyors name or initials and registration number. All marked corners are to be protected with a metal post that extends at least 24 inches above the ground surface or as determined by the city engineer.
Street monuments at all major street intersections the surveyor shall set a 2" dia. Brass cap in concrete showing the surveyor number, subdivision name and be punched to show the point of control. Monuments are to be approved by the city engineer prior to installation.

4. Descriptive Data Required:

a. Name, right-of-way lines, courses, lengths, width of all public street, alleys, pedestrian ways, and utility easements; radii, points of tendency, and central angles of all curvilinear street and alleys, and radii of all street line intersections.
b. All drainage ways to be dedicated to the public shall be shown on the plat.
c. All easements for rights-of-way provided for public services or utilities and any limitations of the easements.
d. All lots and blocks shall be numbered throughout the plat in accordance with the Idaho Code. "Exception," "tracts,", and "private parks" shall be so designated, lettered, or named and clearly dimensioned.
e. Location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public will be clearly indicated and intended use specified.
f. Names of all streets or roadways.

5. Dedication and Acknowledgment:

a. **Dedication** – A statement of dedication of all streets, alleys, drainage ways, pedestrian ways, and other easements for public use by the person holding title of record and by persons holding title as vendees under land contract. If lands dedicated are mortgages, the mortgagee shall also sign the plat.
b. **Acknowledgment of Dedication -** Execution of dedication shall be acknowledged and certified by a notary public.

6. Required Certifications:

a. Certification by the registered professional land surveyor stating on the plat that the plat is correct and accurate, and that the monuments described in it have been located, installed and described.
b. Certification of checking Land Surveyor
c. Certification of plat approval by the City Engineer.
d. Certification of plat approval by the City Planning and Zoning Commission.
e. Certification of plat approval by the City Council.
f. Certification of recordation by the County Recorder.
g. Certification of sanitary restriction being lifted
h. Treasures certification of taxes paid.

i. Covenants, Conditions and Regulations (CCR's) must also be submitted with the final plat. They will be reviewed along with the plat during the review process.

7. Agency Review:
The City shall transmit copies of the final plat for review by departments and agencies, or others as may be deemed necessary to ensure compliance with the approved preliminary plat. If no written replies are received from any of the various department or interested agencies within fourteen (14) days from the date of notification, approval of the final plat by such department or agency will be considered granted.

8. Commission Action:
The final plat, prepared in accordance with the Idaho Code and provisions set forth herein, shall be submitted to the Commission. The Planning and Zoning Department shall check the Final Plat for conformity to the Preliminary Plat. In the event the Final Plat does not substantially conform to the Preliminary Plat, the subdivider shall be required to resubmit the Final Plat or go back to the Commission for a new approval of the Preliminary Plat.

Final plat submission shall include the prints as described in the application paragraph, five (5) sets of prints of the plans and specifications for all proposed improvements as required by this ordinance, and a current title report or other evidence acceptable to the City showing proof of ownership of the tract of land being platted. The final plat and related documents shall be submitted at least twenty-one (21) days prior to the scheduled presentation before the Commission. The final plat, when submitted to the City, shall bear all required certificates, acknowledgments, and signatures of the owner, surveyor, reviewing surveyor and others as determined by the Planning and Zoning Department.

9. Time Limitations:
In the event that the development of the of the preliminary plat is made in successive continuous segments in an orderly and reasonable manner, conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of twelve (12) months may be considered for final plat approval. In the event a longer period elapses, the preliminary plat must be reviewed by the Commission.

The final plat shall be filed with the County Recorder within six (6) months after approval by the Council, otherwise such approval shall become null and void unless an extension of time is applied for and granted.

10. Development Agreements:
Prior to submitting the final plat the subdivider shall work with the city engineering department to develop a preliminary Development Agreement for review along with the final plat. The Development Agreement shall be executed prior to the approval of the final plat.

11. Council Action:
Upon receipt of the final plat and related documents, and all other data as required herein, the Council shall thereafter place the final plat on their next available agenda for consideration at a regular meeting held not less than thirty (30) days after the date of submittal of the completed submission. The Council, following receipt of the final plat and related documents

shall consider said plat and any changes from the preliminary plat approved by the Commission. If said plat conforms to the requirements of this ordinance and the Idaho Code, the Council shall consider the approval said plat.

At the time of approval and recording of the final plat, the Council shall accept the dedications shown thereon and shall, as a condition precedent to the approval of any final plat, require the subdivider either to improve or agree to improve the streets and all other public improvements by furnishing a surety bond or satisfactory agreement, in accordance with Standard Drawings and Specifications, the approved engineering plans and as defined in the Development Agreement. The final plat shall not be signed by the city until the Development Agreement has been executed.

SECTION 2.5 SHORT PLAT

A Short Plat may be requested when all of the following conditions are met:

1. The proposed subdivision does not exceed four (4) buildable lots
2. No right-of-way dedication is necessary as required by City Codes and Ordinances
3. Public improvements, street widening or infrastructure improvements have been approved by the City Engineer.
4. No impacts on the health, safety or general welfare of the City of Rexburg
5. The subdivision is in the best interest of the City of Rexburg

The process for a Short Plat will be the same as for a Preliminary and a Final Plat as per Sections 2.3 and 2.4 of this document with the exception of application, Commission Action and Council Action. Short Plats will be administratively reviewed. City of Rexburg staff will take the place of both the Planning and Zoning Commission and the City Council. Short Plat application will be made at the City of Rexburg Planning and Zoning Department.

The City Planning and Zoning Office shall review said plans and data as submitted and within ten (10) working days shall advise the subdivider in writing as to the conformance or nonconformance with this ordinance, the City's Zoning Ordinance and/or ordinances governing the City's Area of City Impact, if the proposed subdivision is contained in the area of city impact. Such review may include official and unofficial comments on policies and guidelines followed by the Commission in the implementation of various development ordinances such as the Comprehensive Plan, Zoning Ordinances and similar plans or programs.

CHAPTER 3

DESIGN STANDARDS

SECTION 3.1 GENERAL

Subdivisions shall conform to the standards of the Comprehensive Plan, the Zoning Ordinance, Rexburg Standard Specifications and Drawings and applicable adopted resolutions, and other ordinances and regulations of the City.

Land which the Commission determines to be unsuitable for subdivision because of periodic flooding, poor drainage, excessively steep slopes or other features likely to be harmful to the safety and general health and welfare of the future residents shall not be subdivided unless

adequate methods are utilized to overcome these conditions.

SECTION 3.2 STREETS

1. General Street Design Requirements

a. The arrangement, character, extent, width, grade and location of all streets shall be constructed to conform to existing and planned streets, to topographical conditions, to public convenience and safety, and in their relation to the proposed uses of the land to be served by such street. Local residential streets shall be so designed to discourage their use by through traffic. New streets are to be developed to conform to any adopted transportation system master planning wherever possible.

2. Frontage Streets

a. Where a subdivision abuts or contains an existing or proposed arterial street, railroad, or limited access highway, the City may require frontage streets, or such other treatment for the appropriate use of the tract. Because of the need to control the number of accesses to these roads the developer may be required to back lots onto the road or to provide a parallel access road.

3. Half-Street Dedication

a. Half-Street dedications are not allowed, however, the Council may accept a partial street dedication when such street forms the boundary of the proposed subdivision and is deemed to be necessary for the orderly development of the neighborhood, and provided the Council finds it will be appropriate to require the dedication of the remainder of the right-of-way when the adjoining property is developed. When a partial street exists adjoining a proposed subdivision the remainder of the right-of-way shall be dedicated. Where partial street dedications and constructed they shall be of a width to be fully functional as a city access street. The minimum acceptable minimum pavement width is 26 feet.

4. Dead-end Streets

a. Dead-end streets will not be approved except in locations designated by the City as necessary to future extensions in development of adjacent lands. In any case, a dead-end street serving more than four (4) lots shall provide by easement a temporary turning circle with a forty-five (45) foot radius or other acceptable design to accomplish adequate access. The turnaround is to be graved and graded for vehicle use.

5. Loop Street

a. Loop streets shall be limited to a maximum length of twelve hundred (1200) feet measured along the centerline of a street from centerline intersection to centerline intersection.

6. Cul-de-sacs

a. The city engineering department shall approve all cul-de-sac streets. No cul-de-sacs

shall be longer than 600 feet. Any approved cul-de-sac is to terminate with a turnaround area with a minimum back of curb radius of forty five (45) feet and a right-of-way radius of fifty seven (57) feet.

7. Street Intersections and Alignments

a. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy (70) degrees. Street intersecting an arterial street shall do so at less than eighty-five (85) degrees.
b. Where any street deflects at an angle of five (5) degrees or more, a connecting curve shall be required having a minimum center line radius of three hundred (300) feet for arterial and collector streets and one hundred twenty-five (125) feet for local streets.
c. Streets with center line offsets of less than one hundred twenty-five (125) feet are prohibited without city engineer prior approval.
d. A tangent at least one hundred fifty (150) to two hundred (200) feet long shall be provided between reverse curves on arterial and collector streets.
e. Street intersections with more than four (4) legs and Y-type intersections where legs meet at acute angles shall be avoided.

8. Street Names - The naming of street shall conform to the following:

Street names shall not duplicate any existing street name within Madison county except where a new street is a continuation of an existing street; street names that may be spelled differently but sound the same as existing streets shall not be used.

All new streets shall generally be named as follows: Streets having a predominantly north-south direction shall be named “Avenue” or “Road”; streets having a predominantly east-west direction shall be named “Street” or “Highway”; meandering streets shall be named “Driveway”, “Lane”, “Path” or “Trail”, and Cul-de-sacs shall be named “Circle”, “Court”, “Way”, “Place”.

9. Seal Coating

a. The developer is required to have all streets or roads seal coated as per city standards within two (2) years of acceptance. The developer shall file with the city a bond or other acceptable security to provide payment of the seal coating. Arrangements may be made to have the seal coating incorporated within a city seal coating project if coordination and payment arrangements are made with the City Engineering Department prior to bidding the seal coating project.

10. Standards for Major Arterial Streets

Function - Major arterial streets permit rapid and relatively unimpeded traffic movement throughout the City and carry high volumes of inter and intra traffic which connects the major land use elements as well as communities with one another. The major function is to serve through traffic. The secondary function is to serve abutting property. This functional description pertains to both four and six travel lane facilities.

11. Right of Way - 100 to 125 feet

12. Number of moving lanes - Four to six lanes, with left lanes.

a. **Access Conditions**
   1. Intersections will be "T" type at grade design unless prior approval is obtained from the City Engineer. Intersections shall be limited as approved by the City Engineer, but in no case shall they be less than one thousand (1000) feet apart.
   2. Median cuts will not normally be permitted except at major or significant street intersections as approved by the City Engineer.

b. **Planning Characteristics**
   1. Major Arterial streets are as shown on the approved Transportation Plan. Major arterial streets should be spaced approximately one mile apart in the suburban areas of the city to a few blocks apart in areas of high population density and intense land usage.
   2. Major arterial streets should not bisect neighborhoods but should act as boundaries between them.
   3. Sidewalks shall be set back from the street.
   4. Abutting properties shall not face on the roadway unless separated from it by a frontage road.
   5. On-street bicycle travel is not allowed unless no alternative routes are available

c. **Design Characteristics**
   1. **Grades**
      a. Not less than three-tenths of one percent (0.3%) and not more than six percent (6%). Grades of seven percent (7%) may be considered for unique, short distances.
   2. **Alignment**
      a. Horizontal - 700 feet minimum radius at centerline, 930' preferred.
      b. Vertical - Minimum length equivalent to K value times the algebraic difference in the rate of grade.

   3. **Frequency of Intersections**
      a. Intersections along major arterial streets shall be limited to as few points as possible.
   4. **Traffic Characteristics**
      a. Regulation of traffic shall be accomplished by traffic control devices and channelization.
      b. On-street parking prohibited
      c. Six inch (6") vertical curbs required on the outside with detached sidewalks.
   5. **Roadway Paving Section**
      a. To be determined by a full soils investigation, traffic study and a pavement design completed by an engineer licensed in the State of Idaho and approved by the City Engineer, or.
      b. Comply with the approved city typical street sections.

13. Standards for Minor Arterial Streets

Function- Minor arterial street permit rapid and relatively unimpeded traffic movement throughout the City and carry high volumes of inter and intra- traffic which connect major land use.

Right of Way Width - 94 to 101 feet

Number of Moving Lanes - Four to Five Lanes - See Approved City typical sections.

a. **Access Conditions**
   1. Intersections will generally be "T" type at grade as approved by the City Engineer.
   2. Intersection and curb cuts shall be limited as approved by the City Engineer.
b. **Traffic Characteristics**
   1. Regulation of traffic shall be accomplished by traffic control devices and channelization.
   2. On-street parking prohibited.
   3. Six inch (6") vertical curbs required with detached sidewalks.
c. **Planning Characteristics**
   1. Minor arterial streets should be spaced approximately one mile apart in the suburban areas of the City to a few blocks apart in areas of high population density and intense land usage.
   2. Minor arterial streets preferably should not bisect neighborhoods.
   3. Utilitarian type bicycle travel can be accommodated with 14' travel lanes on designated streets.
d. **Design Characteristics**
   1. **Grades**
      a. Not less than three-tenths of one percent (0.3%) and not more than six percent (6%). Grade of seven percent (7%) may be considered for unique, short distances. Flatter slopes allowed only with written approval of City Engineer.
   2. **Alignment**
      a. Horizontal - 700 feet minimum radius at centerline.
      b. Vertical - minimum length equivalent to K value times the algebraic
      c. Difference in the rate of grade.
   3. **Frequency of Intersections**
      a. Intersection along arterial streets shall be limited to as few points as possible.
   4. **Roadway Paving Section:**
      a. Paving sections are to be constructed to: approved City of Rexburg typical sections for the type of street being proposed.
      b. Alternate paving sections will be considered if substantiated by an in depth engineering analysis by an Idaho professional engineer.

14. Standards for residential collector streets

Function - Residential collector streets are designed to serve the local needs of the neighborhood and to provide direct access to abutting properties. All traffic carried by residential collector streets should have an origin or a destination within the neighborhood.

Right-of-Way Width - 68 feet - Residential collector

Number of Lanes - Two lanes with turning lane, or two lanes with on street parking.

Access Conditions - Direct access to residential properties is by way of curb cuts.

a. **Traffic characteristics**
   1. On-street parking is allowed on both sides of the street unless prohibited.
   2. Intersections are at grade.
   3. Parking prohibited if bicycle lanes are designated.

b. **Planning Characteristics**
   1. Collector Residential Streets should be designed to discourage through neighborhood traffic.
   2. Curvilinear and loop streets are desirable.
   3. Sidewalks will be detached from a standard approved curb and gutter section by a seven (7) foot planter strip and are to be at least five (5) feet wide and conform to approved typical street sections.
   4. Bike travel can be accommodated with 14' outside travel lanes.

c. **Design Characteristics**
   1. **Grade -** Not less than three-tenths of one percent (0.3%) and not more than seven (7%).

d. **Alignment**
   a. Horizontal 300 - 450 feet centerline radius.
   b. Vertical - A minimum length equivalent to K value times the algebraic difference in the rate of grade.

e. **Frequency of Intersections**
   a. Intersections along collector streets shall be limited to as few points as possible.

15. Standards for residential streets

Function - Designed to serve the local needs of the neighborhood and to provide direct access to abutting residential properties. All traffic carried by residential streets should have an origin or a destination within the neighborhood.

Right-of-Way Width - 68 feet, minimum
Number of Moving Lanes - Two Lanes
Access Conditions - Intersections are at grade with direct access to abutting properties by way of curb cuts or drive-over's (ramp-type) curbing.

a. **Traffic Characteristics -** On-street parking is allowed on both sides of the streets.

b. **Planning Characteristics**
   1. Residential streets should be designed to minimize through traffic.
   2. Curvilinear and loop streets are desirable.
   3. In subdivision design, residential streets should be discouraged from intersections with major and secondary arterial streets.
   4. Sidewalks will be detached and separated by a seven (7) foot minimum planter strip in compliance with approved city typical street sections.

c. **Design characteristics**
   1. **Grades**
      Not less than three- tenths of one percent (0.3%) and not more than seven percent (7%).
   2. **Alignment**
      a. Horizontal - 200 feet radius at centerline.
      b. Vertical - A minimum length equivalent to "K" times the algebraic difference in the rate of grade.

d. **Frequency of Intersections**
   1. Intersections along residential streets shall be limited to as few points as possible.

e. **Paving Section**
   1. Paving sections are to conform to approved city engineering department approved typical sections.
   2. Alternate paving sections will be considered if substantiated by an in depth engineering analysis by an Idaho professional engineer.

16. Standard for Rural Residential Streets

Functions - Designed to provide direct access to abutting single-family residential properties or Cul-de-sacs having a length of no greater than 600 feet. A pavement width of 34 feet is allowed on minor rural residential streets which contain no more than fifty (50) single-family lots. Parking, curbing, curb and gutter and sidewalk differ in zones RR-1 and RR-2. Refer to zoning requirements for street section requirements.

Right-of-Way - 68 feet, minimum
Number of Moving Lanes - Two Lane
Access Conditions - Direct access to residential properties is allowed.

a. **Traffic Characteristics**
   1. On-street parking may or may not be allowed on either side of the street.
   2. Intersections are at grade.

b. **Planning Characteristics**
   1. Minor residential streets should be designed as short loop or Cul-de-sac streets only.
   2. Minor residential streets should not intersect major arterial streets.
   3. Sidewalks will be detached and comply with approved city engineering department approved typical sections.

c. **Design Characteristics**
   1. **Grades -** not less than four-tenths of one percent (0.4%) or not more than seven percent (7%).
   2. **Alignment**
      a. Horizontal - 150 foot radius at centerline
      b. Vertical - A minimum length equivalent to "K" value times the algebraic difference in the rate of grade.

d. **Paving Section**
   1. Paving sections are to conform to the city engineering department's approved typical sections.
   2. Curb and gutter is not required but a twelve (12) inch by eight (8) inch thick concrete pavement edging is required as per the City Engineer approved typical sections.
   3. Alternate paving sections will be considered if substantiated by an in depth engineering analysis by an Idaho professional engineer.
   4. Storm water management is to be designed to maintain the drainage upon each lot. Grading plans are required and are to be approved by the city engineering department.

17. Standards for Industrial/Commercial Streets

Function - Industrial/commercial streets are designed to serve facilities within industrial/commercial areas and to connect such areas with major arterial and collector street.

Right-of-Way Width - 80 feet, minimum
Number of Moving Lanes - Two lanes to four lanes, with turning lanes
Access Conditions - direct access to abutting industrial/commercial properties is by way of curb cuts.

a. **Traffic Characteristics**
   1. On-street parking may be permitted on both sides of the street.
   2. Intersections are at grade (0.5%) minimum).
b. **Planning Characteristics**
   1. Only local industrial/commercial traffic should be encouraged on Industrial Streets.
   2. Sidewalks will be detached from the curb where required.
c. **Design Characteristics**
   1. Grades - No less than three-tenths of one percent (0.3%) and not more than six percent (6%).
   2. Alignment
      a. Horizontal - 300 foot radius at centerline
      b. Vertical - A minimum length equivalent to a value times the algebraic difference in the rate of grade.

d. **Frequency of Interceptions**
   1. Intersections along industrial/commercial streets shall be limited to as few

points as possible.

e. **Roadway Paving Section**
   1. Paving sections are to comply with the City Engineers standard approved typical sections and appropriate.

   2. Alternate paving sections will be considered if substantiated by an in depth engineering analysis by an Idaho professional engineer.

f. **Standards for Private Streets**
   1. Private streets are to meet the same dimensional design standards for the type of use as stated above. In residential areas street widths may be decreased and on street parking allowed or not.
   2. All streets serving commercial or residential subdivisions are to be paved to a minimum pavement width of twenty six (26) feet if on street parking is prohibited and thirty nine (39) feet is on street parking is allowed
   3. Construction of sidewalks or pedestrian pathways is required to adequately provide for safe access.
   4. Adequate site drainage must be developed on-site and no storm water will be allowed to discharge onto a public right-of-way.

3.3 STANDARD UTILITY LOCATIONS

1. **Wastewater -** Wastewater pipelines are to be located on the centerline of the street as measured from face of curb to face of curb.
   a. Exceptions - In locations where natural grades exceed five (5) % cross slope the wastewater pipelines may be located on centerline of downhill landscaping strip opposite to the water lines.

2. **Water** - Water pipelines are to be located on the center line of the north or east planting strip between the curb and gutter and the sidewalk. A minimum 10'x10' level area will be required for all hydrants.
   a. Exceptions - with approval of the City Engineer

3. **Gas -** Gas mains are to be located on the south or west sides of all streets, three (3) feet horizontal distance from the back of the curb and gutter, a minimum of six feet (6') horizontal distance from the nearest utility line and a minimum of one foot (1') of vertical separation from the nearest utility line at all utility crossings.
   a. Exceptions - If the nearest utility is more than eight feet deep and is constructed with trench walls sloped 1:1; the gas main must have a minimum of 10 feet (10') horizontal clearance and must not be less than four (4) feet horizontal distance from the back of the curb and gutter.

4. **Electrical** - Underground electric lines are to be placed in the area at the back of the sidewalk in the utility easement on both sides of the street. If no sidewalk is to be installed, a level of area five (5) feet wide at a minimum of fifteen (15) feet from the edge of the asphalt roadway is to be provided for the installation of the power lines in the utility easement.

a. Exceptions - On major and minor arterial streets, a level ten (10) feet wide easement must be provided adjacent to and outside of the right-of-way and the power lines be installed in this easement.

5. **Storm Drain Systems** – Piped storm drain systems are to be installed within the right-of-way and within the paved portion of the street section unless otherwise approved by the City Engineer. If local non-piped storm water management systems are used the infiltrators are to be installed in the planting strip or as determined by the City Engineer.

6. **Communication Facilities –** Communication facilities such as telephone, fiber, internet, etc. are to be installed in the landscaping strip on each side of the proposed streets.

3.4 WATER SYSTEM DESIGN STANDARDS

1. All system designs are to be completed by an Idaho registered Engineer.
2. All water system design is to be done in accordance to the requirements of the State of Idaho D.E.Q. and adopted city standards.
3. All water system improvements are to be approved by D.E.Q. prior to any construction.
4. All waterlines are to be class 50 ductile iron.
5. Minimum water line size is eight (8) inches, unless approved by the City Engineer prior to design. Sizing maybe required to be larger depending upon development size, location etc.
6. Any connections to existing water lines shall be by the hot tap method unless approved by the city engineering department.
7. Fire Hydrant spacing is to meet the following:

TABLE NO. A-III-B-1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS

FIRE-FLOW REQUIRE-MENT (gpm)	MINIMUM NO. OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS (1,2,3) (Ft.)	MAXIMUM DISTANCE FROM HYDRANT TO ANY POINT ON STREET OR ROAD FRONTAGE(4) (Ft.)
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more(5)	200	120

8. Reduce by 100 feet for dead-end streets or roads.
9. Where streets are provided with median dividers which can be crossed by firefighters pulling hose line, or arterial streets are provided with four or more traffic lanes have a traffic count of more than 10,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.
10. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at not less than 1,000-foot spacing to provide for transportation hazards.
11. Reduce by 50 feet for dead-end streets or roads.
12. One hydrant for each 1,000 gallons per minute or fraction thereof.
13. Gridded and/or looped water mains are to be installed whenever possible. Eight (8) - inch mains, up to five hundred (500) feet of dead-end service with up to two (2) hydrants or one hydrant and one fire sprinkler system on the dead-end.
14. Minimum depth of cover over water mains shall be 5 feet.
15. Water mains shall be valved at intersections and other locations so that not more than 700 foot long segments of water main have to be taken out-of-service to provide needed maintenance/repair work. Additional valves may be required to allow for disinfection and pressure testing of newly installed lines or to allow for future extensions.
16. Water mains shall be stubbed-out to the edges of developing property to allow for further water main service to adjacent property and to provide the required looping or gridding of the overall water main system.
17. Individual house/business water service lines shall be stubbed-out to lots adjacent to new streets so as to minimize the need for future excavation work in new streets. Water service lines are to be located at approximately the center of new residential lots. The location and size of service lines for commercial developments are to be approved by the city engineering department. All water service line stub outs shall be located with survey grade GPS coordinates and be show on the record drawings.
18. Developers are financially responsible for a minimum eight (8) inch diameter water main or such larger size water main as may be needed to provide the required fire flow for the proposed new development. (See Item f. above and International Fire Code requirements.)
19. All water service connections that are metered in the building shall have a valve located outside of the building for shutting off services to the building in case of an emergency. The valve shall be installed in an approved location at the time of construction. If the water service connection supplies the fire suppression system and the valve is located outside of the city right-of-way, the valve shall be installed adjacent to the fire lane. The valve shall be a monitored post indicator valve, or a similar valve that is acceptable to the Fire Official.

3.5 SEWER COLLECTION SYSTEM DESIGN STANDARDS

1. All sewer system design is to be done by an Idaho registered engineer.
2. All sewer collection system design is to be done in accordance with the requirements of the State of Idaho D.E.Q. and adopted city standards.

3. Minimum sanitary sewer size is eight (8) inches.
4. Man holes shall be no more than 400 feet apart.
5. At manholes, inlet inverts shall be higher than outlet inverts as follows:
   a. 0.10 feet - sewer angles of 60° or larger
   b. 0.05 feet - sewer line angles of less than 60° larger than 10°
   c. Continue slope of inlet pipe- sewer line angles of 10° or less
6. At manholes, pipes of differing diameters shall be located (vertically) so as to match their 0.8 diameter points
7. Minimum pipe grades shall be as approved by city standards.
8. Sewer mains shall be extended to the edges of developing property to allow for future sewer main service to adjacent properties. Sewer mains shall be kept as deep as practical.
9. Individual house/business sewer service lines shall be stubbed-out to lots adjacent to new streets to minimize the need for future excavation work in new streets. The location of sewer service lines are to be ten (10) feet from a front footage property line and at a depth adequate to service the proposed type of structure and marked with a four (4) inch by four (4) inch timber post to the depth of the service line. The service lines are to be extended to the back of the utility easement or ten (10) feet beyond the right-of-way line, whichever is greater. All sewer service line stub outs shall be located with survey grade GPS and the coordinates are to be shown on the record drawings.
10. Developers are financially responsible for a minimum eight (8) - inch diameter sewer main or such larger size sewer main as may be needed to provide sewer service for the proposed new development
11. Developers are financially responsible for sanitary sewer +line depths up to sixteen feet (16') to pipe flow line. The additional costs for deeper depths that are necessitated to serve adjacent yet-to-be developed property will be participated in by the City as approved in the Development Agreement.

3.6 STORM SEWER DESIGN STANDARDS

1. On developments over 2.5 acres a drainage study must be completed by an Idaho Registered Engineer to determine storm water run-off volumes, transport times and system design.
2. Design is to be accomplished in done to meet the requirements of Idaho D.E.Q. and the City of Rexburg standards.
3. Run off coefficients and storm event values are to be approved by the City Engineer.
4. Run off from a site shall not exceed pre-development values. On site detention will be required in most locations.
5. On large commercial, high density residential or residential developments with more than 40 lots a storm water master plan must be prepared by an Idaho Professional Engineer.
6. Approved piping materials are reinforced concrete, or as approved by the City Engineer.
7. Manholes are to be installed at no more than 400 foot intervals on lines 24 inches and smaller.
8. Catch Basin Designs and locations are to be approved by the City E during normal plan review.
9. Minimum storm drain main lines size is 12 inches.
10. At manholes, pipes of differing diameters shall be located (vertically) so as to match their 0.8 diameter points.

11. Minimum pipe grades shall be as approved by the City Engineer.
12. For design purposed a ten (10) year event shall be used for pipe sizing and a twenty five (25) year event shall be used for sizing storm water detention basins.
13. Storm sewer mains shall be extended to the edges of the developing property to allow for future storm sewer main service to adjacent properties. Storm Sewer mains shall be kept as deep as practical so as to provide the possibility of service to as large an areas as possible.
14. Developers are financially responsible for a minimum twelve (12) - inch diameter storm drain main or such larger size storm drain size as may be needed to provide for storm drainage run off from the proposed new development.
15. Developers are financially responsible for storm drain line depths up to sixteen feet (16') to pipe flow line. The additional cost of deeper depths that are necessitated to serve adjacent yet-to-be developed property will be participated in by the City as approved in the Development Agreement.
16. Storm drainage rainfall values and run off coefficient shall be as established by the City Engineer.
17. In areas where it is not feasible to connect to or extend existing piped store water systems to a new development all storm water is to be retained and disposed of on-site. All store water systems that are designed to manage storm water on-site are to meet the D.E.Q. Standards for Best Management Practices and any adopted city standards. All designs are to be completed by an Idaho Licensed Engineer.

SECTION 3.7 TRAFFIC STUDIES

Traffic studies may be required by the City Engineer in order to adequately assess the impact of a proposed development on the existing and/or planned transportation system. Unless waived by the City Engineer, a Transportation Study meeting the guidelines established by the City Engineer will be required for a nonresidential development proposal when trip generation during the peak hour is expected to exceed 100 vehicles, or any residential development with one hundred (100) or more dwelling units. This requirement is the responsibility of the applicant and the study must be prepared by a professional transportation engineer with adequate experience in transportation planning and licensed in the State of Idaho. All studies must be reviewed by the City Engineer before acceptance. Traffic studies will be required if the above trip generation/dwelling unit criterion is exceeded for the following submittals:

a. Master plan or development plan submittal
b. For any rezoning application that meets the above criteria.
c. For a preliminary plat or final plat if the property has already been rezoned for the proposed use and no traffic study was required for the rezoning, or the original traffic study is more than two years old.
d. Prior to issuance of a building permit, if the property has already been zoned/platted and no previous traffic study less than two years old exists.
e. For a State Highway Access Permit, if:
    1. Site access is required off a State Highway prior to issuing a building permit.
    2. Additional access off a State Highway to an existing use is being requested.
f. Any change of use affecting access from the State Highway.

g. For an application for annexation into the City.
h. The applicant will be required to submit a new traffic study if, after submitting the original traffic study, the land uses density is increased by more than 15%.
i. The applicant will be notified at the pre-planning stage if a traffic study will be required, provided sufficient information is available for the City Engineer to determine whether the trip generation/dwelling unit criteria has been met. If insufficient information is available but the property appears to involve a sufficiently intense land use, the applicant will be informed that traffic study may be required.

Traffic Study Format - Traffic consultants are encouraged to discuss projects with the City Engineer prior to starting the study. This should provide a firm base of cooperation and communication between the City, the owner or developer and his consultant in creating traffic characteristics that are in the best interest of the total community. Specific requirements will vary depending on the site location and size of the proposed development. However, all traffic studies shall contain, as a minimum, the following information:

1. **Trip Generation -** A summary table listing each type of land use, the units involved, the general rates used (total traffic and AM/PM peaks), and the resultant trip generation.
2. **Site Plan and Vicinity Map -** A site plan that shows the locations of each proposed land use, and a vicinity map that shows the site in relation to the surrounding transportation system.
3. **Existing and Projected Traffic Volumes -** Graphics should show:
   a. A.M. peak hours site traffic (in and out) including turning movements.
   b. P.M. peak hours site traffic (in and out) including turning movements.
   c. A.M. peak hour total (in and out) including turning movements for current conditions and 20 year projections or build out.
   d. P.M. peak hour total traffic (in and out) including turning movements for current conditions and 20 year projections or build out.

All total daily traffic counts should be actual machine counts and not based on factored peak hour sampling. Latest available machine count from the Idaho Transportation Department and other agencies may be acceptable if taken within a reasonable time period. All traffic shall be assigned to existing and planned facilities in a manner consistent to the accepted traffic patterns and approved by the City Engineer.

4. **Critical Lane Capacity Analysis -** A critical lane capacity analysis should be conducted for all major driveways that intersect local, collector, or arterial streets, and all adjacent local, collector, and arterial intersections. Both a.m. and p.m. peak hours should be tested to determine the critical movements unless the proposed land use generates significantly greater traffic volumes in either peak hour or at midday. Pedestrian movements should also be considered in the evaluation. Capacity calculations should also include an analysis for 20th year projections or build out conditions. The appropriate forms for capacity analysis calculations shall be used.

5. **Traffic Signals-** Traffic progression is of paramount importance. All potential signalized intersections should be planned for 0.5 mile intervals. All other locations to be considered

shall meet the following criteria:

a. Submittal of a time space diagram with acceptable through bands, cycle lengths and progression speeds
b. In areas that may affect established complex computerized progressions any deviation from shall be thoroughly addressed and approved by the city Engineer prior to approval.
c. Remaining time for side street traffic must be sufficient for side street volumes.

6. **Level of Service -** Level of service C shall be the design objective and under no circumstances will less than level of service D be accepted for site and non-site traffic. The design year will be approximately 20 years following construction or at build out.
   a. **Trip Generation Rates -** Trip generation shall be calculated from the latest data contained within the Institute of Transportation Engineers
   b. **Trip Generation Guide where appropriate** - In the event that data is not available for the proposed land use, the City Engineer shall approve estimated rates prior to acceptance.
   c. **Trip Assignment -** Non-generated pass by traffic reductions in generation volume may be considered if applicable. All estimates of trip distribution, assignment, and modal split are subject to review by the city engineer.
   d. **Traffic Accidents** - Traffic accident data for affected street corridors may be required for the study. In this case, estimates of increased or decreased accident potential shall be evaluated for the development.
   e. **Revisions to traffic study -** Revisions to the traffic study shall be provided as required by the City Engineer. The need to require revisions shall be based on the completeness of the traffic study with the proposed access and development plan.
   f. **Traffic Counts** - All raw traffic count data (including hourly ADT and peak hour turning movements) and analysis worksheets should be provided in the appendices.
   g. **Design Hours Volumes -** Site design hour volumes approximating the peak hour volumes used to determine public improvements will be estimated by one of the following utilizing:
      1. Existing traffic volume counts.
      2. Peak hour trip generation rates as published in the ITE Trip Generation Summary.
      3. A professionally recognized and accepted study for uses of development and generation rates.
   h. **Reciprocal Parking -** Traffic studies for planning applications where reciprocal parking is contemplated will be required to include parking accumulation studies for existing facilities similar to proposed uses.

SECTION 3.8 BLOCK REQUIREMENTS

1. **Block Lengths and Design**
   Block lengths shall not exceed seven hundred (700) feet as measured along the street centerline intersection to centerline intersection.

   Block design shall provide for two (2) tiers of lots except under special conditions where

this in not feasible or practical.

2. **Pedestrian Ways**
   Pedestrian ways with right-of-way widths of ten (10) feet or greater may be required where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

SECTION 3.9 LOT REQUIREMENTS

1. **Lot Design**
   The lot size, width, depth, shape and orientation and minimum setback lines shall comply with the minimum requirements of the zoning ordinance.

   Side lot lines shall be substantially at right angles or radial to street lines, except where other treatment may be justified.

2. **Double Frontage Lots**
   Double frontage lots shall not be allowed except when specifically allowed by the Commission.

SECTION 3.10 PUBLIC SITES, OPEN SPACE AND NATURAL FEATURES

Where is it determined that a proposed park, playground, school or other public use as shown on a future acquisition map, as authorized in **Idaho Code**, is located in whole or in part within a proposed subdivision the Commission shall notify the appropriate public agency concerning the land proposed to be acquired. Within thirty (30) days of the date of notice, the public agency may request the governing body to suspend consideration on the proposed subdivision for sixty (60) days. If an agreement is not reached within (60) days, the Commission shall resume consideration of the subdivision.

Subdivisions of more than one hundred units (100) shall be required to provide at least ten (10) percent of the land for public use at fair market rates at the time of development. Existing natural features which add value to residential development. Existing natural features which add value to residential development and enhance the attractiveness of the community such as streets, watercourses, historic spots, and similar irreplaceable assets shall be preserved, insofar as possible, in the design of the subdivision.

CHAPTER 4
STREET AND UTILITY IMPROVEMENT REQUIREMENTS

SECTION 4.1 GENERAL

1. **Responsibility of Subdivider**
   All required improvements such as streets, seal coating, alleys, utilities, street lighting, drainage, easements and other facilities which are required as a condition to plat approval shall be the responsibility of the subdivider and shall meet City specifications and standards of construction. Plans for the improvements herein required shall be prepared

by a registered engineer in the State of Idaho

2. **Construction Drawings**
   Prior to recording the final plat, the subdivider shall file with the City Engineer construction drawings for all improvements that are required for that portion of the subdivision included in the final plat.

3. **Bonding**
   Prior to recording the final plat, the subdivider shall file with the City Clerk a surety bond, or other acceptable guarantee, to ensure actual construction of such improvements as submitted and approved. The improvements when covered by a surety bond, shall be constructed within two (2) years from the date of recording of the final plat; provided, however, the City may extend the period one (1) year upon showing of just cause by the subdivider. Such surety bond or other guarantee shall be in the amount of one hundred ten percent (110%) of the estimated cost of the improvements as determined by the City.

4. **Record Plans and Specifications**
   Prior to acceptance by the City of any improvements installed by the subdivider, two (2) sets of prints of the approved record plans and specifications shall be certified by the subdivider's engineer and filed with the City. The record drawings shall be submitted in AutoCAD format, and shall show any deviations from the approved construction drawings..

   Within thirty (30) days after completion of improvements and submission of "record" plans and specification the City shall certify completion and acceptance of construction and shall transmit a copy of said certification to the subdivider. If a surety agreement has been executed by the subdivider, the same shall be forward to the City Clerk. The City Clerk shall thereafter release 75% of said surety or guarantee upon application by the subdivider. The final 25% of the surety will remain in effect for a twelve (12) month warrantee period. If no problems are outstanding at the end of the warrantee period, the City Clerk will release the final amount upon written request by the developer.

SECTION 4.2 REQUIRED IMPROVEMENTS

1. **Curb, Gutter, and Street Improvements**
   All streets shall have curbs and gutters, sidewalks, and asphalt paving that complies with the adopted design standards and specifications of the City. In rural residential zones the requirement for curb and gutter may be eliminated with approval of the city engineer and in compliance with the approved typical roadway sections.

2. **Sidewalks**
   Concrete sidewalks shall be provided on both sides of dedicated streets in compliance with the adopted Design Standards and Specifications of the City. All sidewalks are to be set back from the curb a minimum distance of seven (7) feet and the area between the sidewalk and curb and gutter is to be landscaped. Sidewalks shall connect to cross walks at each intersection and shall meet the requirement as defined for ADA accessibility.

3. **Storm Water Disposal**
   Proper and adequate provision shall be made for disposal of storm waters. The type, extent, location, and capacity of facilities shall be approved for individual subdivisions by the City Engineer.

4. **Wastewater Systems**
   Proper and adequate provisions shall be made for wastewater disposal. The type, extent, location, and capacity of facilities shall be approved for individual subdivisions by the City Engineer. All systems shall comply with the adopted Design Standards and Specifications of the City and the Idaho Division of Environmental quality. (D.E.Q.). Plans and specifications and to be approved by D.E.Q. prior to acceptance by the City. The city will provide a "Will Serve Letter" to the developed after the plans have been reviewed and approved by the City Engineer.

5. **Monuments**
   Monuments shall be installed in accordance with current state of Idaho standards at all corners, angle points, of curve all street intersections. Control monument locations are to be approved by the City Engineer prior to installation.

6. **Water Systems and Fire Hydrants**
   Proper and adequate provisions shall be made for culinary water service to each lot. Fire protection shall be included in the design of the project to meet the requirements of the city and this ordinance. The type, extent, location, and capacity of facilities shall be approved for individual subdivisions by the City Engineer. All systems shall comply with the adopted Design Standards and Specifications of the City and the Idaho Division of Environmental quality. (D.E.Q.). Plans and specifications are to be approved by D.E.Q. prior to acceptance by the City. The city will provide a "Will Serve Letter" to the developed after the plans have been reviewed and approved by the City Engineer.

The location of fire hydrants required to serve the subdivision shall be approved by the City, and meet the requirements of section 3.

7. **Street Names**
   Street name signs and traffic control signs shall be installed by the City in appropriate locations at each street intersection in accordance with local standards. A fee shall be charged to the subdivider to reimburse the City for its cost of such signing.

8. **Street Lights**
   Street lights shall be installed by the subdivider at intersections throughout the subdivision, unless waived after recommendation of the City Engineer and approval of the City Council. Street lights will be required mid-block if the spacing between street lights exceeds 400 feet. Street lights are to be dark sky compliant and be a minimum of 150 watt. The subdivider shall conform to the requirements of the City and Rocky Mountain Power. Street lights are to be mounted on steel or aluminum poles meeting the requirements of Rocky Mountain Power. Bases and the power supply to the lights are to

be completed by developer. Decorative lighting may be used in some locations with special approval by the City Engineer. Record drawings are to be submitted to the City Engineer prior to Rocky Mountain Power connecting the street lights to power.

All street light wiring installed in the City of Rexburg right-of-way shall be installed in electrical conduit according to the currently adopted National Electrical Code for direct burial. No direct burial cable without conduit shall be accepted by the City of Rexburg if owned by, or proposed to be owned by the City of Rexburg. All installations of electrical wiring for the purpose of street lighting shall meet the current NEC adopted by the City of Rexburg. Sizes of conduit shall also be no less than one inch to each pole light, and no less than two inch size to feed more than fifty feet between poles or junction boxes. No other foreign systems such as water piping or irrigation shall be in the same conduit as power wiring. All new conduits installed shall also be located by a City official prior to backfilling any trenching. Any pole installed shall have a grounding electrode installed at each location in addition to an equipment grounding conductor of sufficient size to meet code unless otherwise indicated in writing from a City official.

This standard shall only apply to wiring that is owned by or proposed to be owned by the City of Rexburg, including but not limited to the wiring after the first point of disconnect, typically an over current protection device. Fusing, junction boxes and related work shall be done to comply with the Requirements of Rocky Mountain Power.

9. **Postal Delivery System**
   Postal delivery system shall be planned within the existing Postal Service Guidelines for extension of delivery.

CHAPTER 5
SPECIAL DEVELOPMENTS

SECTION 5.1 PURPOSES
The purpose of this chapter is to identify types of special developments that normally pose special concerns to the Commission and the Council. This chapter outlines requirements and design standards that shall be taken into consideration when proposing developments. The provisions of this chapter are in addition to other applicable requirements of this ordinance and amends thereof and provisions of the Idaho Code. Required information shall be submitted to the City with the preliminary plat.

SECTION 5.2 CONDOMINIUM DEVELOPMENTS

1. **Site Development Plan**
   The subdivider shall provide the Commission with a preliminary plat, elevations, perspective drawings and such other illustrated information at adequate scale to show the proposed development that will include at least the following:

   a. All information required for a subdivision preliminary plat.
   b. Architectural styles and building design concept;

c. Architectural materials and color;
d. Type of landscaping;
e. Screening, if proposed;
f. Type of solid waste facilities;
g. Parking concept; and
h. Open space areas;
i. Storage areas and enclosures.

2. Private Streets

Private street construction standards shall be based upon requirements set by the City. Adequate construction standards may vary depending on the size of the development and the demands placed on such improvements. All private streets are to be paved and are to be constructed of adequate width for fire and sanitation services. Minimum surfacing width is twenty six (26) feet.

3. Home Owners Associations

Home Owners Association by-laws and other similar deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open space, shall be approved by the Commission. Any and all power as specified in such agreements may be required to also be assigned to the jurisdictional agency insure continued and adequate maintenance of all such common areas, recreational facilities and open spaces, ability to assess property for delinquencies, and enforcement of motor vehicle speed to the interest of the owners involved and of the general public.

4. Storage Areas

Storage areas may be required for the anticipated needs of boats, campers, and trailers. For a typical residential development, 100 square feet of space shall be provided for every living unit. This may be reduced by the Commission if there is a showing that the needs of particular developments are less.

5. Parking Space

One additional parking space beyond that which is required by the zoning ordinance may be required for every three (3) dwelling units to accommodate visitor parking. Parking for the proposed development will be as required by the zone in which the proposed development is to be constructed.

6. Maintenance Building

A maintenance building or facility shall be provided. The size and location of the facility is to be determined by the type and service needed for the necessary repair and maintenance of all common areas and facilities.

7. Open Space

The location of open space shall be appropriate to the development and shall be of such shape and area to be useable and convenient to the residents of the development.

8. Control During Development

Single ownership and control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned.

9. **Final Platting**
   A final plat shall be prepared and approved that meets all other requirements of the subdivision platting of this ordinance.

SECTION 5.3 SUBDIVISION WITHIN OR PARTIALLY WITHIN A FLOODPLAIN

1. **Flood Areas**
   For any proposed subdivision that is fully or partially located within a floodplain, the subdivider shall provide the additional information as listed below to Commission with the proposed development plan of adequate scale and supporting documentation that will show and explain at the following additional information:

   a. The location of designated Floodplain.
   b. An Engineering Hydrologic and Hydraulic Report that identifies the Flood Way. If the development plan requires a structure or fill to be placed within the Flood Way, then the report must identify how the Flood Way and Floodplain are effected both upstream and downstream;
   c. Any planned rerouting of waterways;
   d. All major drainage ways;
   e. Elevations or designated flood water;
   f. Areas of frequent or intermediate flooding;
   g. Means of flood-proofing buildings; and
   h. Means of insuring loans for improvements within the flood plain.

   To give additional guidance in approving any proposed subdivision within a floodplain, the Commission shall review proposed developments considering the new construction and substantial improvements of residential structures within the floodway shall have the lowest floor (including basement) elevated at least two (2) feet above the level of the one hundred (100) year flood; and, for new construction or substantial improvements of non-residential structures, the lowest floor (include basement) shall be elevated at least two (2) feet above the level of one hundred (100) year flood, or together with attendant utility and sanitary facilities, shall be flood-proofed up to the level of the one hundred (100) year flood.

11. **Justification for Development**
    Upon determination that buildings are planned within the floodplain or that alternations of any kind are anticipated with the floodplain area that may alter the flow of water, the subdivider shall demonstrate conclusively that such development will not present a hazard to life or limb, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel and not have an adverse impact on the natural environment. Approval from the Idaho Department of Water Resources and the Corps of Engineers shall be obtained prior to any wetlands modifications or channel changes.

12. **Appropriateness of Subdivision**

In determining the appropriateness of the subdivision for land located within a floodplain, the Commission shall consider the objectives of this ordinance, and at least the following:

i. The danger to life and property due to the increase flood heights or velocities caused by subdivision fill, roads and other intended modifications;
j. The danger that intended modifications may affect other downstream properties or to the injury of others;
k. The adequacy of proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions under flood conditions;
l. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
m. The importance of the services provided by the proposed facility to the community;
n. The requirements of the subdivision for a water front location;
o. The availability of locations not subject to flooding for the proposed subdivision and land uses;
p. The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future;
q. The relationship of the proposed subdivision to the comprehensive plan and any floodplain and any flood plan management program for the area;
r. The safety of access to the property for emergency vehicles in times of flood;
s. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site; and
t. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

No subdivision or part thereof shall be approved if levees, fills, structures, or other features within or required by the proposed subdivision will individually or collectively increase flood flows, heights, or damages. If only part of a proposed subdivision can be safely developed, development shall be limited to that part and the City shall require development to proceed consistent with the determination.

13. Flood-proofing Plans

Flood-proofing plans must be individually approved by the Council upon recommendations from the Commission before such uses are constructed. Flood-proofing may be included but not be limited to the following:

a. The lowest floor elevation is to be at least 2 feet above the elevation of flood water surface as established by the FIRM document.
b. Reinforcement of walls to resist anticipated hydraulic loads;
c. Construction of water supply and wastewater systems so, as to prevent the entrance of flood water;
d. Installation of values or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and storm waters into building or structures;
e. Location and installation of all electrical equipment, circuits and electrical applications so that they are protected for inundation by the regulatory flood; and
f. Location of storage facilities for chemicals, explosives, buoyant materials, flammable

liquids or other toxic materials which could be hazardous to public health, safety and welfare at elevations above the height associated with the regulatory protection elevation.

SECTION 5.4 SUBDIVISION FOR A CEMETERY

1. **Function**
   The developer shall provide the Commission with written documentation that will sufficiently explain if the proposed cemetery will be used for either human or animal remains or the functions that are anticipated on the property.

2. **Compliance with Idaho Code**
   The developer shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the proposed cemetery with the procedural platting requirements and management requirement that are outlined in Title 27, Idaho Code.

SECTION 5.6 AREAS OF CRITICAL CONCERN

1. **General**
   The development of any properties located in a hazardous or unique area that has previously been designated as an area of critical concern by the Council, as provided by Idaho Code shall demand that special consideration be given by the subdivider to assure that the development is necessary and desirable in the public interest in view of the existing unique conditions. Areas that may be designated by the Council, through due process, as hazardous or unique may be as follows:
   a. Unstable soils;
   b. Unique animal and wildlife habitat;
   c. Unique plant life habitat;
   d. Scenic areas;
   e. Historical significance areas;
   f. Floodplains;
   g. Hillside subdivisions; and
   h. Other areas of critical concern.

2. **Plan Submission**
   The subdivider shall prepare and submit an Environmental Document for those areas as above noted and designated along with the preliminary plat application

3. **Content of Environmental Assessment**
   The content of the Environmental assessment shall usually be prepared by a team of professionals that will provide answers to the following questions:
   a. What environmental impacts will probably occur (i.e. wildlife, plant life, social, economic, physical, etc.) As a result of the proposed development?
   b. What corrective action or alternative plans could be developed so as not to significantly cause detrimental environmental impact?
   c. What adverse effects of the proposed development cannot be avoided?

CHAPTER 6
VACATIONS AND DEDICATIONS

SECTION 6.1 APPLICATION PROCEDURE

1. **Application**

   Any property owner desiring to have an existing subdivision, public right-of-way or easement vacated, or desiring to dedicate a street right-of-way, or easement shall complete and file an application with the City and also file such other applications as are otherwise required by law.

   Upon receipt of the completed application and other information as may be required, the City shall affix the date of application acceptance thereon. Said application shall then be placed on the agenda for consideration at the next regular meeting of the Council which is held not less than thirty (30) days from application submittal. Various City departments shall submit comments on the vacating application prior to the Council meeting.
   All dedications or vacations will be done in accordance with state statutes.

SECTION 6.2 ACTION

1. **COMMISSION RECOMMENDATION**

   The Commission may be asked to review the request and any agency response and make a recommendation to the Council for approval, conditional approval or denial.

2. **Council Action**

   a. When considering an application for vacation procedures, the Council shall establish a date for a public hearing and give such public notice as required by law. The Council may approve, or deny the application. Whenever public right-of-way or lands are vacated, the Council shall provide adjacent property owners with deed for said vacated rights-of-way in such proportions as are prescribed by law.
   b. When considering an application for dedication, the Council may approve or deny the application. When a dedication is approved, any required street improvements shall be constructed or a bond furnished assuring construction, prior to acceptance of the dedication, unless other requirements or agreements have been previously approved by the Council. To complete the acceptance of any dedication of land, the owner shall furnish to the Council a deed conveying such lands to the City and the City will record the deed with the County Recorder.

CHAPTER 7

WAIVERS AND AMENDMENTS

SECTION 7.1 WAIVERS

Where the Council finds that extraordinary hardships may result from strict compliance with these regulations, it may waive specific regulations so that substantial justice may be done and the public interest secured, provided that such waiver will neither have the effect of nullifying the intent and purpose of the Comprehensive Plan and Zoning or these regulations.
The fact that an owner could realize a greater financial return from his property by subdividing said property contrary to these regulations is not a sufficient reason for hardship. Hardship cannot be proved where it can be shown that property was purchased with the knowledge of existing restrictions, nor can hardship be claimed in terms of prospective sales or potential

customers.

SECTION 7.2 AMENDMENTS
The Council, after recommendation from the Commission, may from time to time amend, supplement, or repeal the regulations, procedures and provisions of this ordinance in the following manner:

1. The Commission, prior to recommending an amendment supplement or repeal of this ordinance, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. The public hearing shall be noticed as required by state statutes. Following the Commission hearing, if the Commission recommends a material change in the ordinance, other than that published for the present hearing, further notice and hearings shall be provided before the Commission forwards its recommendation to the Council.

2. The Council, prior to adoption of an amendment, supplement or repeal of this ordinance, shall hold at least one (1) public hearing as established by state statutes for hearings and ordinance approvals.

CHAPTER 8
FEES, PERMITS, INSPECTION, VIOLATIONS, PENALTIES, CONFLICT WITH OTHER LAWS AND REPEALER

SECTION 8.1 FEES
Persons filing a subdivision plat within the City of Rexburg shall first have paid all fees as established by resolution of the Council. Such fees may be reviewed and changed by resolution of the Council at such time as the Council deems necessary.

A fee may be assessed for any service, including but not limited to the following:
1. Office checking and field engineering
2. Subdivision plat filing fee.
3. Construction inspection fee.
4. Notice and publication costs

SECTION 8.2 PERMITS
From the time of the effective date of this ordinance, no building permits shall be issued in violation hereof, nor shall any City officer grant any license or permit for the use of any land or the construction or alternation of any building or structure on a lot which would be in violation of any provision of this ordinance. Any license or permit issued in conflict with such provisions shall be void.

SECTION 8.3 INSPECTIONS
Appropriate agencies and department shall inspect (or cause to be inspected) the improvements for compliance with approved plans and specifications and applicable codes such as buildings, fire hydrants, water supply, sewage disposal systems, etc., in the course of construction,

installation or repair. Excavations for fire hydrants and water and sewer mains and laterals shall be covered or backfilled until such installations shall have been approved by the City. If any such installation is covered before being inspected and approved it shall be uncovered after notice to uncover has been issued by the City to the responsible person.

The developer will be required to construct or have constructed all property improvements as required for the development of any proposed subdivision. The City Engineer's office will inspect all construction of improvements that will be accepted and maintained by the City. Costs for inspection1, testing, quality control are to be paid to the City by the developer at rates established by resolution of the Council. Work completed without adequate notification to the City Engineers office may not be accepted by the city unless approved inspections and testing has been completed. Failure to have all work inspected may result in the withholding of services or issuances of building permits.

SECTION 8.4 VIOLATIONS
No person shall subdivide any tract or parcel of land located wholly or in part in the City except in compliance with the provisions of this ordinance. No person shall purchase, sell, offer for sale or exchange any parcel of land which is part of a subdivision or a proposed subdivision submitted to the Commission, nor offer for recording in the office of the County Clerk any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this ordinance.

SECTION 8.5 PENALTIES
Penalties for failure to comply with the provisions of this ordinance shall be as follows:

Violation of any of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation of this ordinance continues shall be considered separate offense. The land owner, tenant, subdivider, builder, public official or any other persons who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense. Nothing herein contained shall prevent the Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or of the **Idaho Code.**

SECTION 8.6 CONFLICT WITH OTHER LAWS AND REPEALER
It is not intended by this ordinance to impair or interfere with other regulations of state or local law, or with private restrictions on the use of land, improvements, and structures. Where this ordinance imposes greater restriction than that imposed by other law or private restrictions, this ordinance shall prevail. All other ordinances or parts of ordinances in conflict herewith are hereby repealed upon the effective date of this ordinance. This ordinance, when adopted, shall repeal Ordinances No. 444 and 487 in their entirety with amendments thereto.

CHAPTER 9
VALIDITY OF THE ORDINANCE

SECTION 9.1 SEVERABILITY

If any provision of this ordinance is to be held invalid, such invalid shall not affect other provisions which can be given effect without the invalid provisions, and to this end the provisions of this ordinance is declared to be severable.

SECTION 9.2 EFFECTIVE DATE
This **SUB-DIVISION CODE** shall be in full force and effect as part of the Development Code on the first day after passage and approval thereof.