Chapter 14
Administration
Chapter 14 - Administration


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KEY:
- **R** = Review, Recommendation
- **D** = Decision
- **A** = Appeal
- **PH** = Public Hearing
- **PM** = Public Meeting
- **Y** = Required
- **N** = Not Required
- **P** = Possible Depending on the Scope of Project

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Land Development Code | Driggs, Idaho

August 2018

14.2.1. State Statutes

A. This Chapter is intended to comply with the provisions of:
   1. Idaho Constitution Article 12, section 2;
   2. Idaho Statutes Title 67, Chapter 65, Local Land Use Planning;
   3. Idaho Statutes Title 50, Municipal Corporations, Chapter 13, Plats and Vacations; and

B. Where any provision of this Chapter is in conflict with any provision of State law, the State law controls. Where this Chapter is incomplete in having failed to incorporate a provision necessarily required for the implementation of State law, the provision of State law must be fully complied with.

14.2.2. Review Authority

A. City Council

Driggs City Council has those powers and duties expressly identified in Idaho Statutes and elsewhere in the Driggs Land Development Code, including, but not limited to:
   1. Final action on all legislative decisions, including Comprehensive Plan amendments, Land Development Code text amendments, official zoning map amendments, Annexation applications and De-Annexation decisions.
   2. Review and recommendation to the City Council on Short Plats, Preliminary and Final Plats.
   3. Final action on design review (unless appealed).
   4. Final action on Conditional Use Permits (unless appealed).
   5. Final Action on Variances (unless appealed).

B. Planning & Zoning Commission

The Planning and Zoning Commission has those powers and duties identified in Idaho Statutes Title 67, Chapter 65, Local Land Use Planning, including, but not limited to:
   1. Review and recommendation to the Planning & Zoning Commission on all Design Review applications.
   2. Review and recommendation to the City Council on Short Plats, Preliminary and Final Plats.
   4. Final action on all sign permits and site plans (unless appealed).
   5. Final action on Lot Splits and Boundary Line Adjustments (unless appealed).

D. Design Review Advisory Committee

Driggs Design Review Advisory Committee (DRAC) has those powers established in Appendix A: Design Standards and Guidelines including:
   1. Review and recommendation to the Planning & Zoning Commission on all Design Review applications.

14.3.1. Applicability
The following requirements apply to applications submitted under this Chapter and are common to all of these procedures.

14.3.2. Application Requirements
A. Application Submittal
1. All applications must be filed with the Driggs Planning Department and must be submitted on forms and in such numbers as required by the Administrator.
2. Application forms can be found on the City's website, or hard copies can be obtained at City Hall.

B. Fee Schedule
1. Filing fees have been established to defray the cost of processing applications. The current fee schedule is available online on the City's website, or hard copies can be obtained at City Hall.
2. Application forms can be found on the City's website, or hard copies can be obtained at City Hall.

C. Completeness Determination
1. All applications must be complete before the City is required to review the application. An application is considered complete when it contains all of the information necessary to decide whether or not the application will comply with all applicable requirements of this Land Development Code. The Administrator will determine if the application is complete within 14 calendar days after submittal. Studies may be required as identified in Chapter 9 and Chapter 13.
2. All of the information required for each application type is listed in the following Articles and referenced on the City's application forms and is presumed necessary to satisfy the requirements of this Chapter. However, it is recognized that each application is unique, and more or less information may be required according to the specifics of a particular case. The Administrator may determine whether more or less information is required to evaluate the project for conformance with applicable code criteria.

D. Revised Application Materials
1. All revised application materials must be submitted to the Administrator, who will route the materials to the appropriate review bodies. No plans may be sent directly to the Planning and Zoning Commission or City Council.
2. No revised application materials, either hard copy or electronic, may be submitted to the Administrator less than 15 calendar days prior to a scheduled public meeting or public hearing.

E. Withdrawal of an Application
1. Any application may be withdrawn at any time at the discretion of the applicant by providing written notice to the Administrator.
2. No portion of a required application fee will be refunded on any application withdrawn.
3. For applications requiring a public hearing, if the public hearing has been advertised, the withdrawn application will be announced at the hearing.

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

14.3.3. Application Review Schedule
A. Administrator's Conformance Analysis
1. Upon determining that an application is complete, the Administrator shall promptly begin and diligently pursue an analysis of the application's conformance with applicable standards, requirements and policies, as stated under Articles 14.4 through 14.12.
2. In preparation of the conformance analysis, the Administrator shall submit requests for comments to all city departments, public service providers, schools and agencies believed to have an interest in the application. Any entity not responding within 45 days of a request for comment being submitted is deemed to not oppose the application.
3. The Administrator, upon completing the conformance analysis, shall provide a copy of the findings to the applicant. The findings shall state the specific provisions, if any, that have not been met and the applicant shall have the opportunity to make changes to the application prior to consideration by the review official or body.

B. Review and Meeting Scheduling
1. Once the Administrator has completed the conformance analysis and the applicant is satisfied with the content of the application, the Administrator will schedule the application for review by the applicable review official or body in accordance with the particular application procedures provided in Art. 14.4 through 14.12 and summarized in Art. 14.1.
2. Where an application review process involves a public hearing with the recommending body and decision making body, the application will be scheduled with the decision making body and hearing notices will be posted only after the hearing with the recommending body is complete.

14.3.4. Public Notice Requirements
A. Published Notice
Where published notice is required, a notice must be published by the Administrator at least twice in the official newspaper of the City at least 15 days, but not more than 45 days, prior to the date of the public hearing.

B. Web Notice
Where web notice is required, notice of the public hearing or public meeting must be posted on the City's website at least 15 days, but not more than 45 days, prior to the date of the public hearing or meeting.

C. Posted Notice (On Site)
Where posted notice is required, a sign must be posted on the property at a point visible from the nearest public street. In the case of multiple parcels, sufficient signs must be posted to provide reasonable notice to interested persons, as determined by the Administrator. Signs must be posted at least 15 days prior to the date of the public hearing.

D. Posted Notice (City Hall)
Where posted notice is required, a notice must be posted in a conspicuous location visible to the public upon entering City Hall. The notice must be posted at least 15 calendar days prior to the date of the public hearing.

E. Mailed Notice
1. Where mailed notice is required, the City will notify by mail all owners of property included in the proposed application and all owners of property within 300 feet on all sides, as shown in the County tax records. Notice must be mailed at least 15 days, but not more than 45 days, prior to the date of the public hearing.
2. When notice is required to 200 or more property owners or purchasers of record, sufficient notice is provided if the City provides a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the City at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site.

F. Content of Notice

Required notice of public hearing must provide at least the following:

1. The address of the subject property (if available);
2. The general location of the land that is the subject of the application, which may include a location map;
3. A description of the action requested;
4. Where a map amendment is proposed, the current and proposed zoning districts;
5. The time, date and location of the public hearing or meeting;
6. A phone number and e-mail address to contact the Administrator;
7. The web address for the City;
8. Information on how written and oral comment will be accepted, including any deadlines; and
9. For Mailed, Posted and Web notices: the list of criteria the approving body will use to make the decision, the applicable fee, in accordance with Sec. 14.3.2, the Administrator shall issue the written decision. In the case of permit issuance, the permit constitutes written notice of the decision.

B. Overview

1. For Administrative Reviews, the Administrator shall issue a decision, and any associated approved permit, within thirty (30) days following the applicant’s final response to the Administrator’s conformance analysis.
2. A reviewing body may table the review of an application no more than two (2) times unless the applicant agrees to additional postponement of the recommendation or decision.

14.3.6. Written Decision

A. Conformance with Idaho Local Land Use Planning Act

1. In Accordance with Idaho Statute Title 67-6535, the approval or denial of any application required or authorized pursuant to this title shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
2. Within 65 days from a decision on any application required or authorized by this title, the Administrator shall issue the written decision. In the case of permit issuance, the permit constitutes written notice of the decision.

B. Review Duration

1. Appeal: An appeal of an application decision must be submitted to the Administrator no later than the 14th calendar day following the date the written decision being appealed was issued.
2. Reconsideration: A request for Reconsideration of the City Council’s final decision must be submitted to the Administrator no later than the 14th calendar day following the date the written final decision was issued.
3. Judicial Review: A request for judicial review must be filed with the District Court within twenty-eight (28) days of the decision regarding reconsideration being issued.

C. Deadlines

1. Appeal: An appeal of an application decision must be submitted to the Administrator no later than the 14th calendar day following the date the written decision being appealed was issued.
2. Reconsideration: A request for Reconsideration of the City Council’s final decision must be submitted to the Administrator no later than the 14th calendar day following the date the written final decision was issued.
3. Judicial Review: A request for judicial review must be filed with the District Court within twenty-eight (28) days of the decision regarding reconsideration being issued.

D. Appeal Process and Requirements

1. Upon receiving a completed appeal form and applicable fee, in accordance with Sec. 14.3.2, the Administrator shall schedule a review of the appeal by the Planning & Zoning Commission (in the case of an Administrative decision) or the City Council (in the case of a Commission decision) at the next available meeting.
2. The reviewing body may affirm, reverse or modify the original decision after verification of compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the completed appeal application.

E. Reconsideration Process and Requirements

1. Upon receiving a completed request for reconsideration of a final decision by the City Council and the applicable fee, in accordance with Sec. 14.3.2, the Administrator shall schedule the request with the City Council at the next available meeting.
2. The City Council may affirm, reverse or modify its decision after compliance with applicable procedural standards. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied.
14.4.1. Applicability

A. Comprehensive Plan Amendment

A request to amend the text of the Comprehensive Plan, where such amendment would not result in a site-specific land use decision (constituting a quasi-judicial decision).

B. Land Development Code Text Amendment

A request to amend the text of the City’s Code.

14.4.2. Application Requirements

The following information is required to be submitted:

A. Written description and explanation of need for the proposed amendment;

B. Written explanation of how the proposed amendment is in accordance with the Comprehensive Plan, and

C. Any other information necessary to assure the fullest consideration of facts concerning the application.

14.4.3. Review Process

The City Council approves applications for text amendments to the Land Development Code or Comprehensive Plan at a public hearing, following a public hearing and review and recommendation by the Planning and Zoning Commission.

A. The City Council, Planning & Zoning Commission, Administrator, or any affected person as outlined in Idaho Statute Title 67-6509(d) may initiate an application.

B. Notice of intent to amend the Land Development Code or Comprehensive Plan shall be mailed to all political subdivisions providing services within city limits, including the school district.

14.4.4. Approval Criteria

A. For a Comprehensive Plan Amendment

1. The Comprehensive Plan Amendment corrects an error or meets the challenge of some changing condition, trend or fact.

2. The Comprehensive Plan Amendment is in response to changes in State law, as established through amendments to the Idaho Statutes or by court decision.

3. The Comprehensive Plan Amendment constitutes a benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

B. For a Land Development Code Text Amendment

1. The Text Amendment corrects an error or meets the challenge of some changing condition, trend or fact.

2. The Text Amendment is in response to changes in State law, as established through amendments to the Idaho Statutes or by court decision.

3. The Text Amendment substantially conforms to the Comprehensive Plan.

4. The Text Amendment substantially conforms to the stated purpose and intent of this Land Development Code.

5. The Text Amendment constitutes a benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

6. The Text Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.

7. The Text Amendment will not significantly impact existing conforming development patterns, standards or zoning regulations.

14.4.5. Purpose

Subdivision Review ensures that all subdivision and sale of land complies with the applicable requirements of this Land Development Code and Idaho Statutes.

14.4.6. Applicability

Subdivision Review is required for any:

A. Subdivision of land into 2 or more parcels.

B. The dedication of any street or alley through or along any tract of land except where the dedication is initiated at the request of a public body.

C. Condominium or townhouse projects as permitted by Idaho Statutes.

D. Amendments of a previously-divided parcel if it is considered a significant amendment as defined in Sec. 14.13.5.

E. Unwilling Sale of Land

The unwilling sale of land as a result of legal condemnation as defined and allowed in Idaho Statute and when the dedication of a right-of-way for public purposes is initiated by a public body.

14.4.8. Lot Split

A. Eligibility

A Lot Split is an alternative to the Subdivision process that allows divisions of lots (platted and unplatted lots) that were created prior to December 1, 1992 to be processed administratively when it complies with all of the review criteria described in this section.

B. Application Requirements

The following information is required to be submitted:

1. Unrecorded deeds with the legal description for the proposed lots;

2. Survey prepared by a land surveyor licensed in the State of Idaho that includes the following information:
   a. Property lines, dimensions, and acreage;
   b. Legal description;
   c. Proof of adequate access to each parcel;
   d. Proof of feasible utilities for the proposed site;
   e. Proof of feasibility and viability of the lot.
C. Approval Criteria

1. The number of resulting lots shall not exceed five (5).

2. Each proposed lot meets all applicable requirements of this Land Development Code, and applicable adopted plans and policies.

3. The subdivision does not require the extension of public utilities (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;

4. No new street dedication or street widening is involved;

5. The subdivision does not lie wholly or in part within the Conservation District, Floodplain Overlay, or a resource protection area identified by the Land Development Code; and

6. All required information for both preliminary and final plats is complete and in an acceptable form.

A subdivision that does not meet the criteria above is considered a Full Plat. Condominiums and townhouse developments use the Full Plat procedure; additional requirements for Condominiums and townhouses are found in Sec. 14.5.7 and 14.5.8.

D. Expiration of Short Plat Approval

A mylar copy of the plat, signed by the owner and any lien holder on the property, must be received within six (6) months of the City Council's approval or the approval shall expire. Following receipt of the signed mylar plat, a Short Plat application that is approved and not recorded within five (5) years of the date of approval shall be considered expired and a new application shall be required.

E. Final Plat Recording

Once all required improvements are completed, the City will authorize recording the final plat in the office of the Teton County Recorder. Requirements for Condominiums and townhouses are found in Sec. 14.5.6.

14.4.9. Short Plat

A. Process

The purpose of the short plat procedure is to provide an alternative subdivision process that allows a simple subdivision application to be processed as both a preliminary plat and a final plat in a single process. Following a public hearing, the Planning and Zoning Commission submits a recommendation to the City Council, which then makes a decision without holding its own public hearing.

B. Application Requirements

All of the information required for a Preliminary Plat and Final Plat as referenced in 14.5.6 is required to be submitted.

C. Approval Criteria

1. The Planning & Zoning Administrator will review and determine approval or denial based on compliance with the zoning provisions in this Title and compliance with the approval criteria.

2. The survey will be reviewed by the Teton County Surveyor or an approved agent for accuracy and compliance with the standards set forth in Idaho State Statute.

3. If approved, a signed paper and Mylar copy of the survey and deeds will need to be submitted for signature by the city prior to recording at the Teton County Recorder's Office.

4. An application that is approved, but not recorded within six (6) months from the date of approval is considered expired and a new application is required.

D. Approval Criteria

1. The number of resulting lots does not exceed two (2).

2. The lot is a Lot of Record and has not been divided since December 1, 1992.

3. Each proposed lot meets all applicable requirements of this Land Development Code and applicable adopted plans and policies.

4. The division does not require the extension of public utilities (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;

5. The division does not require the extension of public utilities (other than individual service lines) or other municipal facilities and no substantial alteration of existing utility installations is involved;

6. The division does not require new public streets and each proposed lot has either approved access from an existing public street or recorded easement that contains the necessary right-of-way width.

14.4.10. Full Plat

A. Process Overview

Full Plat approval is a three-step process. The first step is a Concept Plan Review by the Planning and Zoning Administrator. Preliminary Plat approval comes from the City Council, after recommendation from the Planning and Zoning Commission. Finally, Final Plat approval is granted from the City Council after all improvements have been installed and inspected. All recommendations and approvals require public hearings except for the Final Plat. See Article 14.1, Summary of Review Authority. For phased development, the Master Plan of future phases must be submitted with the first phase. Each phase must obtain Preliminary Plat and Final Plat approval independently.

1. Application Requirements: Information submitted must contain plans and data required for the Preliminary Plat, but may be generalized in content. The information may be in graphic form, by notes on plans, or by letter, and may comprise several sheets showing various elements of the required data.

a. Proposed Conditions Data:

i. The proposed name of the development. The proposed name must not duplicate or be too closely approximate, phonetically, the name of any other development, and must be approved by Teton County.

ii. Street layout, including location, width and proposed names of public streets, alleys, pedestrian ways, and easements; connections to adjoining platted tract.

iii. Typical lot dimensions to scale; dimensions of all corner lots and lots of curvilinear sections of streets; each lot number individually; total number of lots.

iv. Location, width, and use of easements.

v. Designation of all land to be dedicated or reserved for public use, with use indicated.

vi. If the 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.

vii. If the proposed subdivision is part of a larger area intended for development, a
Development Master Plan of the entire area.

vii. Appropriate information that sufficiently details the proposed development within any special development area, such as planned unit development, floodplain, large scale development, hazardous and unique areas of development as described in sections 14.5.10-13.

b. Proposed Utility Methods:
   i. Location of proposed sewer and water lines.
      a. It is 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 of the sanitary sewage and water facilities proposed.
   ii. Locations and types of stormwater collection systems.
      a. Evidence may be required relative to the design and operation of any storm water system proposed.
   iii. Information required in items i and ii above must consider and include Health District and Natural Resources Conservation Service data and requirements. Utility Plans must be made in accordance with the Idaho Rules for Public Drinking Water Systems, the Recommended Standards for Wastewater Facilities (available from Idaho DEQ), DEQ Storm Water Best Management Practices for Idaho Cities and Counties, and the City of Driggs Public Works Standards and Technical Specifications (latest edition).

2. Review Process: The Administrator will review the material within 30 calendar days and advise the subdivider in writing as to the general conformance or non-conformance with this Code. The review may include official and unofficial comments on policies and guidelines followed by the P&Z Commission in the implementation of various development ordinances such as the Comprehensive Plan, Land Development Code, and similar plans or programs. For large or complex proposals the Administrator may, at their discretion, present the Concept Plan to the P&Z Commission for their review and comment.

3. Expiration: If a Preliminary Plat application has not been submitted within 9 months after the Concept Plan Review has been issued, then a Concept Plan Review must be resubmitted.

C. Preliminary Plat Application

Upon completion of the Concept Plan Review, the subdivider may proceed by submitting a Preliminary Plat application for review by the P&Z Commission and City Council.

1. Application Requirements: All mapped data must be drawn at the same standard engineering scale, having no more than one hundred feet to an inch (1”=100’). Scales must be adjusted to produce an overall drawing measuring 18”x27”.
   a. Plat created by a licensed land surveyor in the State of Idaho (All plats must include the minimum requirements set out in Idaho Statutes Title 50-1304, Essentials of Plats).
   i. Identification and Descriptive Data:
      a. Subdivision name and location by section, township, and range; reference by dimension and bearing to a section corner or quarter section corner.
      b. Name, address, and phone number of subdivider, owner, and engineer or land surveyor.
   b. Existing Conditions:
      i. Topography by contours shown on the same map as the proposed subdivision layout. Contour intervals must not exceed one foot (1’) when inside a floodplain. Topography must be determined by an actual field survey, and elevations must be referenced to an established U.S. government or city bench mark, unless waived by the P&Z Commission.
      ii. Location of water wells, streams, creeks, rivers, flood hazard zones as mapped on the effective FIRMS, drainages, wetlands, canals, irrigation laterals, private ditches, ponds, or other water features; direction of flow, location and extent of known areas subject to inundation, as determined by field survey.
         a. If located in a floodplain, then the plan must also specify the base flood elevation and any planned rerouting of waterways.
         b. Location, widths, and names of all platted streets, railroads, utility rights-of-way of public record, public areas, permanent structures to remain (including water wells), and municipal corporation lines within or adjacent to the tract.
   c. The Development Master Plan (if there will be multiple phases). The master plan of the subdivision, with necessary attachments, in accordance with the definition and requirements, shall be recorded and shall be binding on the applicant and subsequent owners of the property.
   d. The Improvement Plans (Construction Drawings), with proposed phasing, for public improvements in final and complete form, stamped by a licensed engineer in the State of Idaho in conformance with Article 12.
   e. A draft of any private restrictions proposed to be recorded for the purpose of providing regulations governing the use, building lines, open spaces or any aspect of the development, use and maintenance.
   f. A Draft Development Agreement in the format adopted by the city including phasing timelines.

D. Preliminary Plat Review

1. The Administrator will perform a Completeness Determination. If complete, then the application...
will be distributed for comment to the following applicable agencies and departments:

a. Department of Environmental Quality
b. Fire Department
c. City Public Works Department
d. City Engineer
e. Parks and Recreation Committee
f. Health Department
g. State Highway Department
h. Utility Companies
i. Natural Resources Conservation Service
j. Irrigation District
k. Teton County, Idaho Planning & Zoning Commission, if subdivision is outside incorporated City limits.
l. Driggs/Reed Memorial Airport Board, if subdivision is within the Airport Overlay or proposes airport related uses.
m. Teton County to review subdivision name to ensure no duplication.
n. Other departments or agencies as necessary.

2. When reviewing or approving a Preliminary Plat, the Planning and Zoning Commission will consider the following.

a. Recommendations of the Administrator, including recommendations from internal City departments and external agencies.
b. The conformance of the plan with the comprehensive plan.
c. The availability of public services to accommodate the proposed development.
d. The conformity of the proposed development with the capital improvements plan and Transportation Master Plan.

E. Preliminary Plat Approval Criteria

1. The plat has been created and stamped by a licensed land surveyor in the State of Idaho and includes the minimum requirements set out in Idaho Statutes Title 50-1304.
2. The plat contains an Owner’s Certificate specifying ownership and maintenance responsibilities acceptable to the city for roads, parks, open space and other public or common facilities or areas.
3. The Improvement Plans have been approved by City Public Works, City Engineer, Teton County Fire Protection District, Idaho DEQ and any other agency or department having jurisdiction over the improvements or land thereon.
4. Any proposed phasing is clearly shown on a Development Master Plan and provides for orderly development of the land conforming at all times to this Land Development Code.
5. The Development Agreement satisfactorily addresses all necessary mitigation of impacts from the development and phasing timelines.
6. The plat and development plans substantially conform with the underlying zoning and applicable provisions of this Title and conform with the City’s Comprehensive Plan and other applicable plans and policies, such as the Transportation Plan and Recreation Master Plan.

F. Phasing Development

The Master Plan of future phases must be submitted with the first phase. Each phase must obtain Preliminary Plat and Final Plat approval independently.

G. Preliminary Plat Approval Letter

Following approval of a Preliminary Plat from the City Council, the applicant will work with staff to ensure the following items are resolved prior to receiving a letter of Preliminary Plat Approval, which allows construction to start.

1. Recordation of the Development Agreement.
2. Approval of Improvement Plans received per section 12.1.3.

H. Expiration of Preliminary Plat

An approved Preliminary Plat expires 2 years after the approval date, unless the applicant has filed a complete application for a Final Plat.

I. Final Plat Application

Upon approval of a Preliminary Plat and construction of public improvements, the subdivider may proceed by submitting a Final Plat application for review by the City Council.

1. Application Requirements: Plat created by a licensed land surveyor in the State of Idaho. All plats must include the minimum requirements set out in Idaho Statutes Section 50-1304, Essentials of Plats and described as follows:

   a. Method and Medium of Presentation:

      i. All plats to be offered for recording must meet standards of Idaho Code, Title 50, Chapter 13, and show all information that was approved on the Preliminary Plat, and in such form as may be required by the recording clerk.
      
      ii. Copies of the record plat must be reproduced in the form of blueprint or blackline prints on a white background.
      
      iii. 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. Drawings shall measure 18”x27”.
      
      iv. A digital copy of the plat, referenced to Idaho Coordinate System of 1983, East Zone (as defined by Idaho Code - Title 55, Chapter 17) and tied to at least two PLSS corners (1/4, 1/16, or section corners), must be submitted, unless the applicant can demonstrate that considerable practical difficulty or financial hardship would result.

   b. Identification Data Required:

      i. A title which includes the name of the subdivision and its location by number of section, township, range and county.
      
      ii. Name, address, and official seal of the registered land surveyor preparing the plat.
      
      iii. Scale, north arrow, and date of the plat preparation.

   c. Survey Data Required:

      i. 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.
      
      ii. 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.
      
      iii. Location and description of at least two cardinal points to which all dimensions, angles, bearings, and similar data on
the plat shall be referenced. Cardinal points must be public land survey corners, or in lieu of public land survey corners, monuments recognized by the city engineer or surveyor.

iv. The basis of bearing for the plat.

d. Descriptive Data Required:

i. Name, right-of-way lines, courses, lengths, width of all public streets, alleys, pedestrian ways, and utility easements; radii, points of tangency, and central angles of all curvilinear streets and alleys, and radii of all street line intersections.

ii. All drainage ways to be dedicated to the public shall be shown on the plat.

iii. All easements for rights-of-way provided for public services or utilities and any limitations of the easements.

iv. All lots and blocks, numbered throughout the plat in accordance with the Idaho Code. "Exception Land," "Exception Tracts," "Open Space" and "parks" shall be so designated, lettered, or named and clearly dimensioned.

v. 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.

vi. Dedication: A statement of dedication of all parks, open space, streets, alleys, drain ways, pedestrian ways, and other lands and easements for public use by the person holding title of record and by persons holding title as vendors under land contract. If lands dedicated are mortgaged, the mortgagee shall also sign the plat.

ii. Acknowledgment of Dedication:

Execution of dedication shall be acknowledged and certified by a notary public.

f. Required Certifications:

i. 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 and described.

ii. Certification of plat approval by the City Public Works Director (or County Public Works Director if in Area of Impact).

iii. Certification by the County Surveyor stating that the plat has been reviewed for accuracy and is acceptable to be recorded per Idaho Statute Title 50-1305.

iv. Certification of plat approval by the District 7 Health Department, or sanitary restriction.

v. Certification of plat approval by the City Planning and Zoning Commission Chair.

vi. Certification of plat approval by the County Assessor.

vii. Certification of plat approval by the City Engineer; and

viii. Certification of plat approval by the Mayor and attest by the City Clerk.

ix. Certification of plat approval by the County Treasurer.

x. Certification of recording by the County Recorder.

xi. Owner’s certification as specified in Idaho Statute 50-1309.

xii. Certification of plat approval by the Teton County Board of Commissioners, if subdivision is in the Area of Impact.

2. The Conditions, Covenants and Restrictions Document(s) and, if applicable, a Design Standards Document.

J. Final Plat Approval Criteria

1. The plat and development plans substantially conform with the approved preliminary plat and Development Agreement.

2. The final plat and development plans meet all of the approval criteria for a preliminary plat.

3. The public improvements have been constructed per the approved Improvement Plans.

4. The improvements have been approved by City Public Works, Teton County Fire Protection District, Idaho DEQ and any other agency or department having jurisdiction over the improvements.

5. Any other document, such as CC&Rs, to be recorded with the plat has been signed by the Owner and received by the City.

K. Final Plat Approval

Final Plat approval shall be contingent in part upon completion and acceptance by the City of all public improvements. Streets and public improvements will not be officially accepted until the following conditions are satisfied:

1. Improvements have been inspected by the City, any other applicable political subdivisions, and utility providers including but not limited to the Teton County Fire District and Eastern Idaho Public Health District 7;

2. Any necessary corrections are made in the field and on the approved construction drawings;

3. Three reproducible copies of the as-built drawings, certified, stamped and signed by the design professional are provided to the City Engineer; and

4. The warranty required in Sec. 12.1.5 is provided to the City of Driggs.

L. Final Plat Recording

In accordance with Sec. 12.1.1, streets and public improvements within a new subdivision shall be completed and accepted by the City of Driggs prior to a request to record the corresponding subdivision plat. Once all required improvements are completed and public improvements have been accepted by the City, the City will authorize the applicant to record the final plat in the office of the Teton County Recorder.

M. Expiration of Final Plat Approval

A mylar copy of the plat, signed by the owner and any lien holder on the property, must be received within six (6) months of City Council’s Final approval or the Final Plat approval shall expire.

14.4.11. Condominiums

The purpose of this section is to set forth special provisions for property created or converted pursuant to the Condominium Property Act, Title 55, Chapter 15, Idaho Statute.

A. By-Laws

The developer of a condominium project shall submit with the preliminary plat application as required by this Ordinance a copy of the proposed by-laws and condominium declarations of the proposed condominium development. Said documents shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, common area, recreational facilities, and open space. Prior to final plat approval, the developer shall submit to the City a copy of the final by-laws and condominium declarations which
shall be approved by the Council and filed with the Teton County Recorder, including the instruments number(s) under which each document was recorded.

B. Garages
All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular condominium units. Detached garages may be platted on separate sub-lots, provided that the ownership of detached garages is tied to specific condominium units on the condominium plat and in any owner's documents and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the condominium project.

C. Plat Recordation
All structures proposed on an approved condominium final plat must be completed and receive occupancy certificates before the City will record the final plat. The final plat shall be updated as needed with as built unit descriptions.

14.4.12. Townhouses
A. Agreements
The developer of the townhouse development shall submit with the preliminary or short plat application and all other information required therein a copy of the proposed party wall agreement as well as the proposed document(s) creating an association of owners of the proposed townhouse sub-lots, which shall adequately provide for the control (including billing where applicable) and maintenance of all common utilities, commonly held facilities, garages, parking and/or open spaces. Prior to final plat approval, the developer shall submit to the City a final copy of said party wall agreement and any other such documents and shall record said documents prior to recordation of the plat, which plat shall reflect the recording instrument numbers thereupon.

B. Lot Size
A Townhouse subdivision shall be exempt from the minimum lot size requirement if the following standards are met:

1. Common Element Interest Required. A lot of record may be subdivided into lots of less than the minimum lot size for the zone if each resultant lot retains an undivided interest in common elements of the lot of record.
2. Maximum Lot Size. A townhouse lot shall not exceed 125% of the area of footprint of the approved unit.

C. Garage
All garages shall be designated on the preliminary and final plats and on all deeds as part of the particular townhouse units. Detached garages may be platted on separate sub-lots, provided that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents, and that the detached garage(s) may not be sold and/or owned separate from any dwelling unit(s) within the townhouse development.

D. Plat Recordation
All structures proposed on an approved townhouse final plat must be completed and receive occupancy certificates before the City will record the final plat. The final plat shall be updated as needed with as built unit descriptions.

14.4.13. Planned Unit Developments
A. Purpose and Objectives
Planned unit developments are created to allow an applicant maximum flexibility in designing quality residential, commercial, industrial or mixed use developments which could not be achieved by the strict adherence to the terms of this title or the city zoning ordinance and may be approved by the commission to achieve the following objectives of development:

1. To provide necessary commercial, recreational and educational facilities conveniently located to housing.
2. To provide for well located, clean, safe and pleasant industrial sites involving a minimum of strain on transportation facilities.
3. To encourage residential, commercial and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings;
4. To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economics may inure to the benefit of those who need homes;
5. To lessen the burden of vehicular traffic on streets and to promote safe and efficient pedestrian and bicycle traffic;
6. To conserve the value of the land;
7. To provide a procedure which can relate the type, design and layout of residential, commercial and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics; and
8. To encourage integrated planning in order to achieve the above purposes and objectives of development.

B. General Regulations
1. Scope
Applications for planned unit development zoning may be made for land located in any zoning district.

2. Compliance with Other Laws
   a. Comprehensive Plan: No PUD shall be approved unless it is found by the commission to be in general conformity with the comprehensive plan.
   b. Zoning And Subdivision Regulations; Conflicting Provisions: Sections pertaining to zoning and the regulations in this Title shall be applicable to planned unit developments insofar as such applicability is consistent with this Chapter. To the extent that specific zoning or subdivision regulations conflict with standards contained in this Article, such regulations shall not be applicable.

3. Approval Conditions
The commission may approve a proposed PUD upon a finding that it will implement the purposes of this Article and will meet the standards and requirements set forth in this Article.

4. Minimum Land Area
The minimum size of a parcel of land that may comprise a PUD is any lot or parcel of record of five (5) acres or more.

C. Use Exceptions
Upon recommendation of the commission, the council may authorize specific uses not normally permitted by the use regulations of the district in which the development is located. In granting such authorization, the commission and council shall make the following findings:

1. The uses permitted by the exception are strongly related to the principal use of the development and have the purpose of providing services or facilities useful or complementary to the primary use.
2. No more than five percent (5%) of the total area of the project shall be devoted to the uses permitted by the exception.

3. The uses permitted by the exception are integrated into the overall project by:
   a. Being located in proximity to and within convenient walking distance of the primary uses.
   b. Utilizing one or more of the main vehicular accesses to the primary use site as the main access to the exception site or interconnection through a system of private roadways and/or pathways.
   c. Providing pedestrian and bicycle pathway connections with the primary use site.
   d. Orienting buildings on the exception site to facilitate vehicular and/or pedestrian access from the primary use site.
   e. Continuing architecture, landscaping, and building bulk concepts from the primary use into the use of the exception site so they are consistent and harmonious throughout the development.

4. The use(s) permitted by the exception is neighborhood or community serving in size and character and not regional, and is not detrimental to adjacent neighborhoods in location and character.

D. Residential Density

Densities may be transferred between zoning districts within a PUD, provided the aggregate overall allowable density of units shall be no greater than that allowed in the zoning district or districts in which the development is located.

E. Common Open Space Area Required

1. Twenty five percent (25%) of the total area within the boundary of any PUD shall be devoted to usable and accessible common open space; provided, however, that the commission may reduce such requirement if it finds that such decrease is warranted by the design of, and the amenities and features incorporated into, the plan and that the needs of the occupants of the PUD for common open space can be met in the proposed PUD and the surrounding area. Nonresidential PUDs shall justify, during the review process, any reduction in the open space dedication. During the review process, the PUD applicant shall justify any reduction in the open space dedication.

2. Dedication of parks and open space shall conform with Art. 12.4 and any adopted plans for open space, parks, trails or corridors. The commission shall determine the suitability of open space to be dedicated. Dedication of open space prone to frequent flooding, or part of a watercourse, or consisting of steep slopes may not be considered as meeting all or part of the twenty-five percent (25%) open space requirement. The commission may give partial credit for dedication of land such as that listed above.

F. Development Standards

1. Modification of Zoning And Subdivision Development Standards
   a. Street standards shall conform to the regulations of this title, except where, in the event of extraordinary circumstances, a need for relief is demonstrated by the applicant.
   b. For single-family homes and duplexes, the averaging of lot areas shall be permitted to provide flexibility in design and relate lot size to topography, but each lot shall contain an acceptable building site. Setbacks, accessory buildings and building height shall be governed by the existing district regulations where the proposed PUD is to be located.
   c. The clustering of development with usable open areas shall be permitted to encourage provisions for and access to common open areas and to save street and utility construction and maintenance costs. Such clustering is also intended to accommodate contemporary building types which are not spaced individually on their own lots but share common side walls, combined service facilities or similar architectural innovations, whether or not providing for separate ownership of land and buildings.
   d. The PUD shall provide common open space adequate in terms of location, area and type of the common open space, and in terms of the uses permitted in the PUD. The PUD shall strive for optimum preservation of the natural features of the terrain.
   e. The PUD shall provide for variety in housing types and densities, other facilities, and open common space.
   f. The PUD shall provide adequate privacy between dwelling units.
   g. The PUD shall provide pedestrianways adequate in terms of safety, separation, convenience, access to points of destination and attractiveness.

G. Supplementary Regulations

1. Common Open Space Maintenance Requirements
   a. The common open space of a PUD may be owned and maintained by the property owners within the PUD, or by an organization chosen therefrom. In the event that the organization established to own and maintain common open space, or any successor organizations, shall at any time fail to maintain the common open space in reasonable order and condition, the Administrator may serve written notice upon such organization or
upon the residents of the PUD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof and shall state the date and place of a hearing which shall be held within fourteen (14) days of the notice. At the hearing, the commission may modify the terms of the original notice as to deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof are not cured within thirty (30) days or any extension granted, the commission, in order to preserve the taxable values of the properties and to prevent the common open space from becoming a public nuisance, may enter the common open space and maintain said space for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same has been voluntarily dedicated to the public by the owners.

b. Before the expiration of the year, the commission shall, upon their initiative or upon the written request of the organization responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the PUD, to be held by the commission, at which hearing, such organization or the residents of the PUD shall show cause why maintenance by the commission shall not, at the election of the commission, continue for a succeeding year.

c. If the commission determines that such organization is ready and able to maintain the common open space in reasonable condition, the commission shall cease maintenance of such common open space at the end of said year.

d. If the commission determines such organization is not able to maintain the common open space in a reasonable condition, the commission may, in their discretion, continue to maintain the common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

e. The cost of maintenance by the commission shall include actual cost, plus overhead, plus twenty percent (25%), and shall be paid by the owners of properties within the PUD that have a right of enjoyment of the common open space, and any unpaid assessments shall become a tax lien on the properties.

f. The commission shall file a notice of such lien in the office of the county clerk and recorder upon the properties affected and shall certify such unpaid assessments to the county commissioners and the county treasurer for collection, enforcement and remittance in the manner provided by law for the collection, enforcement and remittance of general property taxes.

2. Development Schedule; Completion in Stages; Time Limits:

a. The applicant must begin development of the PUD within one year from the time of its final approval; provided, however, that the PUD may be developed in stages and/or with specific time requirements as approved by the commission. The applicant must complete the development of each stage and of the PUD as a whole in substantial compliance with the development schedule approved by the council.

b. If the applicant does not comply with the time limits imposed by subsection 2a of this section, the commission shall review the PUD and may revoke approval for the uncompleted portion of the PUD, or require that the PUD be amended, or extend the time for completion of the PUD.

c. Each stage within a PUD shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to a subsequent stage will not have a substantial adverse impact on the PUD or its surroundings.

d. If a PUD contains nonresidential uses, they may be constructed in advance of residential uses if the commission finds that such phasing is consistent with orderly development and will have no substantial adverse effect on the quality or character of the PUD.

3. Enforcement Of and Modifications to Plan:

a. The provisions of the plan relating to the use of land and the location of the common open space shall run in favor of the city and shall be enforceable at law or in equity by the city without limitation on any powers or regulation otherwise granted by law.

b. All provisions of the plan shall run in favor of the residents, occupants and owners of the PUD but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to that extent, said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by such residents, occupants or owners acting individually, jointly or through an organization designated in the plan to act on their behalf.

c. All provisions of the plan shall run in favor of the city and shall be enforceable at law or in equity by the city without limitation on any powers or regulation otherwise granted by law. The provisions of the plan may be modified, removed or released by the city subject to the following:

i. No modification, removal, or release of the provisions of the plan by the city shall affect the rights of the residents, occupants and owners of the PUD to maintain and enforce those provisions at law or in equity; and

ii. No substantial modification, removal or release of the provisions of a PUD plan by the city shall be permitted except upon a finding by the commission, following a hearing upon notice as required, that the modification, removal or release is consistent with the efficient development and preservation of the entire PUD, does not affect, in a substantially adverse manner, either the enjoyment of land abutting upon or across the street from the PUD or the public interest, and is not granted solely to confer a special benefit upon any person.

d. Residents and owners of the PUD may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the city to enforce the provisions of the plan.
4. State Taking Analysis

Denial of a planned unit development or approval of a planned unit development with conditions unacceptable to the landowner may be subject to the regulatory taking analysis provided by Idaho Statute Title 67-8003, consistent with requirements established thereby.

14.4.14. Subdivision within a Floodplain

A. Justification for Development

Upon determination that buildings are planned within the floodplain or that alterations of any kind are anticipated within the floodplain area that will 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.

B. Factors for Determining Appropriateness of Subdivision

1. In determining the appropriateness of subdivision for land located within a floodplain, the commission and council shall consider the objectives of this title, and at least the following:
   a. The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads and intended uses;
   b. The danger that intended uses may be dislodged and swept into others within the subdivision downstream to the injury of others;
   c. 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;
   d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
   e. The importance of the services provided by the proposed facility to the community;
   f. The requirements of the subdivision for a waterfront location;
   g. The availability of alternative locations not subject to flooding for the proposed subdivision and land uses;
   h. The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future;
   i. The relationship of the proposed subdivision to the comprehensive plan and any floodplain management program for the area;
   j. The safety of access to the property for emergency vehicles in time of flood;
   k. The expected height, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site during a 100-year flood; and
   l. 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.

2. No subdivision or part thereof shall be approved if levees, fills, structures, or other features within the proposed subdivision will, individually or collectively, significantly 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 that determination.

C. Floodproofing Plans

Floodproofing plans must be individually approved by the council upon recommendation from the commission before such uses are constructed. Floodproofing may include, but not be limited to, the following:

1. Anchorage to resist flotation and lateral movement;
2. Installation of water tight doors, bulkheads and shutters, or similar methods of closure;
3. Reinforcement of walls to resist water pressure;
4. Use of paints, membranes, or mortars to reduce seepage of water through walls;
5. Addition of mass or weight to structures to resist flotation;
6. Installation of pumps to lower water levels in structures;
7. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwater;
8. Installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures;
9. Building design and construction to resist rupture or collapse caused by water pressure or floating debris;
10. Installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and stormwater into buildings or structures;
11. Location and installation of all electrical equipment, circuits and electrical appliances so that they are protected for inundation by the regulatory flood; and
12. 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; or design of such facilities to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into floodwaters.

14.4.15. Large Scale Development Subdivision

A. Required Information

Due to the impact that a large scale development would have on public utilities and services, the developer shall submit the following information along with the preliminary plat:

1. A quantified analysis of impacts on public services that would be provided to the development, including a traffic impact analysis.
2. Estimate public service costs to provide adequate service to the development.
3. Estimate the tax revenue that will be generated from the development.
4. Suggested means of financing the services for the development if the cost for the public services would not be offset by tax revenue received from the development.

14.4.16. Subdivision for a Cemetery

A. 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 and the functions that are anticipated on the property.
B. Compliance with State Law
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 requirements that are outlined in Idaho Statute title 27.

14.4.17. Subdivision in a Critical Area
A. Designation of Areas of Critical Concern
The development of any hazardous or unique areas that have previously been designated as areas of critical concern by the council, as provided by Idaho Statute, 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:
1. Unstable soils;
2. Unique animal and wildlife habitat;
3. Unique plant life habitat;
4. Scenic areas;
5. Historical significance areas;
6. Floodplains; and
7. Other areas of critical concern.

B. Environmental Impact Statement
1. Submission
The subdivider shall prepare and submit an environmental impact statement for those areas as noted and designated in Sec. 14.5.13.A along with the preliminary plat application.

2. Content
The content of the environmental impact statement 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?

14.5.1. Applicability
In accordance with and in conjunction with a business registration and prior to issuance of permits for the improvement of a site with buildings, structures or parking, or for grading a Site Plan Review is required. When a property is located within the Design Review Overlay, the Site Plan and proposed vertical development will be reviewed against the Driggs Commercial Design Standards and Guidelines (Appendix A).

14.5.2. Review Process
A. Site Plan Review
For Site Plan Review the Administrator is the review authority except when, at the Administrator's discretion, Site Plans for projects over 5,000 square feet or that disturb more than 5,000 square feet of ground are forwarded to the Planning and Zoning Commission for review during a public meeting in accordance with Article 14.3.

B. Design Review
The Planning and Zoning Commission approves a Design Review application after a recommendation from the Design Review Committee in accordance with Article 14.6.

14.5.3. Approval Criteria
A. The proposed use is allowed in the respective zoning district.
B. The design complies with all applicable standards of the Land Development Code, including setbacks, parking, landscaping, specific use standards listed in Chapter 10 and any conditions listed in Chapters 9 and 13.
C. For a design review application, the proposed development also complies with the requirements of Appendix A Commercial Design Standards and Guidelines.

D. The site plan has been approved by Teton County Fire Protection District, Driggs Public Works Department, Idaho Transportation Department, and other agencies or departments having jurisdiction when applicable.

E. Any adverse impacts resulting from the proposed design will be effectively mitigated or offset.

14.5.4. Modification of Standards
A. Applicability
The Administrator may modify the following standards during Site Plan Review. Any other modification beyond those listed below must be considered by the Planning & Zoning Commission as a variance subject to Art. 14.8.

1. Setbacks
   A reduction of up to 20% of the numeric standard for a minimum building setback.

2. Build-to
   a. An increase or reduction of up to 10% of the numeric standard for the minimum or maximum primary street or side street setback.
   b. A reduction of up to 5% of the minimum build-to percentage.

3. Ground and Upper Story Floor Heights
   A reduction of the minimum ground-story and upper-story floor heights by up to 10%.

4. Transparency
   A reduction of the minimum transparency requirements by up to 5%.

5. Blank Wall Area
   An increase of the maximum allowed blank wall area by up to 15%.
6. Street-Facing Entrances
An increase in the minimum distance between street-facing entrances by up to 10%.

B. Criteria for Approval
The Administrator must consider the following when approving a request for a modification:
1. There are clear and compelling reasons that are not purely financial why the required standard cannot be met; and
2. The approved modification is the minimum amount necessary to meet the objectives identified above.

14.5.5. Revisions
A. Revisions to an approved Site Plan may be allowed by the Administrator for the following:
1. Up to a 10% increase or any decrease in gross floor area of a single building;
2. Relocation of parking areas, internal driveways or structures where such relocation occurs more than 100 feet from exterior property lines.
B. Any other changes must be resubmitted as a new application.

14.5.6. Site Plan and Design Review Expiration
Site Plan and Design Review approvals expire one (1) year after the approval date unless the applicant has filed a complete application for a Building Permit or made substantial progress towards development that does not require a building permit.

14.6.1. Applicability
Only for the uses identified in Chapter 10 as requiring a Conditional Use Permit can a permit be applied for. The intent is to provide standards and oversight to mitigate the effects these uses may have on the public and surrounding land owners.

14.6.2. Application Requirements
The following information is required to be submitted:
A. Vicinity Map
B. Site Plan showing the location of all structures, access points, parking, and landscaping.
C. Narrative describing the project and responding to the following:
1. Describe the effects of such elements as noise, glare, odor, fumes, and vibration on adjoining property.
2. The general compatibility with adjacent and other properties in the district.
3. The relationship of the proposed use to the Comprehensive Plan.

14.6.3. Review Process
The Planning and Zoning Commission reviews and issues a decision on Conditional Use applications following a public hearing in accordance with Article 14.3. In performing its review, the Commission may require studies of the social, economic, fiscal, and/or environmental effects of the proposed use and any aviation hazard as defined in §21-501(2) of Idaho Statute (§67-2512).

14.6.4. Approval Criteria
A. The use is in compliance with the requirements of Chapters 3-13.
B. The use is allowed as a conditional use in the respective zoning district (Chapter 10).
C. The use complies with the specific use standards listed in Chapter 10 and conditions listed in Chapter 13, if any, without the granting of any variance.
D. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics.
E. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.
F. The City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

14.6.5. Approval Conditions
Conditions may be attached to a Conditional Use approval and such conditions may take the form of a Development Agreement, as specified in Sec. 67-6511A, Idaho Statute. Conditions include, but are not limited to those which:
A. Minimize adverse impact on other development;
B. Control the sequence and timing of development;
C. Control the duration of development;
D. Assure that development is maintained properly;
E. Designate the exact location and nature of development;
F. Require the provision of on-site or off-site public facilities or services;
G. Require more restrictive standards than those generally required in this Land Development Code;
H. Require mitigation of effects of the proposed development upon service delivery by any governmental agency/district, including school districts, providing services within the planning jurisdiction.
14.7.1. Applicability
Variances are intended to provide relief for landowners who, due to some unique physical characteristic of their property that is beyond their control, would have no beneficial use of the property if this Land Development Code is strictly enforced. Variances can only be approved if they are related to the zoning requirements of the Land Development Code, more specifically - relating to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots as outlined in Idaho State Statute 67-6516.

14.7.2. Application Requirements
The following information is required to be submitted:
A. Vicinity Map
B. Site Plan showing the property that is under consideration, location of all improvements and the specific information concerning the variance.
C. Narrative describing the project and demonstrating that the requested variance conforms to the approval criteria.

14.7.3. Review Process
The Planning and Zoning Commission reviews and issues a decision on a Variance application following a public hearing in accordance with Article 14.3.

14.7.4. Approval Criteria
A. The need for a variance results from physical limitations unique to the lot on which the variance is requested.
B. Failure to approve the variance will result in undue hardship because no reasonable conforming use of the lot is possible without a variance;
C. The alleged hardship has not been created by action of the lot’s owner or occupants;
D. Granting the requested variance will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the property is located;
E. The requested variance will be in harmony with the purpose and intent of this Land Development Code and will not be injurious to the neighborhood or to the general welfare;
F. The variance requested is the minimum variance that will make possible the proposed use of the land, building or structure;
G. The variance does not permit a use of land, buildings or structures, which is not permitted by right in the zoning district; and
H. The variance does not reduce the lot size below the minimum lot size allowed in the zoning district.
I. If applicable, all variances requested in the Floodplain Overlay conform with the requirements of Article 9.1: Flood Damage Prevention.

14.7.5. Expiration of Approval
An approved variance expires three (3) years after the approval date unless the applicant has received a building permit subject to the variance approval or made substantial progress towards development subject to the variance approval that does not require a building permit.
14.8.1. Applicability

A Zoning Map Amendment is used to change the zoning designation of a property. This review is intended to provide standards and oversight to mitigate negative effects a change in zoning may have on the public, neighborhood, or surrounding property owners.

14.8.2. Application Requirements

The following information is required to be submitted:

A. Vicinity Map showing the locations of the property under consideration.

B. Narrative describing the project and responding to the following:

1. How the land uses in the requested zone are related to the Comprehensive Plan.

2. Availability of public facilities such as streets, sewer, water, etc. to support the allowable uses.

3. Compatibility of the allowable uses with the surrounding area.

14.8.3. Review Process

The City Council makes a decision on a Zoning Map Amendment application following a recommendation from the Planning and Zoning Commission, in accordance with Article 14.3. Both the City Council and Planning and Zoning Commission must hold public hearings before acting on the application. In performing a Zoning Map Amendment review, the commission or council may require studies of the social, economic, fiscal, and/or environmental effects of the proposed amendment.

14.8.4. Approval Criteria

A. The Zoning Map Amendment substantially conforms to the Comprehensive Plan.

B. The Zoning Map Amendment substantially conforms to the stated purpose and intent of this Land Development Code.

C. The Zoning Map Amendment will reinforce the existing or planned character of the area.

D. The subject property is appropriate for development allowed in the proposed district.

E. There are substantial reasons why the property cannot be used according to the existing zoning.

F. There is a need for the proposed use at the proposed location.

G. The City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

H. The Zoning Map Amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.

I. The Zoning Map Amendment will not have a significant adverse impact on property in the vicinity of the subject property.

14.8.5. Conditions of Approval

Conditions may be attached to a Zoning Map Amendment approval and such conditions may take the form of a Development Agreement, as specified in Sec. 67-6511A, Idaho Statute. Conditions include, but are not limited to those which:

A. Minimize adverse impact on other development;

B. Control the sequence and timing of development;

C. Control the duration of development;

D. Assure that development is maintained properly;

E. Designate the exact location and nature of development;

F. Require the provision of on-site or off-site public facilities or services;

G. Require more restrictive standards than those generally required in this Land Development Code;

H. Require mitigation of effects of the proposed development upon service delivery by any governmental agency/district, including school districts, providing services within the planning jurisdiction.
14.9.1. Applicability
An application for the annexation of a parcel of land into the city may be made by the parcel owner if the parcel lies within the city's Area of Impact and is contiguous with the current city limits. Land will not be annexed if it will be connected to the city only by a shoestring or strip of land that comprises a railroad or highway right-of-way. Approval for connection to city water service within the city's Area of Impact may be conditioned on a consent to the property's annexation.

14.9.2. Application Requirements
The following information is required to be submitted:
A. Vicinity Map showing the location of the property under consideration.
B. Legal description of land to be annexed.
C. Annexation Boundary Map prepared in draftsman-like manner which shall plainly and clearly designate the boundaries of land to be annexed and the adjoining existing city boundary.
D. Narrative describing the project and responding to the following:
   1. How are the existing and proposed land uses in the requested annexation area related to the Comprehensive Plan?
   2. Describe the availability of public facilities, such as streets, sewer, water, etc., needed to support the allowable uses in the area.
   3. Describe the compatibility of the proposed zone's allowable uses with the surrounding area.

14.9.3. Review Process
The decision to annex property lies with the City Council; however the process necessarily encompasses a Zoning Map Amendment process. Subsequently, the City Council makes a decision on the annexation application following a recommendation on zoning designation from the Planning and Zoning Commission, in accordance with Article 14.3. Both the City Council and Planning and Zoning Commission must hold public hearings before acting on the application. In performing an annexation application review, the commission or council may require studies of the social, economic, fiscal, and/or environmental effects of the proposed annexation.

14.9.4. Approval Criteria
The decision to annex property is a legislative decision and is approved at the sole discretion of the City Council, which generally will seek to determine whether there is a compelling public benefit from the proposed annexation. If the City Council elects to annex the property, then the subsequent act of designating the appropriate zoning district for the property will be subject to the approval criteria of Article 14.9 Zoning Map Amendment. The City Council may require the annexed area to be surveyed.

14.9.5. Annexation Agreement
Typically, the City Council will require an Annexation Agreement between the City and owner of property being annexed, specifying conditions of the annexation that are required to meet approval criteria. The annexation agreement will be recorded with the Teton County Recorder.

14.9.6. Annexation Approval
Upon approval, an Ordinance along with the de-annexation boundary map and legal description will be recorded in the Teton County Recorder's office. Per State Statute 50-223, within ten (10) days from the effective date of the Ordinance, the City Clerk will file a certified copy of the Ordinance and map with the County Auditor, County Treasurer, County Assessor, and State Tax Commission.

14.9.7. Expiration of Approval
Notwithstanding the conditions of the annexation agreement, an approved Annexation expires six (6) months after the approval date unless the Annexation plat and Ordinance have been recorded.

14.10.1. Applicability
An application for the de-annexation of a parcel of land out of the city may be made by the parcel owner.

14.10.2. Application Requirements
The following information is required to be submitted:
A. Vicinity Map showing the location of the property under consideration.
B. De-Annexation Boundary Map prepared in draftsman-like manner which shall plainly and clearly designate the boundaries of the land to be de-annexed, and the adjoining existing city boundary and Area of Impact boundary.
C. Narrative describing the project and responding to the following:
   1. How are the existing and proposed land uses in the requested de-annexation area related to the Comprehensive Plan?
   2. Describe the compatibility of the proposed zone's allowable uses with the surrounding area.

14.10.3. Review Process
The decision to de-annex property lies with the City Council, however the process necessarily encompasses a Zoning Map Amendment process with the final zoning decision by the Board of County Commissioners. Subsequently, the City Council makes a decision on the de-annexation application following a recommendation on zoning designation from the Planning and Zoning Commission, in accordance with Article 14.3. Both the City Council and Planning and Zoning Commission must hold public hearings before acting on the application. In performing a de-annexation application review, the Commission or Council may require studies of the social, economic, fiscal, and/or environmental effects of the proposed de-annexation.

14.10.4. Approval Criteria
The decision to de-annex property is a legislative decision and is approved at the sole discretion of the City Council, which generally will seek to determine whether there is a compelling public benefit from the proposed de-annexation. If the City Council elects to de-annex the property, then the subsequent act of designating the appropriate zoning district for the property will be subject to the Driggs Area of Impact or the Teton County Zoning Map Amendment process.

14.10.5. De-Annexation Approval
Upon approval, an Ordinance along with the de-annexation boundary map and legal description will be recorded in the Teton County Recorder's office. Per State Statute 50-223, within ten (10) days from the effective date of the Ordinance, the City Clerk will file a certified copy of the Ordinance and map with the County Auditor, County Treasurer, County Assessor, and State Tax Commission.

14.10.6. Expiration of Approval
An approved De-annexation expires six (6) months after the approval date unless the De-annexation plat and Ordinance have been recorded.
14.11.1. Nonconforming Building or Structure

A. Defined
A principal or accessory building or structure that does not meet the current adopted requirements for the applicable zoning district.

B. Expansion
Any expansion, enlargement or extension of a nonconforming building or structure must meet the dimensional requirements for the applicable zoning district and all other requirements of this Land Development Code.

C. Maintenance
Maintenance and minor repair of a nonconforming building or structure necessary to keep it in sound condition is allowed.

D. Damage or Destruction
1. In the event that a nonconforming structure devoted to a residential use or conforming civic use is damaged or partially destroyed by exercise of eminent domain, riot, fire, accident, explosion, flood, lightning, wind or other calamity or natural cause, such structure may be restored within the existing footprint and to the condition existing immediately before the damage or destruction provided that such restoration is started within 1 calendar year and diligently pursued to completion.

2. In the event that a nonconforming structure devoted to a conforming non-residential use is damaged or partially destroyed by exercise of eminent domain, riot, fire, accident, explosion, flood, lightning, wind or other calamity or natural cause to the extent of 50% of the value of the structure prior to the damage or destruction, such structure may only be restored in conformance with this Land Development Code.

14.11.2. Nonconforming Use

A. Defined
Any use of land, building or structure that does not conform to the use regulations of this Land Development Code, but which was lawfully existing (conforming) on or before the effective date of this Land Development Code or its amendment.

B. Continuance
A nonconforming use may be continued, subject to the requirements of this section. The right to continue a nonconforming use is tied to the land and not with the owner.

C. Proof of Lawful Establishment
It is the responsibility of the owner of a nonconforming use to prove to the Administrator that the use was lawfully established and existed on the effective date of adoption or amendment of this Land Development Code.

D. Change in Use
A nonconforming use may not be changed to another nonconforming use. A change in tenancy or ownership is not considered a change to another nonconforming use, provided that the use itself is not expanded.

E. Discontinuance
A nonconforming use may not be re-established after discontinuance for one (1) year. Vacancy of the building, regardless of the intent of the owner or tenant, constitutes discontinuance under this provision.

F. Expansion
A nonconforming use may not be expanded, enlarged or extended, in land area or in floor space or volume of space in a building or structure.

14.11.3. Nonconforming Lot of Record

A. Defined
A lot that does not conform to the lot dimensional standards of the applicable zoning district, but which was a lot of record prior to the date of adoption of this Land Development Code.

B. Use as Building Site
A nonconforming lot of record may be used as a building site, provided that the building setbacks of the applicable zoning district are met or a variance is obtained from the city. Where applicable, the nonconforming lot of record must meet all current requirements of the Public Health District 7 and other agencies of jurisdiction.

14.11.4. Nonconforming Build-To Requirement

A. Additions
When an existing building is being expanded and the building doesn’t meet the build-to requirement, the following provisions apply.

Front: Addition. Any addition to the front must be placed in the build-to zone. The addition does not have to meet the build-to percentage for the lot.

Rear: Addition. Rear additions are allowed because the addition does not increase the degree of the nonconformity.

Side: Addition. Side additions are not allowed because the extension increases the width of the building not located in the build-to zone.

B. New Buildings
Where a new building is being constructed on a lot or site with an existing building on it that doesn’t meet the build-to requirement, the following provisions apply.

Front: New Building. All new buildings must be placed in the build-to zone until the build-to percentage for the lot has been met.

Rear: New Building. New buildings located outside of the build-to zone are not allowed until the build-to percentage for the lot has been met.
C. Replacement Buildings

New buildings located outside of the build-to zone are allowed to replace an existing building. Where the replacement building footprint is increased, it must be approved by the Planning & Zoning Commission.

14.12.1. Applicability

Modification of any use, development or recorded document previously approved by the city under the Land Development Code shall not occur without review and approval of the proposed modification by the City.

14.12.2. Approval Authority

The Administrator may, after receiving sufficient description and other necessary information pertaining to the requested modification, grant approval of insignificant modifications that do not increase the scope or impact of the land use or development or conflict directly with any approval condition or applicable standards of the Land Development Code. In making this determination, the Administrator may seek input from parties affected by the original approval or their heirs and assigns. If the Administrator determines that the requested modification is significant, the applicant will be required to repeat the process that was utilized for the original approval and pay any associated fees.

14.12.3. Property Boundary Line Adjustment

A. Applicability

A property boundary line adjustment may be applied for to adjust or remove common property lines or boundaries between adjacent tracts, or parcels for the purpose of accommodating a transfer of land, combining existing parcels or rectifying a disputed property line location.

B. Application Requirements

The following information is required to be submitted:

1. Surveyed site plan with the following information:
   a. Vicinity Map, Legal description, Original and proposed property lines.
   b. Property boundaries with required setbacks and acreage shown.

   c. Existing buildings, parking areas, vehicular access points, fences, waterways, and easements.

   d. Adequate access easements for each parcel.

   e. Stamp, date, and signature from a licensed land surveyor.

   f. Signature blocks for the City Planning & Zoning Administrator, Mayor, City Clerk (attest), County Surveyor, and all affected property owners.

2. Unrecorded deeds with the proposed legal descriptions.

3. Narrative describing the project and any other information necessary to assure the fullest consideration of facts concerning the application.

C. Review Process

A boundary adjustment application is reviewed and approved or denied by the Administrator.

D. Approval Criteria

1. The resulting adjustment shall not create any additional tracts or parcels and all reconfigured tracts or parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.

2. The resulting boundaries shall not create any non-conformance with the standards of the Land Development Code.

E. Recording of Boundary Adjustment Survey

After a Boundary Adjustment is approved by the Administrator, and all fees paid, a Mylar copy of the Map of Survey and all other required materials outlined above for a Boundary Adjustment shall be submitted to the Planning Department prior to recording with the County Clerk.
F. Approval Expiration
An application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new application shall be required.

14.12.4. Plat Amendment or Vacation - Insignificant

A. Applicability
A Subdivision Plat Amendment is required for changes or proposed vacations to previously recorded rights-of-way, easements, recorded plats of subdivisions or Planned Unit Developments, or to the associated recorded Development Agreements and improvement plans. To qualify as an insignificant amendment, the proposed changes have minimal direct impact on the immediate neighborhood, general vicinity of the subdivision or overall community and conform to the approval criteria of this Section.

B. Application Requirements
The following information is required to be submitted:

1. Surveyed amended plat, if applicable, with the following information:
   a. Subdivision name, including “Amended” and its location by section, township, and range; reference by dimension and bearing to a section corner or quarter section corner.
   b. Vicinity Map, legal description, original and proposed property lines.
   c. All information from existing plat to be included on amended plat, including plat notes.
   d. Location, dimensions, and areas of all proposed changes to the plat.
   e. Adjacent lot/property description illustrated on the plat to indicate the location of the plat amendment within the overall subdivision plat and surrounding areas (these illustrations not within the proposed plat amendment shall be indicated with less line weight).
   f. Stamp, date, and signature from a licensed land surveyor.
   g. Signature blocks for the following:
      i. Owner’s Dedication and Acknowledgment block and Consent to Record for any lien holders as specified in Idaho Statute 50-1309
      ii. Certification by the County Surveyor stating that the plat has been reviewed for accuracy and is acceptable to be recorded per Idaho Statute 50-1305.
      iii. City Public Works Director, if applicable
      iv. District 7 Health Department, if applicable
      v. Fire Chief, if applicable
      vi. City Attorney, if applicable
      vii. Mayor and City Clerk attest
      viii. Planning Administrator, if applicable
      ix. County Assessor
      x. County Treasurer
   2. Unrecorded deeds with the proposed legal descriptions, if applicable.
   3. Amended Development Agreement, if applicable.
   4. Amended Improvement Plans, if applicable.
   5. Narrative describing the project and any other information necessary to assure the fullest consideration of facts concerning the application.

C. Review Process
1. Plat Amendments involving only a boundary line adjustment: The Planning Administrator shall review the application in accordance with section 14.3 and make a final decision based on the approval criteria in this Article.

2. Plat Vacations and all other amendments:
   a. The Planning Administrator shall review the application in accordance with section 14.3 and make a recommendation to the City Council, which shall review at a public hearing and make a final decision based on the criteria in this Article.

D. Approval Criteria
To approve an Insignificant Plat Amendment or Vacation, the City Council must find that the amendment or vacation:

1. Complies with all applicable criteria and standards of the City regulations, conditions of approval established in the previous approval, and the development agreement approved as part of the previous approval.
2. Does not reduce the area of designated open space or increase the number of lots.
3. Does not significantly affect block layout, roads, connectivity, utilities or other facilities.
4. Does not change the uses approved, or the location of where certain uses are approved.
5. Does not increase or create new and potentially substantial direct or indirect impacts on the neighborhood, vicinity of the subdivision or overall community.
6. Conforms to the Comprehensive Plan and other applicable adopted plans and policies.

E. Required Signatures
Certain types of modifications to a recorded plat will require multiple applicant/signatures. The list below is intended to be a general guide as to when all of the owners of a plat need to sign, versus just one owner.

1. Modification of open space, density, common area, road/right-of-way realignment, change of use, and similar changes, require all property owners in the platted subdivision to sign the amended plat and application.
2. Changes to correct a property boundary, combining of lots, or changes on a single lot only require the property owner of the affected lots to sign the plat and application.

F. Recording of Amended Plat or Vacation Ordinance
After an Insignificant Plat Amendment is approved by the City Council, a Mylar copy of the Amended or Vacated Plat and all other required materials for the amendment shall be submitted to the Administrator who shall then record the amended plat and/or amended Development Agreement with the County Clerk. For vacation of public roads and easements, the city shall adopt, record and publish an ordinance vacating the public right of way or easement in accordance with Idaho State Statute.

G. Expiration of Approval
An application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new application shall be required.

14.12.5. Plat Amendment or Vacation - Significant

A. Applicability
A Subdivision Plat Amendment is required for changes or proposed vacations to previously recorded rights-of-way, easements, recorded plats of subdivisions or Planned Unit Developments or to the associated recorded Development Agreements. Amendments that do not meet the criteria for approval as an Insignificant Plat Amendment contained in Sec. 14.13.4 shall be reviewed as a Significant Plat Amendment under the provisions of this section.

B. Application Requirements
All of the information required in 14.13.4.B for Insignificant Plat Amendments is required.

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C. Review Process
The process for a Significant Plat Amendment shall be the same as the process for either a short or full plat, depending on which process the original approval would have followed. Except that lot splits in non-residential subdivisions that are divided for the purpose of ownership and do not increase density or the total buildable area may be reviewed under the Short Plat process if the proposal meets the Short Plat approval criteria.

D. Approval Criteria
The approval criteria for a Significant Plat Amendment shall be the same as that for either a short or full plat, depending on which process the original approval would have followed.

E. Required Signatures
Certain types of modifications to a recorded plat will require multiple applicant/signatures. The list below is intended to be a general guide as to when all of the owners of a plat need to sign, versus just one owner.

1. Modification of open space, density, common area, road/right-of-way realignment, change of use, and similar changes, require all property owners in the platted subdivision to sign the amended plat and application.

2. Changes to correct a property boundary, combing of lots, or changes on a single lot only require the property owner of the affected lots to sign the plat and application.

F. Recording of Amended Plat
After a Significant Plat Amendment is approved by the City Council, a Mylar copy of the Amended or Vacated Plat and all other required materials for the amendment shall be submitted to the Administrator who shall then record the amended plat with the County Clerk. For vacation of public roads and easements, the city shall adopt, record and publish an ordinance vacating the public right of way or easement in accordance with Idaho State Statute.

Expiration of Approval
An application that is approved and not recorded within six (6) months of the date of approval shall be considered expired and a new application shall be required.