

CHAPTER 4

FINAL PLAT

SECTION:

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10-4-1: **TENTATIVE FINAL PLAT:**

- A. Submission: Prior to submission of the final plat, the subdivider shall submit two (2) copies of the tentative final plat to the planning and zoning commission staff which shall check it for compliance with the requirements and conditions of preliminary plat approval and for accuracy.
- B. Return Copy: One copy of the checked tentative final plat will be returned to the subdivider with any required change. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002)

10-4-2: **FILING:** After compliance with the provisions of this title, the subdivider shall submit a final plat with two (2) copies thereof to the planning and zoning commission staff. Such plat shall include a certificate by the subdivider's professional land surveyor indicating that all lots meet the requirements of the zoning ordinance. [amd. Ord. 2017-11-2]

- A. The final plat and accompanying information shall be submitted to the planning and zoning commission staff, allowing that staff at least forty (40) working days for completion of review for each submittal. The staff will determine if the submittal is sufficient with regard to the applicable requirements of state law and county regulation.

- B. Upon satisfactory review by the staff, the final plat shall be forwarded to an Idaho professional land surveyor, as chosen by the County, with the request that the surveyor verify the plat to be in compliance with Idaho Code 50-1305, and its successor statute(s). The surveyor shall check the plat and computations thereon to determine the requirements are met. The surveyor shall certify such compliance on the final plat. For performing such service, the subdivider shall pay the actual cost of review as billed by the surveyor. Surveyor shall send an invoice for actual services and actual costs to the County, who will provide notice of the billing to subdivider. Subdivider shall pay said amount to County, for remittance to the surveyor. The matter shall not be scheduled before the Commission until all such costs have been paid by subdivider.
- C. Any inaccuracies or omissions in the proposed final plat, as determined by staff, surveyor or other, shall be remedied by the subdivider before further processing of the proposed final plat. The Planning and Zoning Office shall notify the subdivider of those findings and that no further action on the proposed final plat will be taken until the necessary corrections are made.
- D. Upon satisfactory review of the proposed final plat by the County's surveyor, the Zoning Administrator shall deem the final plat filed with the Planning and Zoning Office. The matter shall then be scheduled on the next available hearing date before the Commission. The Commission shall then examine all issues pertaining to the proposed final plat and make a determination thereon. Once the determination is that the final plat, in all aspects, is in compliance with Cassia County Code in effect on the date of filing, the Commission shall appropriately execute the final plat, and recommend the matter be brought before the Board of County Commissioners for final review.
- E. Any Application that remains inactive for a period of time in excess of ninety (90) days shall, following notice to subdivider, be returned to the subdivider without refund of filing fees. A new fee shall be required for resubmitted plats and/or applications.

10-4-3: **REQUIREMENTS:** The final plat shall comply with the provisions of title 50, chapter 13, Idaho Code, and shall have the outside or trim dimensions of eighteen inches by twenty seven inches (18" x 27"). The plat shall be made to a scale large enough to clearly show all details, and the workmanship on the finished drawing shall be neat, clean, and readable. The plat shall be signed by all parties (mentioned in subsection G of this section) duly authorized and required to sign, and shall contain the following information:

- A. Name And Location: A subdivision name approved by the county recorder and the general location of the subdivision in bold letters at the top of the sheet.
- B. PUD or Condominium Project: Where a subdivision complies with the planned unit development provisions of the zoning ordinance, the final plat shall indicate the words "Planned Unit Development" as part of subdivision name. In addition, when a development complies with the condominium project procedure, section 10-2-2 of this title, the record of survey map shall indicate the words "Condominium Project" with the condominium name.
- C. North Point: A north point, scale of the drawing, and the date.
- D. Boundaries: Accurately drawn boundaries showing the proper bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines.
- E. Dimensions And Lots: The widths, lengths, bearings, and curve data on centerline of proposed streets, alleys, and easements; the boundaries, bearing the dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions, bearings, and numbers of all lots, blocks, and parts reserved for any reason within the subdivision. All lots are to be numbered consecutively by numbering approved by the planning and zoning commission staff. After the final plat is approved by the board, the county shall provide the developer with an address number to each residential or business lot within the subdivision plat¹.
- F. Private Common Open Space: Parcels of land to be permanently reserved for private common open space shall also be titled "private common open space".
- G. Forms: The standard forms approved by the planning and zoning commission for all subdivision plats lettered for the following:

¹ See title 7, chapter 3 of this code.

1. Legal Description: Legal description of land to be included in the subdivision.
 2. Surveyor's Certificate: Professional land surveyor's "certificate of survey".
 3. Dedication Certificate: Owner's dedication certificate.
 4. Notary Public: Notary public's acknowledgment of owner's signature(s).
 5. County Surveyor: County surveyor's certificate of approval.
 6. Highway District: Appropriate highway district's certificate of approval.
 7. Zoning Administrator: County zoning administrator's certificate of approval.
 8. Health Department: County health department's certificate of approval.
 9. Planning and zoning commission: County planning and zoning commission certificate.
 10. Attorney: County attorney's certificate of approval. (Ord. 93-6-2, 6-28-993; as amended 6-24-2002)
 11. Certificate Of Acceptance: Board certificate of acceptance attested by the county clerk.
 12. Recording Block: A three by three inch (3 x 3") block in the upper right hand corner of the drawing for recording information.
- H. Covenants: A copy of the protective covenants for approval by the board and recording if applicable. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002; 2003 Code; amended Ord. 2009-04-02, 4-14-2009)

10-4-4: **AMENDED PLATS:** When changes are made in a recorded plat of a subdivision, approval of said subdivision shall be voided, and an amended plat thereof shall be processed in accordance with this

title and in compliance with the provisions of Idaho Code section 50-1306A. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002)

10-4-5: **APPROVAL:**

- A. Review By Administrator: The final plat and associated documents shall be reviewed by the county. The county zoning administrator shall check the engineering requirements and construction drawings, and determine the amount of the surety to ensure construction of improvements where necessary. After approval and signature of the county zoning administrator, the final plat and associated documents shall be submitted to the county health department for review of health related items and a signature if approved. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002)

- B. Review By Planning And Zoning Commission: The final plat shall be reviewed by the planning and zoning commission. The planning and zoning commission shall then either approve or reject the subdivision final plat. If approved, the planning and zoning commission shall express its approval through the signature of the planning and zoning commission chairman on the plat. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002; 2003 Code)

- C. Review By Board: The final plat, the subdivision agreement (see section 10-4-6 of this chapter), and other applicable documents shall be reviewed by the board. The board shall then either approve or reject the subdivision final plat. If approved, the final plat shall be held by the planning and zoning department until the subdivider pays the required fees, and completes the improvements and/or provides the guarantee(s) on improvements. Upon compliance with these requirements, the board chairman shall sign and the county clerk shall attest the plat and the subdivision agreement. The final plat and subdivision agreement shall then be submitted to the office of the county recorder by the subdivider.

- D. Approval Required: No final plats shall be recorded in the office of the county recorder, and no lots included in such final plat shall be sold or exchanged, unless and until the plat is so approved, signed, and accepted.

- E. Unapproved Plats: Any final plat not approved and signed, or which shall not be offered for recording within one year after the date of final approval, unless the time is extended by the board, shall not be recorded and shall have no validity whatsoever.
- F. Changing Plat Prohibited: It shall be unlawful for any person to change the lines, drawings, lot sizes or shapes, or any other provision of a plat after it has received approval by any person whose approval is required.

Any plat that is changed in violation of this subsection is void, and the subdivider shall, upon conviction thereof, be punished as set forth in this title. In addition, the county may compel the person recording the plat to withdraw the plat from the county recorder's office or to file a notice, or the county may itself file a notice that the recordation of the plat is void. The subdivider is responsible for recording all subdivision plats, after approval by the board. The subdivider is responsible for all recording and associated fees. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002)

10-4-6: **Installation of Improvements and Repairs or Agreement and Bond / Guarantee for Improvements:** Before recordation, the applicant shall install required improvements and repair any existing streets and other public facilities disturbed or damaged in the development of the subdivision. The applicant shall be responsible for the successful operation and all repair to the improvements for a two (2) year period following their installation.

Alternatively, if agreeable to the County, the applicant may negotiate, obtain and then execute and file with the Governing Board an agreement between himself and Cassia County, specifying the period within which required improvements and repairs shall be completed. The agreement shall also contain a provision that the applicant shall be responsible for the successful operation and all repair to the improvements for a two (2) year period following their installation. The agreement shall be accompanied by a surety bond, cash deposit, certified check, irrevocable letter of credit or other form of security approved by the Cassia County Prosecuting Attorney, in the amount of One Hundred Fifty Percent (150%) of the estimated cost of construction for the remaining improvements to be

completed. In the event that the applicant does not timely complete the improvements, Cassia County may proceed against the guarantee. If the cost of completion of the improvements exceeds the amount of the guarantee Cassia County may recover the full cost and expenses thereof from the applicant. For a phased subdivision, the required bonding shall be for the phase which is being developed.

Warranty Bond: The two (2) year warranty, as hereinbefore set forth in this section, shall be accompanied by a bond or some other security acceptable to Cassia County in an amount equal to twenty-five percent (25%) of cost of the total improvements. (Ord. 2009-04-02, 4-14-2009).