

ORDINANCE 1219

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING TITLE 16 BY ADDING AND ALTERING DEFINITIONS; BY ADDING AND ALTERING DESIGN STANDARDS; BY ALTERING PLAT REQUIREMENTS; AND BY CLARIFYING VARIANCE REQUIREMENTS; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ALLOWING FOR PUBLICATION BY SUMMARY; SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO;

SECTION 1. Title 16 of the Payette Municipal Code, which is also referred to as the Payette City Subdivision Ordinance, is hereby amended as set out in Exhibit A which is attached hereto and incorporated here as if set out in full verbatim.

SECTION 2. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

SECTION 3. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall remain in effect and shall constitute Ordinance 1219.

SECTION 4. This ordinance may be published by summary in accordance with the statues of the State of Idaho.

SECTION 5. This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Passed and approved by the Mayor and City Council this 16th day of December, 2002.

CITY OF PAYETTE

BY Mark L. Heleker
Mark Heleker, Mayor

ATTEST: John P. Franks
John P. Franks, City Clerk

SUMMARY OF ORDINANCE 1219

Ordinance 1219 is an ordinance of the City of Payette, Idaho, adopted December 16, 2002. The ordinance may be descriptively known as the Payette City Subdivision Ordinance. The ordinance amends title 16 by adding and altering definitions; by adding and altering design standards; by altering plat requirements; and by clarifying variance requirements; providing for severability and repealer; allowing for a publication by summary and setting an effective date upon passage and publication. The ordinance shall take effect immediately upon passage and publication.

I, Bert L. Osborn, City Attorney for the City of Payette, Idaho, certify that I am familiar with Ordinance 1219 of the City of Payette, Idaho, and with the foregoing summary. The summary is true and complete and provides adequate notice to the public. The full text is on file with the Payette City Clerk and shall promptly be made available to any citizen upon request.

Dated this 16th day of December, 2002.


Bert L. Osborn

Title 16
SUBDIVISIONS

Chapters:

- 16.04 General Provisions
- 16.08 Definitions
- 16.12 Design Standards
- 16.13 Model Homes
- 16.16 Plats Generally
- 16.20 Preliminary Plats
- 16.24 Final Plats
- 16.28 Improvements
- 16.32 Variances And Appeals
- 16.36 Amendments
- 16.40 Violation--Penalty

Chapter 16.04

GENERAL PROVISIONS

Sections:

- 16.04.010 Purpose**
16.04.020 Applicability

16.04.010 Purpose. In order to promote the public health, safety and general welfare of present and future residents, and to bring about a coordinated and efficient development of the City, the following regulations for the subdividing of land within the City are adopted.

16.04.020 Applicability.

- A. The regulations codified in this Title shall apply to all subdivisions and development within the corporate limits of the City or within the Area of City Impact as established by ordinance, including the following:
1. The dividing of any lot, tract or parcel of land into two (2) or more tracts, lots or parcels for transfer of ownership or building development;
 2. The dedication of any street or alley through or along any tract of land;
 3. Any division or resubdivision of a lot or parcel into sublots except as provided in subsection B of this Section.
- B. The regulations codified in this Title shall not apply to any of the following:
1. A readjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width or depth of each building site below the minimum prescribed by any City ordinance or any covenant pertaining to said plat nor create any new lots:
An amended plat that conforms to Idaho Code Title 55, Chapter 19 shall be required for any readjustment of lot lines. Such Record of Survey shall be filed both with the Payette County Recorder and the City of Payette. The following shall be included on the amended plat: Certificate of Owners and Acknowledgment, Certificate of Surveyor, Certificate of City Engineer and Certificate of the Payette County Recorder. The amended plat shall also contain the original lot line(s), the new lot lines, the square footage of the adjusted lots, correct street names, all existing building(s) to be delineated and dimensioned, a note giving the zone standard in effect for the area or as specifically approved. The readjustment of lot line(s) shall not reduce the building site below the minimum prescribed by any City Ordinance or as specifically approved, nor violate setback requirements. The plat shall so contain all existing easements of record. Accompanying the plat shall be a new property description of each adjusted lot. New property pins shall be set for each adjusted lot. The City Engineer shall verify compliance with this section prior to certification. A Record of Survey is not acceptable to establish or adjust lot lines.
 2. A division of land into parcels of five (5) acres or more designated to be used solely for agricultural purposes, and which does not involve any new street dedication other than dedications widening existing streets;
 3. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property thereunder. Provided however, that any development of any lands divided as a result of the settlement of an estate of a decedent or a court decree for the distribution of property shall conform to all requirements of this Code.
 4. The exceptions contained in subsections B1, B2 and B3 of this Section are from the review and approval requirements of the Code

only. Plats must still be prepared in accordance with these regulations and filed with the County Recorder. A copy of any plat, amended plat or correction plat must also be provided to the City Engineer and City Clerk or the City Building Official.

Chapter 16.08

DEFINITIONS

Sections:

<u>16.08.010</u>	Generally	
<u>16.08.020</u>	Alley	
<u>16.08.025</u>	<u>City Engineer</u>	
<u>16.08.030</u>	Commission	
<u>16.08.040</u>	Comprehensive General Plan	
<u>16.08.050</u>	City County engineer or surveyor	
<u>16.08.060</u>	County Recorder	
<u>16.08.070</u>	Cul-de-sac	
<u>16.08.080</u>	Dedication	
<u>16.08.090</u>	<u>Development</u>	
<u>16.08.100</u>	Easement	
<u>16.08.110</u>	<u>Engineer Flag Lot</u>	
<u>16.08.120</u>	Highway	
<u>16.08.130</u>	Lot	
<u>16.08.140</u>	<u>Natural Drainage</u>	
<u>16.08.150</u>	Owner	
<u>16.08.160</u>	Plat, final	
<u>16.08.170</u>	Plat, preliminary	
<u>16.08.180</u>	Standard specifications	
<u>16.08.190</u>	Street	
<u>16.08.200</u>	Street, commercial	<u>arterial</u>
<u>16.08.210</u>	Street, collector	
<u>16.08.220</u>	Street, frontage	<u>Dead-end Street</u>
<u>16.08.230</u>	Street, loop	
<u>16.08.240</u>	Street, minor	<u>local</u>
<u>16.08.250</u>	Street, partial	
<u>16.08.260</u>	Subdivider	<u>Developer</u>
<u>16.08.270</u>	Subdivision	
<u>16.08.280</u>	Utilities	

16.08.010 Generally. For the purposes of this Title, the following definitions shall apply.

16.08.020 Alley. "Alley" means a minor public way providing secondary access at the back or side of a property.

16.08.025 City Engineer. "City Engineer" shall give lines and grades of all existing streets and alleys within the city limits. He shall give the grades and lines of all new sidewalks and the grades and levels for roads, ditches, culverts or drains for surface drainage; and he shall assist the Council and any of their committees in any all such works.

16.08.030 Commission. "Commission" means the Planning and Zoning Commission of the City.

16.08.040 Comprehensive General Plan. "Comprehensive General Plan" means the Comprehensive Plan for the City officially adopted by the City Council. ~~or current City standards.~~

16.08.050 County Engineer or surveyor. "County Engineer" or "surveyor" means that registered ~~surveyor or engineer~~ appointed by the County Board of County Commissioners. ~~to check plats and make such surveys, maps and plats ordered by the Board. City.~~

16.08.060 County Recorder. "County Recorder" means the office of the County Recorder.

16.08.070 Cul-de-sac. "Cul-de-sac" means the turnaround space located at the terminus of a dead-end street. ~~provided with turnaround space at its terminus.~~

16.08.080 Dedication. "Dedication" means the setting apart of land or interests in land for use by the public. Land becomes dedicated when accepted by the Council as a public dedication, either by ordinance or entry in the official minutes of the Council.

16.08.090 Development. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

16.08.100 Easement. "Easement" means a grant of the right to use land for specific purposes.

~~16.08.110 Engineer. "Engineer" means the City Engineer.~~

16.08.110 Flag Lot. "Flag lot" shall mean a lot that sits behind another lot, with a narrow entry point at a public street. Also known as a "key" lot.

16.08.120 Highway. "Highway" means a street designated as a highway by the State or Federal agency responsible therefor.

16.08.130 Lot. "Lot" means a portion of a recorded subdivision or a property defined by metes and bounds intended as a unit for transfer of ownership or for development.

16.08.140 Natural Drainage Courses. "Natural Drainage Courses" shall mean any natural channel of a stream, river, canal or other watercourse, whether containing water year-round or not.

16.08.150 Owner. "Owner" means an individual, firm, association, syndicate, partnership, or corporation, or other lawful entity having sufficient proprietary interest in land to be subdivided to commence and maintain proceedings under the regulations of this Title.

16.08.160 Plat, final. "Final plat" means a plan of a subdivision, dedication or any portion thereof prepared for filing and recording by the County Recorder and containing those elements and requirements set forth in this Title. A final plat, upon its being filed and recorded by the County Recorder, shall be known as an authorized plat, subdivision or dedication.

16.08.170 Plat, preliminary. "Preliminary plat" means a ~~preliminary plat plan~~ of a proposed subdivision or dedication, containing the elements and requirements set forth in this Title.

A. "Plat, correction" means a plat which is prepared for the purpose of correcting lot boundaries, to resolve errors in mapping, vacancies, overlaps and errors in surveys, descriptions or to correct some other error in a final plat.

B. "Plat, amended" means a plat which is prepared to reflect alterations or changes in boundaries, lot sizes, lot divisions, numbers of lots, streets, easements, rights of ways or other changes in a platted parcel or platted subdivision. (Same as replat).

16.08.180 Standard specifications. "Standard specifications" means the

standard specifications for public works of the city officially adopted by the Council and including all subsequent amendments thereto.

~~16.08.190 Street, collector. "Collector street" means a street designated as a collector street by the Council. A collector street has the primary purpose of carrying traffic from minor streets to other collector streets and arterial streets.~~

16.08.190 Street. "Street" means a right-of-way that provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted by the Council. "Street" includes also the terms highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place and other such terms. "Street" means any street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for access, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law, or approved by official action and includes the land between street lines, whether improved or unimproved and may include pavement, shoulders, gutters, sidewalks, parking areas, and other areas within the right-of-way. "Street" also means a thoroughfare which has been dedicated or granted to the public and accepted by proper public authority, or a thoroughfare not less than 50 feet wide which has been made public by right of use and which affords the principal access to the abutting property, and provides vehicular circulation.

~~16.08.200 Street, commercial. "Commercial street" means a street designated as a commercial street to provide efficient movement in a commercial area.~~

16.08.200 Street, Arterial. "Arterial Street" means a street with a high level of traffic mobility and a low level of access to land.

~~16.08.210 Street, Major Arterial. "Major Arterial Street" means an existing or proposed street that is intended to serve as a major traffic way with controlled access: a street designated as an arterial street by the Council. It is the primary purpose of an arterial street to carry fast or heavy traffic.~~

16.08.210 Street, collector. "Collector street" means a street designated with the primary purpose of carrying traffic from local streets to other collector streets and arterial streets.

~~16.08.220 Street frontage. "Street frontage" means a minor street designate as an industrial street by the Council. It is the primary purpose of an industrial street to provide for traffic movement in an industrial area.~~

16.08.220 Dead-end street. "Dead-end street" means a street connecting to another street at one end only and not having provisions for vehicular turnaround at its terminus.

~~16.08.230 Street, industrial. "Industrial street" means a street designated as an individual street by the Council. It is the primary purpose of an industrial street to provide for traffic movement in an industrial area.~~

16.08.230 Street, loop. "Loop street" means a minor street which forms a loop and returns to the same street from which it originated. A street forming a connection between two (2) other streets is not considered a loop.

16.08.240 Street, local. "Local street" means a street intended to provide access to lots and serve the needs of a neighborhood.

~~16.08.250 Street, minor. It is the purpose of a "minor street" to provide access to abutting properties.~~

16.08.250 Street, partial. "Partial street" means a dedicated right of way that provides only a portion of the required street width.

16.08.260 Developer. "Developer" means an individual, corporation, firm or group or other legal entity which ~~who~~ undertakes the subdividing of a lot, tract or parcel of land for the purpose of transfer, or ownership or development, including ~~dedicating~~ the dedication of streets or changes in street or lot lines.

16.08.270 Subdivision. "Subdivision" means the division of a lot, tract or parcel of land into more than one part for the purpose of transfer of ownership or for the construction of improvements thereon.

16.08.280 Utilities. "Utilities" means the installation for conducting water, sewage, gas, telephone, cable television or electricity and similar facilities providing service to and used by the public.

Chapter 16.12

DESIGN STANDARDS

Sections:

16.12.010	Generally
16.12.020	Block requirements
16.12.030	Lot requirements
16.12.040	Street requirements
16.12.050	Alley requirements
16.12.060	Easements
16.12.070	Street signs
16.12.080	Street lights and poles
16.12.090	<u>Optional Development Requirements</u>

16.12.010 Generally. In order that the subdivision of land within the jurisdiction of the City will contribute to the development of safe, convenient and attractive residential, commercial and other areas, and will advance the public welfare, the Commission and Council in reviewing and acting upon any subdivision plat shall insure that full consideration and weight is given to the following:

- A. The intent and design of the proposed plat shall be in accordance with the provisions of the Comprehensive General Plan.
- B. Street patterns in residential neighborhoods shall be designed to create areas free of through traffic which discourage through traffic but is while being readily accessible to adjacent arterial streets.
- C. In the subdivision of land along arterial and collector streets, the block length shall be increased so as to limit driveway or other vehicular access while being as much as possible compatible with good design and a reasonable use of land.
- D. Street intersections in residential areas may be of a "T" rather than a "+" design wherever such design will not unduly restrict a free movement of traffic.
- E. All natural drainage courses shall be left undisturbed or be improved in a manner which will improve the hydraulics and ease of maintenance of the channel.
- F. Reserve strips controlling access to public streets shall be permitted; provided, that the control and disposition of land comprising such strip is placed within the jurisdiction of the City under conditions specified by the City Council and shown on the plat. Buffer strips controlling access to arterial and collector streets shall be required. The buffer strip shall be a minimum of fifteen (15') in width, including the sidewalk, a privacy fence or berm and landscaping. The landscaping shall comply with 17.08.400 of Payette Municipal Code. The fence shall be vinyl, chain link with privacy slats or cedar. If cedar is installed, it shall have steel posts and an oil stain which shall be re-stained every 5 years. The landscaping and fence or berm area shall be maintained by the Homeowner's Association. Subdivision's entrances onto an arterial or collector street shall landscape the entrances. The landscaping shall complete the radius on both sides of the entrance extending to the terminus of the fenced or bermed area and may include an entrance island. The landscaping shall have a sign naming the subdivision and comply with 17.08.400 of Municipal Code. The landscaping, sign and entrance area shall be maintained by the Homeowner's Association.
- G. The City may require that sites for public improvements such as well locations or pump houses be dedicated within a subdivision.
- H. The City may require the dedication of land for open space or recreational purposes that directly benefits the residents of the subdivision.
- I. All subdivisions shall be designed so that all storm water is contained on site in accordance with the requirements of the Idaho Department of

Environmental Quality and Idaho Department of Water Resources.

16.12.020 Block requirements. No block shall be longer than six hundred sixty feet (660') nor less than two hundred fifty feet (250') between street intersections, and each block shall have sufficient width to provide for two (2) tiers of lots except as provided in Section 16.12.030 or by a special exception approved by the City Council.

16.12.030 Lot requirements.

- A. Lot area, dimensions and minimum street frontage shall be as established by the City Zoning Ordinance.
- B. For corner lots, a property return with a radius of not less than twenty feet (20') shall be provided; however, a larger radius may be required when, in the opinion of the ~~Council~~ City Engineer, such is necessary to serve an existing or future need.
- C. Butt Flag or key lots shall be considered only through the variance process.
~~avoided whenever possible.~~
- D. Side lot lines shall be at approximate right angles or radial to the street line unless a variation from the rule will provide a more desirable street and lot plan. Any variation shall be reviewed by the City Engineer and presented to the City Council for approval.
- E. Double frontage lots are prohibited ~~except that~~, where a showing is made that unusual topography or other conditions make it impossible to meet ~~this~~ the standard lot requirement. A variance exception may be granted approved by the City Council.
- F. Except as otherwise provided in this Code, the minimum area of a corner lot shall be not less than eight thousand (8,000) square feet and must have a minimum street frontage of seventy five feet (75').
- G. Except as otherwise provided in this Code, the minimum area of an inside lot shall be not less than six thousand (6,000) square feet with a minimum street frontage of sixty feet (60').

16.12.040 Street requirements.

- A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive ~~General~~ Plan and shall be considered in their relation to existing and planned streets, topographic conditions, public convenience and safety, and in their appropriate relation to the proposed uses of the land served.
- B. Where a subdivision abuts or contains an existing or proposed arterial street, the City Council may require frontage streets, reverse frontage streets or similar treatment for the purpose of creating desirable neighborhood character and enhancing the movement of traffic.
- C. The City Council may require a street along a railroad right of way suitable for the appropriate use of the intervening land.
- D. There shall be provided rights of way of such width in no case to be less than those defined in the Comprehensive Plan for the City; provided, however, that the width of said rights of way shall in no case be less than the following:

Regional arterial route	100 ft. and up
Arterial <u>Collector</u> street	66 <u>70</u> ft. to 90 ft.
Collector street	60 ft. minimum
<u>Local</u> Minor street	56 <u>60</u> ft.
- E. Street grades shall be such as to provide for the safe movement of traffic in all weather and for adequate drainage of ~~both streets. and abutting properties.~~ Street grades, whenever feasible, shall be not less than three-tenths percent (0.3%) and not more than fifteen percent (15%).
- F. In general partial street dedications shall not be permitted; provided, however, that the Council may accept a partial street dedication when such street forms the boundary of the property being subdivided and, in addition, is shown on the Comprehensive ~~General~~ Plan, or is designated by the City

Council as an arterial or collector street, or is otherwise officially designated as of major importance as a present or future trafficway, or when such other conditions or restrictions exist or are imposed by the City Council so that the eventual completion of such street to its full required right of way is assured. When a dedicated partial street exists adjacent to the property to be subdivided, the other portion may be platted within such subdivision.

- G. ~~A cul-de-sac, court or similar type street may be permitted; provided, that the maximum length for a cul-de-sac shall be four hundred feet (400') as measured from the entrance to the center of a turnaround, and all cul-de-sacs shall be provided with a turnaround having a minimum radius of fifty feet (50') at the property line and not less than forty five feet (45') at the curblines. A street ending in a cul-de-sac may be permitted, provided that the maximum length for such a street shall be four hundred feet (400') as measured from the entrance to the center of one turnaround. All turnarounds shall have a minimum radius of fifty feet (50') at the property line and not less than forty five feet (45') at the curb line.~~
- H. Dead-end streets shall not be permitted with the exception that such streets terminating at the boundary of a subdivision may be approved when such a street and its extension is shown on the Comprehensive General Plan or when, in the opinion of the City Council, the future extension of such a street is feasible and necessary to the proper development of the City street pattern. A temporary cul-de-sac shall be constructed at the end of a dead-end street.
- I. The maximum length of a loop street shall be one thousand feet (1,000') and a loop street over this length, though otherwise meeting the definition of a loop street, shall be required to conform to the standards of a minor local street in its subdivision type; provided, however, that a loop street of up to twelve hundred feet (1,200') in length containing frontage of no more than twenty four (24) building lots may be permitted.
- J. Streets shall be designed and laid out in order to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than seventy degrees (70°).
- K. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve having a minimum radius of three hundred feet (300') for arterial and collector streets and one hundred fifty feet (150') for minor local streets may be required by ~~Commission~~ the City Council.
- L. Proposed streets which are a continuation of an existing street shall be given the same name as the existing street, ~~and all other street names used shall not duplicate or be of a spelling or pronunciation of existing streets within the City or within the adjacent County area.~~ New streets which are not a continuation of an existing street shall not be given names that are the same or similar, either in spelling or pronunciation, to existing streets within the City or in the Impact Area. The subdivider shall obtain all street names within the proposed subdivision from the Planning and Zoning Commission before submitting same to the City Council for final approval.
- M. Street trees where provided shall be of the variety, size and location approved by the Council, shall not create a sight restriction and comply with Title 12 of this Code.

16.12.050 Alley requirements.

- A. Alleys may be required at the rear of all business lots and shall be at least twenty feet (20') in width. Alleys, when provided in residential blocks, shall be not less than twenty feet (20') in width.
- B. At the intersection of two (2) alleys, the corners of the abutting property shall be provided with a property line return having a radius of not less than twenty feet (20').
- C. Except under unusual circumstances, alleys shall not terminate in a dead end and in no case shall a dead-end alley be accepted unless turnaround facilities are provided to the satisfaction of the City Council.

16.12.060 Easements. Easements shall be provided for drainage, utilities or other public service as follows: front yard, ten feet (10'), side yard, six feet (6') and rear yard, ten feet (10'). Rear yard easements may be omitted if an alley of sufficient width to accommodate a utility easement exists in the rear of the lot.

16.12.070 Street Signs. The purchase and installation of all street signs and posts for traffic-control, informational purposes and notification to the traveling public shall be the responsibility of the developer. This requirement includes stop signs, street name signs and all other signs required by and in accordance with the standards of the Idaho Department of Transportation. Street signs and posts shall be approved by the City prior to installation.

16.12.080 Street Lights And Poles.

A. As a part of any development or any subdividing, the purchase and installation of street lights and poles shall be the responsibility of the developer. ~~The positioning and placement of the lights shall be determined by Idaho Power Company and shall be subject to the approval of the City. The street lights and poles shall conform to City standards and be compatible with Idaho Power Company connection standards. The positioning and placement of the lights shall be determined by the City. The cost of placement of all street lights and poles shall be the developer's responsibility and shall be installed and fully operational before acceptance of these streets by the City. All residents may be subject to a monthly Street Light fee.~~ lights

B. Street light poles shall be of a metal manufacture and shall meet the requirements of ASTM Standard Specifications for structural supports for highway signs, luminaries, and traffic signals as published in 1985 by the American Society for Testing and Materials for loading, wind shear and strength, utilizing one hundred (100) watt high pressure sodium (H.P.S.), General Electric cobra heads and lamps. The mounting height shall be twenty five feet (25') with a minimum burial depth of five feet (5'), ~~The Making the pole length shall be a minimum of thirty feet (30') in total.~~ All steel or aluminum seamless poles shall be used and shall meet or exceed the specifications for both pole and accompanying concrete, steel reinforced base as specified in standard drawing number 1. There shall be a six foot (6') mast arm and cobra type fixture for residential street intersections. ~~The developer shall unconditionally guarantee and warrant all materials and labor for a period of one year after its acceptance by the City. The developer shall obtain an electrical permit from the State of Idaho and pay all inspection fees. The developer shall indemnify and hold the City save harmless the City of Payette for any damages resulting from any and all defects that may occur in the materials furnished and the workmanship or materials for a period of one year after the date the City accepts the street lamps. of acceptance by the City.~~

16.12.090 Optional Development Requirements. As a condition of approving any request for subdivision approval, the City Council may require a developer to build or improve to City standards any or all streets connecting the proposed subdivision to collector streets or any streets outside of the subdivision which would have additional traffic flow resulting from the proposed subdivision. In addition to requiring off-site street improvements, the City may require a developer to provide full width streets around the outer boundaries of the development with recovery rights through late comers agreements, and the City may require a developer to provide off-site sewage lines capable of handling the additional loading, may require a developer to loop water lines, and may require the developer to set aside property in the subdivision to accommodate storm drainage, future street alignment, children's play areas, well development areas, fire stations or other areas which may be needed for orderly and planned development.

Chapter 16.13

MODEL HOMES

Sections:

16.13.010	Pre-completion Model Homes Allowed
16.13.020	Placement Of Model Home
16.13.030	Restrictions On Model Home
16.13.040	Revocation Of Use Permit
16.13.050	Appeal
16.13.060	Occupancy Permit
16.13.070	Penalty

16.13.010 Pre-completion Model Homes Allowed. Before a subdivision is completed, a developer may be issued a use permit by which the developer is allowed to construct one model home. That model home shall be used exclusively as a demonstration unit, a model to show prospective buyers or as a sales office for surrounding homes located within the subdivision. The home shall be landscaped and surrounding streets and lots shall not be allowed to become a source of dust.

16.13.020 Placement Of Model Home. The home shall be placed within two hundred feet (200') of an active fire hydrant and adjacent to a graveled or paved roadway.

16.13.030 Restrictions On Model Home. A model home shall be built in accordance with and subject to all zoning and subdivision ordinances, regulations and any agreements between the developer and the City. The home shall not receive an occupancy permit, shall not be occupied as a residence nor shall it be offered for sale until all public improvements are completed and accepted by the City. At the time of sale, the model home shall be used as a residence and any use for any other purpose shall cease.

16.13.040 Revocation Of Use Permit. In the event of any violation of any provision of a use permit which has been issued to allow construction of a model home, the permit can be revoked by the Building Inspector, the Planning and Zoning Administrator or the City Clerk. In the event a use permit is revoked, any use associated therewith shall cease immediately.

16.13.050 Appeal. A decision to revoke a use permit may be appealed to the Planning and Zoning Commission. Any decision of the Planning and Zoning Commission may be appealed to the City Council. A decision of the City Council shall be final. Any person appealing to the Planning and Zoning Commission or to the City Council may be represented by counsel. At either the Commission or Council level the reviewing ~~appealing~~ body may affirm, reverse in whole or in part, any decision rendered at the lower level.

16.13.060 Occupancy Permit. No home in any subdivision may be occupied until ~~after~~ a final inspection has been completed ~~done~~ by the Building Inspector and an occupancy permit has been issued.

16.13.070 Penalty. Any violation of this Chapter shall be a misdemeanor punishable in accordance with the misdemeanor statutes of the State of Idaho.

Chapter 16.16

PLATS GENERALLY

Sections:

- 16.16.010 Required When
- 16.16.020 Official Filing Contingent Upon Approval--Recording Of Sales Required
- 16.16.030 Placement On Planning and Zoning Commission's Agenda
- 16.16.040 Application Forms--Certification By ~~Subdivider~~ *Developer*
- 16.16.050 Preliminary Plat--Filing And Review Fees
- 16.16.060 Final Plat/Construction Drawings--Filing and Review Fees
- 16.16.070 Council Checking And Inspection Of Drawings and Construction--
Charges Fees

16.16.010 Required When. A plat shall be drawn for each subdivision of land and submitted to the Commission and Council as provided in this Chapter and Chapters 16.20 and 16.24 of this Title.

16.16.020 Official Filing Contingent Upon Approval--Recording Of Sales Required.

- A. No plat or description of any land subdividing shall be filed in the office of the County Recorder until the same has been acted upon by the Commission and approved by the City Council in preliminary and final plat form as required in Chapters 16.20 and 16.24 of this Title.
- B. No lots shall be sold from any plat until the same has completed all public improvements in the subdivision's signed a Public Improvement Agreement and until the Final Plat ~~same~~ has been recorded in the office of the County Recorder.

16.16.030 Placement On Commission's Agenda. Each plat submitted for preliminary or final approval shall be placed on the Commission's agenda only after fulfilling the appropriate requirements on the regulations set forth in this Title. ~~however, a plat not meeting all the requirements may be submitted, provided the subdivider presents with the plat a letter requesting any specific exceptions and enumerating in detail the reasons therefor.~~

16.16.040 Application Forms--Certification By Subdivider. Any application for a preliminary plat or subdivision approval, or total or partial vacation of an existing subdivision, dedication of a street, grant of a right of way or easement for the benefit of the public shall be made on forms ~~obtainable~~ obtained from the City Engineer or City Clerk, Administrator, and the accuracy of the data provided thereon certified thereto by the ~~developer, subdivider.~~

16.16.050 Preliminary Plat--Filing And Review Fees. At the time of submission of a preliminary plat there shall be paid to the City Clerk a two hundred dollar (\$200.00) filing fee together with a twenty dollar (\$20.00) per lot preliminary plat review fee. This fee structure shall also include plats in the Impact Area.

16.16.060 Final Plat/Construction Drawings--Filing And Review Fees. Upon submission of the final plat of the area, or any part thereof, there shall be paid to the City Clerk a two hundred dollar (\$200.00) filing fee together with a twenty dollar (\$20.00) per lot final plat/construction drawings review fee.

16.16.070 Council Checking And Inspection Of Drawings And Construction--Fees. Charges: All preliminary plats, final plats, and construction drawings shall conform to all applicable standards as adopted by or as set out in the Payette Municipal Code. During development, a developer shall employ an independent, unrelated, certified construction inspector to provide full time construction inspection.

Construction inspection shall be provided during all phases of construction. At any time during construction, at the developer's expense, the City shall have the authority to disqualify and replace any inspector, if the City finds any reasonable cause to believe that the inspector is not adequately performing his duties. Upon completion of the development, the developer and the construction inspector shall provide the City with certified, as-built, construction drawings which depict the actual placement of the improvements in the development and with certification that those improvements comply with the standards as adopted by or as set out in the Payette Municipal Code. The as-built drawings shall show location measurements for valves, manholes, service connections and service stub out lines. Copies of the results of all soil compaction tests, water purification tests, water line integrity tests, sewer line integrity tests, other approved integrity tests and the inspector's daily logs shall be provided to the City Engineer or City Clerk upon request but in no event less than weekly. No preliminary plat, final plat nor any construction drawings shall be filed, recorded nor deemed accepted until presented to and approved by the City Council.

Chapter 16.20

PRELIMINARY PLATS

Sections:

- 16.20.010 **Submittal of preliminary plats ~~preapplication plans~~ and data-
Review by City Engineer**
- 16.20.020 **Filing of copies--Submittal of title report or acceptable alternative**
- 16.20.030 **Rerouting of drainage course or irrigation facilities--Evidence of
consent required**
- 16.20.040 **Preparation--Submittal to Planning and Zoning Commission when**
- 16.20.050 **Review and recommendations by agencies**
- 16.20.060 **Planning and Zoning Commission action**
- 16.20.070 **City Council action**
- 16.20.080 **Scale--Required information**

**16.20.010 Submittal of preliminary plats ~~preapplication plans~~ and data-Review
by City Engineer.**

- A. ~~At the time of~~ Prior to the filing of an application for approval of the preliminary plat, the developer shall submit to the City Engineer the plans and data as required in Chapter 16.12. ~~provided, however, that such plans may be generalized in nature and that such submission shall not require the official filing of a subdivision application.~~
- B. The city engineer shall review said plans and data as submitted or modified and, within ~~ten~~ fifteen days, advise the subdivider in writing as to the general ~~conformance or nonconformance~~ compliance or non-compliance with these regulations, as well as other city codes, requirements or policies that may apply to the plans submitted. The city engineer's fees shall be paid by the ~~subdivider.~~ developer.
- C. At such time the ~~pre-application~~ plans and data are submitted for a preliminary plat, the City Engineer and City Clerk shall draft a Public Improvement Agreement for City Council and developer review. The agreement shall be a written commitment concerning the use or development of the subject parcel and outline the development improvements required. The required improvements shall comply with this Chapter, City of Payette development standards and requirements of the State of Idaho. The City Council and developer shall sign and comply with the agreement as a condition of plat approval.

16.20.020 Filing of copies--Submittal of title report or acceptable alternative.

- A. Any owner desiring to subdivide ~~a piece of~~ land within the City shall file with the City Engineer ~~one~~ seven (7) copies of the preliminary plat as required, together with a letter requesting that the preliminary plat be placed on the commission's agenda for consideration. Such preliminary plat shall contain preliminary engineering design.
- B. In making application, the owner shall submit the current title report or such other evidence as is acceptable to the City Engineer. If the applicant is other than the owner, a notarized letter of agreement signed by the owner approving the application shall be required in addition to the current title report.

16.20.030 Rerouting of drainage course or irrigation facilities--Evidence of consent required. In the event the preliminary plat requires the rerouting of drainage courses or irrigation facilities, the subdivider shall furnish documentary evidence of consent to the rerouting signed by all interested districts or owners. ~~of such facilities by all parties interested in such uses, or authorized representatives thereof.~~

developer
16.20.040 Preparation--Submittal to Planning and Zoning Commission when.
The subdivider shall prepare a preliminary plat and such other supplementary material as may be required to indicate to the Planning and Zoning Commission the general objectives of the subdivision. The subdivider shall submit, to the City Engineer, one seven (7) copies of the preliminary plat of transparent material at least fourteen days prior to the Planning and Zoning Commission meeting at which time the preliminary plat will be considered.

16.20.050 Review and recommendations by agencies.

- A. The ~~city engineer~~ applicant shall transmit one copy each of the preliminary plat to the following agencies with a letter of transmittal requesting the agency to review and return to the City Engineer with comments for review and recommendations no later than fifteen (15) days prior to the scheduled public hearing. The applicant shall provide verification of delivery of the plat to each agency. The City Engineer ~~and~~ may request recommendations from such other agencies as he may deem necessary:
1. Payette Independent School District;
 2. Payette County Zoning commission;
 3. ~~Idaho Power~~ Electric Company;
 4. ~~Intermountain Gas Company;~~
 5. ~~Mountain Bell Telephone Company;~~ Communications Companies;
 6. Irrigation district appropriate to area being platted;
 7. Southwest District 3 Health Department;
 8. Cable television company;
 9. State highway (if said plat abuts);
 10. Fire chief
 11. Natural Resources Conservation Service
 12. Post Office
- B. If no written recommendation from any agency listed in subsection A of this section is received within ~~ten (10)~~ fifteen (15) days after such notification, the approval of the preliminary plat by such agency will be considered to be granted.

16.20.060 Planning and Zoning Commission action.

- A. The Planning and Zoning Commission shall approve, approve conditionally or disapprove of the preliminary plat within ~~thirty~~ forty-five (45) days of the date of the regular meeting at which said plat is first considered. If the ~~preliminary plat is disapproved or approved conditionally,~~ commission makes an unfavorable recommendation, or recommends conditional approval, the reasons for such action shall be ~~stated~~ provided in writing, signed by the chairman of the Planning and Zoning Commission, ~~a copy of which and~~ shall be attached to one copy of the plat and transmitted to the applicant.
- B. If no action is taken by the commission at the end of said ~~thirty~~ forty five (45) days, ~~the plat shall be deemed to have been approved~~ a favorable recommendation shall be forwarded to the Council unless stipulation for additional time is agreed to by the applicant.
- C. Upon ~~such approval or disapproval~~ by the Planning and Zoning Commission's recommendation, the plat, together with a complete copy of commission findings ~~and report of action~~, shall be transmitted to the City Council and notice of this action shall be sent to the developer subdivider.

16.20.070 City Council action.

- A. The City Council ~~may~~ shall act upon the report Planning and Zoning Commission recommendation within ~~ten days or~~ at its next regular meeting following next succeeding receipt of the recommendation report. The ~~subdivider~~ developer, at his request, shall be entitled to at least one continuance of the ~~hearing~~ consideration until the next regular meeting of the City Council.
- B. At the City Council hearing, the City Council shall hear testimony of the

subdivider developer and any witnesses appearing on in his behalf, and the testimony of representatives of the Planning and Zoning Commission and any witnesses in its behalf, and any person who approves the developers proposal.

- C. Upon conclusion of the hearing, the City Council shall base its findings upon the testimony produced before it and, within fifteen days, declare its findings. It may sustain, modify, reject or overrule ~~by majority vote of the full council~~ any recommendations ~~or rulings~~ of the Planning and Zoning Commission, or may remand the matter back to the Planning and Zoning Commission for further study. The City Council ~~and~~ may make such findings that are consistent with the provisions of state law and/or of this code.
- D. The time limits for acting on the preliminary plat, as specified in this section and Section 16.20.060, may be extended by mutual consent of the subdivider developer and the City Council or Planning and Zoning Commission, as the case may be. ~~If no action is taken within the time limits, as so extended, the preliminary plat as filed shall be deemed approved, and it shall be the duty of the city clerk to certify such approval.~~

16.20.080 Scale--Required information.

- A. Preliminary plats shall be drawn at a scale of not less than one hundred feet to the inch, except it may be smaller by approval of the City Engineer and ~~planning commission~~, and shall show the following:
1. The scale northpoint and date;
 2. The name of the proposed subdivision;
 3. The name and address of the owner of record, the subdivider developer and the engineer, surveyor or the person preparing the plat;
 4. The names, with locations of intersecting boundary lines, of adjoining subdivisions, and the location of the city limits if falling within or immediately adjoining the tract;
 5. The land contours with appropriate vertical intervals referenced to datum and at intervals acceptable to the engineer; provided, however, that where authorized by the engineer, contour data may be provided in the form of elevations at street intersections and in drainage channels;
 6. The location of existing buildings, water bodies or courses, and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent, provided that actual measured distance shall not be required;
 7. The boundaries of the tract, as determined by a legal survey area of the tract, the proposed location, approximate grade, right-of-way width and pavement width of streets and alleys, the proposed location and width of easements and setback lines, proposed lot lines, the radius of all curves and approximate lot dimensions;
 8. The existing zoning boundary lines defining the proposed use of all portions of the subdivision;
 9. The proposed street names and system of numbering lots and blocks;
 10. The location, approximate size and proposed use of all land intended to be dedicated for public use or reserved for the use of all property owners within the proposed subdivision;
 11. The location, size and type of sanitary and storm sewers, irrigation lines and facilities, water mains, culverts and other surface and subsurface structures existing within or immediately adjacent to the proposed subdivision; and the location, layout, type and size of any proposed water mains and storage facilities, sanitary mains and laterals, storm sewers, irrigation lines and facilities, culverts and drainage structures, street improvements and any other proposed utilities;
 12. ~~The location of all drainage structures and the proposed method of disposing of all runoff from the proposed subdivision, and the location~~

~~and size of all drainage easements relating thereto, whether they are located within or outside the proposed plat. A drainage and grading plan that shows on-site drainage facilities as required by the city.~~

- B. In addition to the information required by subsection A of this section, a preliminary plat of the proposed subdivision shall be submitted at a the scale no smaller than of one inch equals two hundred feet. Said plat shall show the location of the proposed subdivision referenced to existing or proposed arterials and collector streets and to government section lines, the size and location of all proposed streets and roads, all lots drawn to scale, the numbering of all lots and blocks, and the names, if available, of all streets.

Chapter 16.24

FINAL PLATS

Sections:

<u>16.24.010</u>	<u>Preparation--Filing--Accompanying prints</u>
<u>16.24.020</u>	<u>Filing--Time constraints</u>
<u>16.24.030</u>	<u>Certification by City Engineer--Placement on City Council commission's agenda</u>
<u>16.24.040</u>	<u>Review and recommendations by agencies</u>
<u>16.24.050</u>	<u>Commission action-</u>
<u>16.24.050</u>	<u>City Council action</u>
<u>16.24.060</u>	<u>Acceptance of public dedications</u>
<u>16.24.070</u>	<u>Scale</u>
<u>16.24.080</u>	<u>Contents</u>
<u>16.24.090</u>	<u>Development of final plat</u>

16.24.010 Preparation--Filing--Accompanying prints.

- A. After the approval or conditional approval of the preliminary plat, the subdivider ~~developer~~ may cause the subdivision, or any part thereof, to be surveyed and a shall prepare a final plat prepared in accordance with the preliminary plat as approved; which is consistent with the preliminary plat as approved.
- B. The final plat shall be prepared in accordance with Chapter 13 of Title 50 of the Idaho Code and with the provisions set forth in this title. ~~shall be filed with the commission through the~~ The City Engineer shall review and confirm the final plat for compliance. together with a letter requesting that it be placed on the commission's agenda for consideration. The final plat may be scheduled for City Council review to the Council at the next regularly scheduled meeting.
- C. Such final plat, when submitted, shall be accompanied by ~~prints thereof, as required, and two~~ three (3) sets of prints of the plans and (complete) construction specifications for all proposed improvements as required by Chapter 16.28.

16.24.020 Filing--Time constraints.

- A. Filing on the final plat shall be made within one year after action by the City Council on the preliminary plat.
- B. Failure to file a final plat within one year after action by the City Council approving the preliminary plat shall cause all approvals of the preliminary plat to be voided; provided, however, that upon application of the ~~subdivider, developer~~ the City Council may grant an extension for reasonable cause of the one-year period for a time not exceeding ninety days.

~~16.24.030 Certification by engineer--Placement on commission's agenda. Upon receipt of the final plat and all other required data as provided for by in this title, the city engineer shall certify the application as complete and shall affix the date of application acceptance thereon. He shall place the final plat on the planning commission agenda for consideration at the regular meeting.~~

16.24.040 Review and recommendations by agencies.

- A. ~~The city engineer may transmit one copy each of the final plat for review and recommendation to the agencies listed in Section 16.20.050 and/or to such other agencies as he deems desirable. To ensure that the final plat is consistent with the preliminary plat, the applicant shall transmit one copy each of the final plat to the agencies listed in Section 16.20.050 with a letter of transmittal requesting the agency to review and return to the City~~

Engineer with comments for review and recommendations no later than twenty (20) days prior to the scheduled public hearing. The applicant shall provide verification of delivery of the plat to each agency. The City Engineer and may request review recommendations from by such other agencies as he may deem necessary.

- B. If no written recommendation from any agency to which a copy is transmitted is received within ten (10) days, the approval of the final plat by such agency will be considered to be granted.

~~16.24.050 Commission action. Within sixty days after the date of the regular meeting at which the final plat is first considered by the commission, the commission shall approve, conditionally approve or disapprove the final plat, and shall recommend its findings to the council; provided, however, that said time for consideration may be extended with the consent of the subdivider.~~

~~16.24.050 City Council action. The City Council, at its next meeting following receipt of the commission report, final plat application shall consider the final plat and any changes proposed variations from the preliminary plat. The final plat shall be subject to all rules, requirements and regulations in effect at the approval stage of the preliminary plat. The City Council may approve the final plat as presented or require changes in addition to those presented, recommended by the commission. If the final plat conforms with the requirements of state law and of this title applicable at the time of the preliminary plat and with all rulings made by the council on the preliminary plat, the council may approve the final plat or the council may reject any or all proposed changes from the preliminary plat recommended by the commission and/or require changes in addition to those recommended by the commission.~~

~~16.24.060 Acceptance of public dedications. At the time of approval of the final plat, the City Council shall accept offers of dedication to the public shown thereon and shall, as a condition precedent to the acceptance of any streets or easements, require that the subdivider developer, at its option, either improve or agree to improve the streets and easements in accordance with standards established under Chapter 16.28.~~

~~16.24.070 Scale. The final plat shall be drawn at such scale and contain on the front lettering of such size, including reference to dedication and affidavit of survey, as to enable the same to be placed upon a single sheet eighteen by twenty-four inches in size, with no part thereof nearer to the edge of said sheet than one inch, and shall be in full accordance with provisions of the state law, Chapter 13 of Title 50 of the Idaho Code. The reverse of said sheet shall not be used for any portion of the drawing but may contain written matter as to dedication and other information.~~

~~16.24.080 Contents. The final plat shall clearly show the following:~~

- A. Primary control points, approved by the City Engineer, or a description and ties to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referenced. Such primary control points must include either a section corner, quarter section corner, or meander corner according to government survey;
- B. Location and description of monuments;
- C. Tract boundary lines, property lines, lot lines, and right-of-way lines of streets, easements and other rights-of-way with accurate dimensions, bearings or deflection angles and radii, arcs and center angles of all curves;
- D. Names and locations of adjoining subdivisions;
- E. Names and right-of-way width of each street or other right-of-way;
- F. The length of all lot lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees, minutes and seconds; or customary units applicable at the time of filing. *Nits units*
must be consistent throughout the project and must physically match adjoining properties even when systems of units are different.
- G. The location, dimensions and purpose of all easements;

- H. The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block, with areas to be excluded from platting marked "Reserved" or "Not a Part";
- I. The outline of any property, other than streets or alleys, which is offered for dedication to public use fully dimensioned by lengths and bearings, with the area marked "Public" and showing the proposed use;
- J. A title which shall include the name of the subdivision, name of the city, county and state, and the location and description of the subdivision referenced to section, township and range;
- K. Scale, north arrow and date;
- L. Location, width and names of all existing or platted streets or other public ways within the proposed developments and other important features, such as the general outline of the following: existing buildings, watercourses, power lines, telephone lines, railroad lines, any existing easement, municipal boundaries, section lines and restrictive covenants as required or assured;
- M. Certification by a professional engineer or surveyor preparing said plat certifying to the accuracy of the survey and plat shall appear on the front of said plat;
- N. Certification by the owner, including dedication of all streets, rights-of-way and any sites for public use and grant on any existing or proposed easements;
- O. Certification and signature of the county engineer (surveyor) verifying that the accuracy of the survey complies with the requirements of state law;
- P. Certification and signature of the city engineer verifying that the final plat complies with state law, Title 50 of the Idaho Code and with this Title;
- Q. Certification and signature of the city clerk verifying City Council approval of the final plat and acceptance of streets, alleys, easements and public land dedications.

16.24.090 Development of Final Plat. Within five (5) years of approval of the final plat, fifty percent (50%) of the public improvements shall be completed. If, after five (5) years from the date of approval fifty percent (50%) of the public improvements have not been completed, the final plat shall be rendered null and void. No building permits shall be issued and no public improvements shall be permitted without approval of the City Council.

Chapter 16.28

IMPROVEMENTS

Sections:

- 16.28.010 To be shown on plans--Standards generally.
- 16.28.020 Preconstruction filing of plans and bond--
Post-construction filing of plans--Completion certificate.
- 16.28.030 Streets and alleys--Determination of street type--Specification.
- 16.28.040 Waterworks requirements.
- 16.28.050 Stormwater Drainage
- 16.28.060 Stream or drainage course easements--
Approval required for irrigation route changes.
- 16.28.070 Schools or parks--Standards generally.

16.28.010 To be shown on plans--Standards generally.

- A. The improvements described as follows in this chapter shall be shown on the construction plans of any subdivision and installed in accordance with the procedures and requirements designated in this chapter.
- B. All improvements shall be in accordance with all elements of the comprehensive general plan of the city and the requirements of the Idaho State Code, and shall further be in accordance with the standard specifications of the city and with all requirements of this chapter. Construction shall be under the supervision of the city engineer and subject to his approval.

16.28.020 Preconstruction filing of plans and bond--Post-construction filing of plans--Completion certificate.

- A. ~~At Ten (10) working days prior to the time scheduled for review and approval acceptance of the final plat, the subdivider developer shall file with the public works department completely detailed construction drawings and complete written construction specifications for all improvements required in said subdivision together with supporting calculations.~~
- B. ~~Plans for the improvements required by this chapter shall be prepared and stamped by a professional engineer registered in the State of Idaho.~~
- C. ~~At the time of acceptance of the final plat, the subdivider shall file with the city clerk a bond or other guaranty acceptable to the council to provide security to the city for the actual construction of such improvements according to specifications within a period of time not to exceed one year from the date of approval of the final plat; provided, however, that the council may extend the allowed period of construction for a period of time not to exceed one year. In the event the work is not completed in the time limits specified by this subsection, the council may declare a forfeiture of the security provided and/or assess the property for the cost of the remaining construction work to be completed, and then order the work to be completed and an agreement setting forth a time schedule showing the timetable for the construction of utilities. The plat shall not be considered accepted until such agreement is on file with the clerk. If the subdivider is unable to adhere to said schedule, the council may accept a revised schedule or may declare the subdivider in violation of the agreement and order the construction work to be completed, and assess the costs to the property being developed.~~
- C Guarantee of Completion of Improvements:
 - 1. The developer shall provide a financial guarantee of the required public improvements with the application for final plat approval. The City Council may permit the developer to provide the financial guarantee of performance in one or a combination of the following arrangements. No lots will be eligible for sale until all improvements are completed and accepted by the City Council.

2. Surety Bond:

- a. Accrual: The bond shall accrue to the City covering construction, operation and maintenance of the specific public improvements;
- b. Amount: The bond shall be in an amount equal to one hundred and ten percent (110%) of the total estimated cost for completing construction of the specific public improvement, as estimated by the applicant's engineer and reviewed and approved by the City Engineer and Council;
- c. Term length: The term length in which the bond is in force shall be for a period to be specified by the City Engineer for the specific public improvements and as stated in the public improvements agreement;
- d. Bonding for Surety Company: The bond shall be with a surety company authorized to do business in the State of Idaho, acceptable to the City Council; and
- e. The escrow agreement shall be drawn and furnished in a form approved by the City Council.

3. Cash deposits, Certified Check, Negotiable Bond, or Irrevocable Bank Letter of Credit

- a. Treasurer, Escrow Agent or Trust Company: A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, of such surety acceptable by the City, shall be deposited with an escrow agent or trust company;
- b. Dollar Value: The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, shall be equal to one hundred and ten (110%) percent of the total estimated cost of construction of the specific public improvements, as estimated by the applicant's engineer and reviewed and approved by the City Engineer and Council;
- c. Escrow time for the cash deposit, certified check, negotiable bond or irrevocable bank letter of credit, shall be for a period to be specified by the City; and as stated in the public improvements agreement;
- d. Progressive Payment: In the case of cash deposits or certified checks, an agreement between the City and the developer may provide for progressive payments out of the cash deposit or reduction of the certified check, negotiable bond or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the public improvements, in accordance with a previously entered into agreement.

4. Other Forms of Security: The City Council may accept an alternate form of security proposed by the developer as long as such form is found valid and will cover one hundred and ten percent (110%) of the estimated costs of improvements.

5. Conditional Approval of Final Plat: With respect to financial guarantees, the approval of all final subdivision plats shall be conditioned on the accomplishment of one of the following:

- a. The construction of improvements required by this ordinance shall have been completed by the developer and approved by the City Council.
- b. Surety acceptable to the City shall have been filed in the form of a cash deposit, certified check, a negotiable bond, irrevocable bank letter of credit or surety bond.

6. Inspection of Public Improvements under Construction: Before approving a final plat and construction plans and specifications for public improvements, an agreement between the developer and the City shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans. Such agreement shall require that

the developer shall provide for the inspection through a non-related third party, provide weekly construction reports and provide copies of all test data, and any other data required by the City.

7. Penalty in Case of Failure to Complete the Construction of a Public Improvement: In the event the developer shall, in any case, fail to complete such work within the period of time as required by the conditions of the guarantee for the completion of public improvements, the City or any other person with proper standing may proceed to have such work completed. In order to accomplish this, the City or other persons shall pay for the cost and expense thereof by appropriating the cash deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the developer may deposit in lieu of a surety bond or may take such steps as may be necessary to require performance by the bonding or surety company and as included in a written agreement between the City and the developer; provided neither the City nor any person shall be required to pay or spend more than the amount of the bond and/or other deposit.

- D. Prior to the acceptance by the city of all improvement installed by the subdivider, developer, two sets of prints of the as-built plans and specifications for all improvements, one set of which shall be certified and signed by the engineer preparing such plans, shall be filed with the public works department, and the second (2nd) set shall be filed with the Idaho Department of Environmental Quality by the developer. In addition to the prints, an electronic copy compatible with City systems shall be filed with the City.
- E. Within ~~ten~~ fifteen (15) days after the completion of improvements, the completion of which is guaranteed by a surety bond or other guarantee as provided for in subsection C of this section and the filing of the as-built plans as provided in subsection D of this section, the City Engineer shall certify the completion and recommend acceptance by the City Council of said improvements in writing and shall transmit a copy of such certification to both the city clerk and to the developer subdivider. After City Council approval the City Clerk shall thereafter release said surety bond or other guarantee. upon application by the subdivider.

16.28.030 Streets and alleys--Determination of street type--Specifications.

- A. Street type, whether arterial, collector or ~~minor~~, local, shall be determined by reference to the comprehensive ~~general~~ plan of the City and to a map of the entire area the street serves. When classification of a local ~~minor~~ street, cul-de-sac or loop street is claimed, the entire length of the street shall be shown on the subdivision plat being proposed or on a previously approved plat.
- B. The pavement width of all streets shall conform to those widths defined in the Comprehensive Plan or standard City specifications.
- C. The paving design of the intersection of any new street with an existing state or federal highway shall be in accordance with the standard specifications of the ~~State Highway Department, Idaho Transportation Department,~~ but in no case shall be less than the applicable specification contained in this section.
- D. Pavement, base, and leveling coarse gravel shall be constructed in accordance with standard City specifications.
- E. In general, the centerline of street pavement shall coincide with the centerline of the right-of-way in which the pavement is located.
- F. All subdivisions shall be constructed with curbs and gutters in accordance with standard City specifications.
- G. Sidewalks ~~five~~ four (4) feet in width shall be provided on both sides of any residential collector and other local ~~minor~~ residential streets or five (5) feet in width along arterials or in any commercial or industrial area, or matching the width of any existing sidewalk in all zones of the city as long as they are at least the minimum width. Sidewalks shall also be provided along any other

street in a subdivision where deemed by the City Council to be essential to public convenience or safety, in accordance with standard City specifications.

- H. Driveway curb cuts and driveway approaches shall be made in accordance with the standard specifications of the City.
- I. Street lighting, ~~where provided~~, shall be in accordance with the standard specifications of the City.
- J. Alleys shall be constructed in accordance with the standard specifications of the City.
- K. All utilities shall be placed underground before any base street material is laid. Utilities, other than water and sewer, shall be placed behind any sidewalk and within the right of way or front utility easement. A joint trench will be used for electric, gas, phone and cable utilities.

16.28.040 Waterworks requirements.

- A. Central waterlines and fire hydrants shall be provided in all subdivisions in accordance with standard city specifications.
- B. Irrigation main lines and distribution lines shall be provided in accordance with standard city specifications.

16.28.050 Stormwater Drainage.

- ~~A. Improvement plans providing for the drainage of stormwater shall include a drainage plan relating the draining of the proposed subdivision to the drainage area of which it is a part; a calculation of the runoff for a maximum one-hour rain occurring in a fifty-year period for the watercourses lying within or running through the subdivision as set forth in the standard specifications of the city; and a demonstration of the method for disposing of runoff from the subdivision, including the size, location and dedication of drainage easements.~~
- ~~B. Drainage structures, channel improvements and storm sewers shall be constructed in accordance with the standard specifications of the city. These structures, improvements and sewers shall be so constructed to dispose of the calculated maximum runoff to a point of final discharge or acceptable wasteway.~~
- A. Stormwater Drainage shall be provided for on-site. Drainage improvements shall be constructed in accordance with standard City specifications. In addition, such improvements shall meet the best management practices accepted by the State of Idaho.

16.28.060 Stream or drainage course easements--Approval required for irrigation route changes.

- A. The reservation of an easement along any stream or important surface drainage course located in an area being subdivided may be required by the council for the purpose of widening, deepening, sloping, improving or protecting the stream or drainage course.
- B. No ditch, pipe or structure for irrigation water or irrigation wastewater shall be constructed, rerouted or changed in any way unless such obstruction, rerouting or change has first been approved in writing by the ditch company officer in charge; provided, however, that where such ditch, pipe or structure is held in mutual ownership, said approval in writing shall be obtained from the engineer. A copy of such written approval by the ditch company officer and/or the engineer shall be filed with the construction drawings as provided.

16.28.070 Schools or parks--Standards generally. Whenever the developer subdivider desires or proposes to reserve area for schools or parks, to be so designated on the subdivision plans, such reservation shall meet the standards of the city and/or school district respectively. The City reserves the right to request that parks or school locations be shown and dedicated.

Chapter 16.32

VARIANCES AND APPEALS

Sections:

- 16.32.010 Variances--Permissible when
- 16.32.020 Variances--Request procedure
- 16.32.030 Variances--City Council's authority to set conditions
- 16.32.040 Right of appeal

16.32.010 Variances--Permissible when. Whenever a tract to be subdivided is of such unusual size or shape or is surrounded by such developments or unusual conditions that the strict application of the regulations of this title would result in substantial hardship or inequity, the council may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner but so, at the same time, the public welfare and interest of the city are protected, the general intent and spirit of said regulations are preserved, and conformity to achievement of the comprehensive general plan is assured:

The City Council shall consider variances to the terms of this title which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title will result in unnecessary hardship and under such conditions that the spirit of this title shall be observed and substantial justice done. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. In acting upon such variance the City Council shall make full investigation and shall only recommend granting a variance upon finding that the following are true:

- A. That the granting of the variance will not be in conflict with the spirit and intent of the Comprehensive Plan for the City, and will not effect a change in zoning;
- B. That there are exceptional or extraordinary circumstances or conditions, applicable to the property involved, or the intended use thereof, which do not apply generally to the property or class of use in the district, so that denial of the relief sought will result in:
 - 1. Undue loss in value of the property;
 - 2. Inability to preserve the property rights of the owner;
 - 3. The prevention of reasonable enjoyment of the any property right of the owner;
- C. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property improvements.
- D. That the reason for a variance was not caused by the owners, or previous owner's actions or inactions.

16.32.020 Variances--Request procedure.

- A. In requesting any modification of or variance to the provisions of this title, an owner, subdivider developer or his engineer shall make written request to the City Clerk. ~~Engineer~~
- B. Such request, together with such related data and maps as necessary to fully illustrate the relief sought, shall be referred by the City Clerk ~~Engineer~~ in writing to the Planning and Zoning Commission.
- C. The City Clerk Planning Commission shall notify all adjoining property owners of the variance request and determine whether to hold a public hearing. They ~~The Planning and Zoning Commission shall act upon such request and make recommendations to the council at its next regular meeting. or within thirty days. If no recommendation is made within such time, the approval of the request shall be considered to be recommended.~~

- D. The City Council, after receiving the recommendations of the Planning and Zoning Commission, ~~may~~ shall act upon such request at its next regular meeting.
- E. Approval of such modifications shall require a majority vote of the regular membership of the City Council.

16.32.030 Variances–City Council's authority to set conditions. In granting variances and/or modification from the regulations of this title, the City Council may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

16.32.040 Right of appeal. Any person, firm or corporation may appeal the decision of the council to the district court in the same manner and within the same time as other appeals may be taken from orders of the City Council.

Chapter 16.36

AMENDMENTS

Sections:

16.36.010 Procedure designated

16.36.010 Procedure designated. The Planning and Zoning Commission may recommend amendments to the ordinance codified in this title, and the City Council, in acting on such recommendation or on its own motion, may amend said ordinance from time to time; provided, however, that the procedure followed in such modifications shall be the same as in the original adoption of said ordinance.

Chapter 16.40

VIOLATION--PENALTY

Sections:

16.40.010 Designated
16.40.020 Penalty

16.40.010 Designated. Any person, firm or corporation violating any of the provisions of this title shall not be entitled to the issuance of any building permits for construction of buildings or otherwise on the land being subject to subdivision under the provisions of this title.

16.40.020 Penalty

- A. Any person, firm or corporation violating any of the provisions of this title is guilty of a misdemeanor, and is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title is committed, continued or permitted as provided by Idaho Code.
- B. Upon conviction of any violation of any of the provisions of this title, such person shall be punished by a fine of up to three hundred dollars, or by imprisonment for not more than six months or both such fine and imprisonment.

(Title 16 revised March 2002)