

ORDINANCE NO. 814

AN ORDINANCE TO AMEND CHAPTER 15 OF TITLE 11 OF THE MUNICIPAL CODE OF THE CITY OF PAYETTE, IDAHO BY REPEALING THE ENTIRE CHAPTER AND SUBSTITUTING THEREFORE THE FOLLOWING CHAPTER WHICH SHALL BE DESIGNATED CHAPTER 15 OF TITLE 11 OF THE MUNICIPAL CODE AND SHALL BE DESIGNATED AS THE PAYETTE CITY SUBDIVISION ORDINANCE WHICH PROVIDES REGULATIONS FOR THE SUBDIVIDING AND PLATTING OF LAND WITHIN THE CITY OF PAYETTE, IDAHO.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE, COUNTY OF PAYETTE, STATE OF IDAHO:

That Chapter 15 of Title 11 of the City Code of Payette, County of Payette, State of Idaho, be repealed and the following chapter which shall be designated as Chapter 15 of said Title 11 of said City Code be adopted and enacted into law:

SECTION:

- 11-15 -1: Purpose and Authority
- 11-15 -2: Definitions
- 11-15 -3: Jurisdiction
- 11-15 -4: Procedures
- 11-15 -5: Drafting and Contents of Plats
- 11-15 -6: Design Standards
- 11-15 -7: Improvements
- 11-15 -8: Variances and Appeals
- 11-15 -9: Amendments
- 11-15-10: Filing fees and Costs
- 11-15-11: Violation and Penalty
- 11-15-12: Validity

11-15-1: PURPOSE AND AUTHORITY: 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 of Payette, Idaho, the following regulations for the subdividing of land within the City are hereby adopted.

11-15-2: DEFINITIONS:

Alley: A minor public way providing secondary access at the back or side of a property.

City: The City of Payette, Idaho.

Commission: The Planning Commission of the City

Comprehensive General Plan: The Comprehensive Plan for the City officially adopted by the City Council or current City Standards.

Council: The City Council of the City

County Recorder: The Office of the County Recorder of Payette County, Idaho.

Cul-de-sac: A dead-end street provided with turn-around space at its terminus.

Dead-End Street: A street connecting to another street at one end only and not having provision for vehicular turn-around at its terminus.

Dedication: 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.

Easement: A grant of the right to use land for specific purposes.

Engineer: The City Engineer of the City.

County Engineer (Surveyor): That registered surveyor or engineer appointed by the Payette County Board of County Commissioners to check plats and make such surveys, maps and plats ordered by the Board.

Loop Street: A minor street which forms a loop and returns to the same street from which it originated. A street forming a connection between two other streets is not considered a loop.

Lot: A portion of a recorded subdivision intended as a unit for transfer of ownership or for development.

Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in land to be subdivided to commence and maintain proceedings under these regulations.

Plat, Preliminary: A preliminary Plat of a proposed subdivision or dedication, containing the elements and requirements set forth in this ordinance.

Plat, Final: A plan of a subdivision, dedication or any portion thereof prepared for filing and recording by the Payette County Recorder and containing those elements and requirements set forth in this ordinance.

A Final Plat, upon its being filed and recorded by the Payette County Recorder, shall thereafter be known as an authorized plat, subdivision or dedication.

Shall: The term "Shall" designated a mandatory requirement.

Standard Specification: The Standard Specifications for Public Works of the City officially adopted by the Council and including all subsequent amendments thereto.

Street: A right-of-way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted by the Council. The term "Street" includes also the terms highway, thoroughfare, parkway, thoroughway, road, avenue, boulevard, lane, place, and other such terms.

Street Arterial: 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.

Street, Collector: 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.

Street, Commercial: A street designated as a commercial street by the Council. It is the primary purpose of a commercial street to provide efficient movement in a commercial area.

Street, Frontage: A minor street, parallel to and adjacent to an arterial street, which has the primary purpose of providing access to abutting properties.

Street, Industrial: A street designated 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.

Highway: A street designated as a highway by the state or federal agency responsible therefor.

Street, Partial: A dedicated right-of-way which provides only a portion of the required street width.

Street, Minor: It is the purpose of a minor street to provide access to abutting properties.

Subdivider: An individual, corporation, firm or group who undertakes the subdividing of a lot, tract or parcel of land for the purpose of transfer of ownership or development, and including dedicating of streets or changes in street or lot lines.

Subdivision: The division of a lot, tract or parcel of land into more than two parts for the purpose of transfer of ownership or for the construction of improvements thereon.

Utilities: Installation for conducting water, sewage, gas or electricity and similar facilities providing service to and used by the public.

#### 11-15-3: JURISDICTION:

(A) These regulations shall apply to the subdividing of all land within the Corporate Limits of the City, including the following.

1. The dividing of land into more than two (2) tracts, lots or parcels for transfer of ownership or building development, any part of which, when subdivided, contains less than five (5) acres.
2. The dedicating of any street or alley through or along any tract of land.
3. The resubdivision of a lot or parcel into more than two (2) sublots except as provided below.

(B) Exceptions. These regulations 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.
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.

11-15-4: PROCEDURES: The following procedures shall be followed for all cases of subdividing within the scope of these regulations.

(A) PROCEDURES: GENERAL

1. Plat Approval Required: A plat shall be drawn for each subdivision of land and submitted to the Commission and Council as provided below.

2. Official Recording: No plat or description of land subdividing shall be filed in the office of the County Recorder until same shall have been acted upon by the Commission and approved by the Council in Preliminary and Final Plat form as required herein. No lots shall be sold from any plat until same shall have been recorded in the Office of the County Recorder, Payette County.

3. Agenda: Each plat submitted for preliminary or final approval shall be placed on the Commission's agenda only after fulfilling the appropriate requirements of these regulations.

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 therefore.

4. Application Forms: Any application for a Preliminary Plat or subdivision approval, or total or partial vacation of an existing subdivision, or dedication of street or grant of right-of-way or easement for the benefit of the public shall be made on forms obtainable from the City Engineer or City Administrator, and the accuracy of the data provided thereon certified thereto by the subdivider.

(B) PROCEDURE, PREAPPLICATION SUBMISSION OF PLANS

1. Filing Procedure: Prior to the filing of application for approval of Preliminary Plat the subdivider shall submit to the City Engineer the plans and data as required in Section 11-15-6; provided, however, that such plans may be generalized in nature and that such submission shall not require the official filing of a subdivision application.

2. Review By City Engineer: The City Engineer shall review said plans and data as submitted or modified and, within ten (10) days, advise the subdivider in writing as to the general conformance or non-conformance with these regulations of the plans submitted; the City Engineers fees shall be paid by the subdivider.

(C) PROCEDURE; PRELIMINARY PLAT: The following procedures shall apply to the filing for preliminary approval of any subdivision.

1. Application: Any owner desiring to sub-divide a piece of land within the City shall file with the City Engineer copies of the Preliminary Plat as required together with a letter requesting that said Preliminary Plat be placed on the Commission's agenda for consideration.

2. Proof of Ownership Required. In making application said owner shall submit current title report or such other evidence as acceptable by the City Engineer.

3. In the event said plat requires the re-routing of drainage course or irrigation facilities, the subdivider shall furnish documentary evidence of consent to the rerouting of such facilities by all parties interested in such uses or authorized representatives thereof.

4. Submission of Preliminary Plat: The subdivider shall prepare a preliminary plat and such other supplementary material as may be required to indicate to the planning commission the general objectives of the subdivision. The subdivider shall submit to the City, one copy of the preliminary plat of transparent material at least fourteen days prior to the Planning Commission Meeting at which time the preliminary plat will be considered.

5. Review by Agencies: The City Engineer shall transmit one (1) copy each of the preliminary Plat to the following agencies for review and recommendations 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 Public Utilities Commission
4. Idaho Power Company
5. Intermountain Gas Company
6. Mountain Bell Telephone Company
7. Irrigation district appropriate to area being platted
8. Southwest District 3 Health Department
9. Cable Television Company?
10. State Highway
11. Fire Chief

If no written recommendation from any agency listed above, is received within ten (10) days after such notification, the approval of the preliminary plat by such agency will be considered to be granted.

6. Commission Action:

a. The Commission shall approve, approve conditionally, or disapprove the plat within thirty (30) days of the date of the regular meeting at which said plat is first considered. If the Preliminary Plat is disapproved or approved conditionally, the reasons for such action shall be stated in writing, a copy of which, signed by the Chairman of the Commission, shall be attached to one (1) copy of the Plat and transmitted to the applicant.

b. If no action is taken by the Commission at the end of said thirty (30) days, the plat shall be deemed to have been approved unless stipulation for additional time is agreed to by the applicant.

c. Upon such approval or disapproval by the Commission, the plat, together with a complete copy of Commission findings and report of action, shall be transmitted to the Council and notice of this action shall be sent to the subdivider.

7. Council Action:

a. The Council shall act upon the report within ten (10) days, or at its regular meeting next succeeding receipt of the report. The sub-divider, at his request, shall be entitled to at least one (1) continuance of the hearing until the next regular meeting of the Council.

b. At the hearing, the Council shall hear testimony of the subdivider and any witnesses in his behalf, and the testimony of representatives of the Commission, and any witnesses in its behalf.

c. Upon conclusion of the hearing, the Council shall base its findings upon the testimony produced before it and, within seven (7) days, declare its findings. It may sustain, modify, reject or overrule by majority vote of the full Council any recommendations or rulings of the commission, and may make such findings as are not inconsistent with the provisions of Idaho State Law and/or of this Code.

d. The time limits for acting on the Preliminary Plat as herein specified may be extended by mutual consent of the subdivider and the Council or 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 Clerk of the Council to certify such approval.

(D) PROCEDURE; FINAL PLAT: The following procedures shall apply to the filing for final approval of any subdivision.

1. Filing by Subdivider:

a. After the approval or conditional approval of the Preliminary Plat, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a Final Plat prepared in accordance with the Preliminary Plat as approved.

b. The Final Plat, prepared in accordance with Title 50, Chapter 13 of the Idaho Code and the provisions set forth herein, shall be filed with the Commission through the City Engineer, together with a letter requesting that it be placed on the Commissions agenda for consideration.

c. Such Final Plat, when submitted, shall be accompanied by prints thereof as required and two (2) sets of prints of the plans and (complete) construction specifications for all proposed improvements as required by this ordinance.

2. Limitation on Time of Filing:

a. Filing on the Final Plat shall be made within one(1) year after action by the Council on said Preliminary Plat.

b. Failure to file a Final Plat within one (1) year after action by the Council approving said Preliminary Plat shall cause all approvals of said Preliminary Plat to have been voided; provided, however, that upon application of the subdivider, the Council may grant an extension of the one (1) year period for a time of not exceeding ninety (90) days, for reasonable cause.

3. Certification by City Engineer:

Upon receipt of the Final Plat, and all other required data as provided for herein, the City Engineer shall certify the application as complete and shall affix the date of application acceptance thereon. He shall, thereafter, place said final plat on the Planning Commission agenda for consideration at the regular meeting.

4. Review by Agencies:

The City Engineer may transmit one (1) copy each of the Final Plat for review and recommendation to the agencies listed in the section shown above and/or to such other agencies as he deems desirable.

If no written recommendation from any agency to which a copy is transmitted, is received within five (5) days, the approval on the Final Plat by such agency will be considered to be granted.

5. Commission Action:

Within thirty (30) days after the date of the regular meeting at which said Final Plat is first considered by the Commission, the Commission shall approve, conditionally approve, or disapprove such 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.

6. Council Action:

The Council at its next meeting following receipt of the Commission report shall consider said plat and any changes from the Preliminary Plat recommended by the Commission. If said Plat conforms with the requirements of Idaho State law and of this ordinance applicable at the time of the Preliminary Plat and all rulings made by the Council on the Preliminary Plat, the Council may approve said plat or the Council may reject changes from the Preliminary Plat recommended by the Commission and/or require changes in addition to those recommended by the Commission.

7. Acceptance of Dedications:

At the time of approval of the Final Plat the 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 at its option either improve or agree to improve the streets and easements in accordance with standards established under this ordinance, and as more particularly set forth herein.

11-15-5: DRAFTING AND CONTENTS OF PLATS:

- (A) PRELIMINARY PLATS: Preliminary plats shall be drawn at a scale of not less than one hundred (100) feet to the inch, except it may be smaller by approval of the Engineer and Planning Commission, and shall show the following:
1. The scale, north point, and date;
  2. The name of the proposed subdivision;
  3. The name and address of the owner of record, the subdivider and the engineer, surveyor, or person preparing the plat;
  4. The names, with locations of intersecting boundary lines, of adjoining subdivisions, and the location of Payette 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 City Engineer; provided, however, that where authorized by the City 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 sub-surface 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.
- (B) In addition to the above, a preliminary plat of the proposed subdivision shall be submitted at the scale of 1" = 200'. 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.

(C) DRAFTING FINAL PLAT

1. 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 18 by 24 inches in size with no part thereof nearer to the edge of said sheet than one (1) 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.
2. Contents: The Final Plat shall clearly show the following:
  - a. Primary control points, approved by the City Engineer, or 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, 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 and minutes and seconds.
  - 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 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, water courses, power lines, telephone lines, railroad lines, any existing easements, municipal boundaries, section lines and restrictive covenants as required or assured.
  - m. Certification by professional engineer or surveyor, preparing said plat certifying to accuracy of survey and plat shall appear on the front of said plat.
  - n. Certification by 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 County Engineer (surveyor) verifying that the accuracy of the survey complies with the requirements of Idaho State Law.
  - p. Certification and signature of City Engineer verifying that final plat complies with Idaho State Law, Title 50 and with this ordinance.
  - q. Certification and signature of City Clerk verifying City Council approval of final plat and acceptance of streets, alleys, easements, and public land dedications.

11-15-6: DESIGN STANDARDS: The following standards shall be followed in all subdividing within the scope of these regulations.

- (A) GENERAL: 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 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:
1. The intent and design of the proposed plat shall be in accord with the provisions of the Comprehensive General Plan.
  2. Street patterns in residential neighborhoods shall be designed to create areas free of through traffic but readily accessible to adjacent arterial street.
  3. 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 as much as possible compatible with good design and a reasonable use of land.
  4. Street intersections in residential areas may be of a "T" rather than an "+" design wherever such design will not unduly restrict a free movement of traffic.
  5. 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.

6. 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 Council and shown on the plat.

(B) BLOCK REQUIREMENTS:

1. No block shall be longer than six hundred sixty (660) feet nor less than two hundred fifty (250) feet between street intersections and shall have sufficient width to provide for two (2) tiers of lots except as provided in subsection (c) of this section or by a special exception approved by the Council.

(C) LOT REQUIREMENTS:

1. Lot area, dimensions and minimum street frontage shall be as established by the City Zoning Ordinance.
2. For corner lots a property return with a radius of not less than ten (10) feet shall be provided; however, a larger radius may be required, when in the opinion of the Council, such is necessary to serve an existing or future need.
3. Butt or key lots shall be avoided whenever possible.
4. 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.
5. Double frontage lots are prohibited except that where a showing is made that unusual topography or other conditions make it impossible to meet this requirement an exception may be approved by the Council.
6. Corner lots: The minimum area of a corner lot shall be not less than eight thousand square feet (8,000 sq. ft.) and must have a minimum street frontage of seventy-five feet (75').
7. Inside lots: The minimum area of an inside lot shall be not less than six thousand square feet (6,000 sq. ft.) with a minimum street frontage of sixty feet (60') at the set back line as required by the zoning regulations of the City of Payette, Idaho.

(d) STREETS:

1. 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, to public convenience and safety, and in their appropriate relation to the proposed uses of the land served.
2. Where a subdivision abutts or contains an existing or proposed arterial street, the 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.
3. The Council may require a street along a railroad right-of-way suitable for the appropriate use of the intervening land.
4. 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	90 ft. and up
Arterial Street	66 ft. to 90 ft.
Collector Street	60 ft. minimum
Minor Street	56 ft.
5. 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%).
6. 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 Council as an Arterial or Collector Street or is otherwise officially designated as of Major importance as a present or future trafficway, or such other conditions or restrictions exist or are imposed by the Council so that the eventual completion of such street to its full required right-of-way is assured; and further provided that when a dedicated partial street exists adjacent to the property to be subdivided, the other portion may be platted within such subdivision.
7. 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 (400) feet as measured from entrance to center of turn-around and, all cul-de-sacs shall be provided with a turn-around having a minimum radius of fifty (50) feet at the property line, and not less than forty (40) feet at the curb lines.

8. 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 Council, the future extension of such a street is feasible and necessary to the proper development of the City street pattern. A temporary culdesac shall be constructed at the end of a dead-end street.

9. The maximum length of a loop street shall be one thousand (1,000) feet and a loop street over this length though other-wise meeting the definition of a loop street, shall be required to conform to the standards of a minor street in its subdivision type; provided, however, that a loop street of up to twelve hundred (1,200) feet in length containing frontage of no more than twenty-four (24) building lots may be permitted.

10. 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 (70°) degrees.

11. Where any street deflects an angle of ten degrees (10°) or more, a connecting curve having a minimum radius of three hundred (300) feet for arterial and collector streets and one hundred fifty (150) feet for minor streets may be required by the Commission.

13. Proposed streets which are a continuation of an existing street shall be given the same name as the existing street, 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. The subdivider shall obtain of all street names within the proposed subdivision from the Payette City Planning Commission before submitting same to the Council for final approval.

14. Street trees where provided shall be of the variety, size and location approved by the City Council.

(E) ALLEYS:

1. Alleys may be required at the rear of all business lots and shall be at least twenty 20 feet in width. Alleys, when provided in residential blocks, shall be not less than sixteen (16) feet in width.

2. 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 (20) feet.

3. Except under unusual circumstances alleys shall not terminate in a dead-end and in no case shall a dead-end alley be accepted unless turn-around facilities are provided to the satisfaction of the Council.

(F) EASEMENTS:

1. Where there is no alley easements shall be provided at least ten (10) feet wide for utilities, or other public service at the rear of every lot.

11-15-7:

(A) GENERAL

1. The improvements described as follows in this Section shall be shown on the construction plans of any subdivision and installed in accordance with the procedures and requirements hereinafter designated.

2. 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 Section. Construction shall be under the supervision of the City Engineer and subject to his approval.

(B) FILING OF PLANS AND SURETY:

1. At the time of acceptance of the Final Plat the subdivider shall file with the Public Works Department, completely detailed construction drawings and complete written construction specifications for all improvements required in said subdivision.

2. Plans for the improvements herein required shall be prepared by a professional engineer registered in the State of Idaho.

3. 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 (1) 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 (1) year. In the event the work is not completed in the time limit specified above, 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.

4. Prior to the acceptance by the City of any improvement installed by the subdivider, two (2) sets of prints of the "as built" plans and specifications for all improvements, one (1) set of which shall be certified and signed by the engineer preparing such plans shall be filed with the Public Works Department.

5. Within ten (10) days after the completion of improvements, the completion of which is guaranteed by a surety bond or other guarantee as provided for herein and the filing of the "as built" plans as provided in Section 11-15-7 (b) 4 of this ordinance, the City Engineer shall certify the completion and acceptance of said improvements in writing and shall transmit a copy of such certification to both the City Clerk and to the subdivider. The City Clerk shall thereafter release said surety bond or other guarantee upon application by the subdivider.

(C) STREET AND ALLEY IMPROVEMENTS:

1. Street type, whether arterial, collector or minor, 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 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.

2. The pavement width of all streets shall conform to those widths defined in the Comprehensive Plan, or Standard City Specifications.

3. 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 Idaho State Highway Department, but in no case shall be less than the applicable specification contained herein.

4. Pavement, base, and leveling coarse gravel shall be constructed in accordance with Standard City Specifications.

5. In general, the centerline of street pavement shall coincide with the centerline of the right-of-way in which the pavement is located.

6. CONCRETE CURBS AND GUTTERS:

All subdivisions shall be constructed with curbs and gutters in accordance with Standard City Specifications.

7. Sidewalks five (5') feet in width shall be provided on both the sides of any residential collector and other minor residential street. Sidewalks shall also be provided along any other street in a subdivision where deemed by the Council to be essential to public convenience or safety, in accordance with Standard City Specifications.

8. Driveway curb cuts and driveway approaches shall be made in accordance with the Standard Specifications of the City.

9. Street lighting where provided shall be in accordance with the Standard Specifications of the City.

10. Alleys shall be constructed in accordance with the Standard Specifications of the City.

11. All utilities shall be placed underground, before any base street material is laid.

(D) WATER:

1. Central water lines and fire hydrants shall be provided in all subdivisions in accordance with Standard City Specifications.

2. Irrigation main lines and distribution lines shall be provided in accordance with Standard City Specifications.

(E) SANITARY SEWERS:

Sanitary sewers shall be provided in all subdivisions with the exceptions hereinafter noted:

In any subdivision served by central water wherein sanitary sewer facilities are not installed and the extension of such facilities to serve such subdivisions is not feasible because of location, topography or other considerations a subdivision not providing sanitary sewers may be approved, provided that such subdivision makes alternate provision for sewage disposal in accordance with the requirements of the Idaho State Department of Public Health, the City-County Health Department and to the satisfaction of the City Council. In considering such alternate provisions the Council may require an increase in minimum lot size and may impose any other requirements which it deems necessary to protect the public health, safety or welfare.

(F) DRAINAGE:

1. Improvement plans providing for the drainage of storm water 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 (1)

hour rain occurring in a fifty-year (50) period for the water courses lying within or running through the subdivision as set forth in the Standard Specification 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.

2. Drainage structures, channel improvements and storm sewers shall be constructed in accordance with the Standard Specifications of the City.

(G) STREAM EASEMENTS:

1. 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.

2. No ditch, pipe or structure for irrigation water or irrigation waste water 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 City engineer.

A copy of such written approval by the ditch company officer and/or the City Engineer, shall be filed with the construction drawings as provided.

(H) PARKS, SCHOOLS:

1. Whenever the Subdivider desires or proposes to reserve area for schools or parks and to be so designated on the subdivision plans, such reservation shall meet the standards of the City and/or School District respectively.

11-15-8: VARIANCES AND APPEALS:

(A) 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 these regulations 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 interests of the City are protected, the general intent and spirit of these regulations is preserved, and conformity to achievement of the Comprehensive General Plan is assured.

1. In requesting any such modification or variance, a subdivider or his engineer shall make written request to the City Engineer.

2. Such request, together with such related data and maps as necessary to fully illustrate the relief sought, shall be referred by the City Engineer in writing to the Planning Commission.

3. The Planning Commission shall act upon such request and make recommendation to the City Council at its next regular meeting or within thirty (30) days. If no recommendation is made within such time, the approval of the request shall be considered to be recommended.

4. The Council, after receiving the recommendations of the Planning Commission, shall act upon such request at its next regular meeting.

5. Approval of such modifications shall require a majority vote of the regular membership of the Council.

(B) In granting variances and/or modification from these regulations, the Council may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

(C) 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 Council.

11-15-9: AMMENDMENTS:

(A) The commission may recommend amendments to this Ordinance and the Council, in acting on such recommendation or on its own motion, may amend this Ordinance from time to time; provided, however, that the procedure followed in such modifications shall be the same as in the original adoption of this ordinance.

11-15-10: FILING FEES AND COSTS:

(A) The Council may require at the time of submission of a Preliminary Plat, there shall be paid to the City Clerk of the City a fee in an amount not less than twenty-five (25) dollars, said amount to be established, from time to time, by the Council, plus an additional fee to defray Engineering fees and expenses.

- (B) The Council may require that upon submission of the Final Plat of the area or any part thereof, there shall be paid to the City Clerk a fee in the amount not less than twenty-five (25) dollars plus an additional fee per lot. The exact amount of both of these fees is to be as determined by the Council from time to time.
- (C) The City Council shall be required to check said Plats and/or construction drawings for conformance to the standards contained herein and inspect all Construction. The Council shall require that the cost of such checking be borne by the applicant in addition to the fees provided for in the above sections, in an amount not to exceed 3% of the construction costs.
- (D) Services provided by the City in the checking of such plat or construction drawings for which a charge is made, shall be charged for on a time and material basis at rates to be established from time to time by the Council.

11-15-11: VIOLATION AND PENALTY:

- (A) Any person, firm or corporation violating any of the provisions of this chapter 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 herein.

11-15-12: VALIDITY:

- (A) Should any Section, subsection, paragraph, sentence, clause, or phrase of this Ordinance, or any particular application thereof, be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the Ordinance.

Section 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED BY the Council of the City of Payette. this 17th day of June, 1974.

Wesley O. Roehn  
Mayor

ATTEST: Deborah R. Milward  
City Clerk