

ORDINANCE NO. 905

AN ORDINANCE AMENDING SECTIONS 16.12.030, 16.12.040, 16.12.050, 16.16.070, 16.20.050, 16.20.070, 16.24.040, 16.24.050 AND 16.28.020 OF THE MUNICIPAL CODE OF THE CITY OF PAYETTE, IDAHO, TO PROVIDE FOR THE FOLLOWING INCREASES; RADIUS OF PROPERTY RETURN, RADIUS OF CUL-DE-SACS, WIDTH OF ALLEYS, TIME FOR COUNCIL TO DECLARE FINDINGS CONCERNING PRELIMINARY PLAT, AND TIME TO APPROVE FINAL PLAT; TO PROVIDE FOR FULL TIME CONSTRUCTION INSPECTIONS; TO DELETE REQUIREMENT OF SENDING COPY OF PRELIMINARY PLAT TO PUBLIC UTILITIES COMMISSIONS; TO EXTEND TIME IN WHICH AGENCIES MAY APPROVE FINAL PLAT; AND REPEALING SECTION 16.28.050 WHICH NOW PROVIDES FOR EXCEPTIONS TO THE REQUIREMENT OF SANITARY SEWERS; TO PROVIDE THAT THE SUBDIVIDER SHALL CONSTRUCT NECESSARY STORM DRAIN IMPROVEMENTS TO CARRY A MAXIMUM RUN OFF TO A POINT OF FINAL DISCHARGE.

Be it Ordained by the Mayor and Council that Title 16 of the Municipal Code of the City of Payette be amended as follows and that Section 16.28.050 of the Municipal Code of the City of Payette be repealed:

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 ~~ten-~~ twenty 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.

C. Butt or key lots shall be 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.

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 requirement, an exception may be approved by the council.

F. The minimum area of a corner lot shall be not less than eight thousand square feet and must have a minimum street frontage of seventy-five feet.

G. The minimum area of an inside lot shall be not less than six thousand square feet with a minimum street frontage of sixty feet at the setback line as required by the zoning regulations of the city.

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 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 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	90 ft. and up
Arterial Street	66 ft. to 90 ft.
Collector Street	60 ft. minimum
Minor Street	56 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 and not more than fifteen percent.

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 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 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 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 at the property line and not less than ~~forty~~ forty five feet at the curblines.

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 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 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 street in its subdivision type; provided, however, that a loop street of up to twelve hundred feet in length containing frontage of no more than twenty-four 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.

K. Where any street deflects an angle of ten degrees or more, a connecting curve having a minimum radius of three hundred feet for arterial and collector streets and one hundred fifty feet for minor streets may be required by commission.

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. The subdivider shall obtain all street names within the proposed subdivision from the planning commission before submitting same to the council for final approval.

M. Street trees where provided shall be of the variety, size and location approved by the council.

16.12.050 Alley requirements. A. Alleys may be required at the rear of all business lots and shall be at least twenty feet in width. Alleys, when provided in residential blocks, shall be not less than sixteen twenty feet in width.

B. At the intersection of two alleys, the corners of the abutting property shall be provided with a property line return having a radius of not less than twenty feet.

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 council.

16.16.070 Council checking and inspecting of drawings and construction
--Charges. A. The council shall be required to check the preliminary and final plats and/or construction drawings for conformance to the standards contained in this title, and shall inspect all construction. The council shall require that the cost of such checking and inspection be borne by the applicant in addition to the fees provided for in Sections 16.16.050 and 16.16.060, in the amount not to exceed three percent of the construction costs.

B. Services provided by the city in the checking of such plat or construction drawings and for the full time construction inspections for which charges are made shall be charged for on a time and material basis at rates to be established from time to time by the council.

16.20.050 Review and recommendations by agencies. A. The city engineer shall transmit one 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. ~~Public Utilities Commission;~~
3. Idaho Power Company;
4. Intermountain Gas Company;
5. Mountain Bell Telephone Company;
6. Irrigation district appropriate to the area being platted;
7. Southwest District 3 Health Department;
8. Cable television company;
9. State highway; (if said plat abutts).
10. Fire Chief.

B. If no written recommendation from any agency listed in subsection A of this section is received within ten days after such notification, the approval of the preliminary plat by such agency will be considered to be granted.

16.20.070 Council action. A. The council shall act upon the report within ten days or at its regular meeting next succeeding receipt of the report. The subdivider, at his request, shall be entitled to at least one 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 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 commission, and may make such findings as are not inconsistent 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 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 city clerk to certify such approval.

16.24.040 Review and recommendations by agencies. 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.

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

16.24.050 Commission action. Within thirty 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.

16.28.020 Preconstruction filing of plans and bond- Postconstruction filing of plans -- Completion certificate. A. 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.

B. Plans for the improvements required by this chapter shall be prepared by a professional engineer registered in the state.

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 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 time table 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.

D. Prior to the acceptance by the city of any improvements installed by the subdivider, 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.

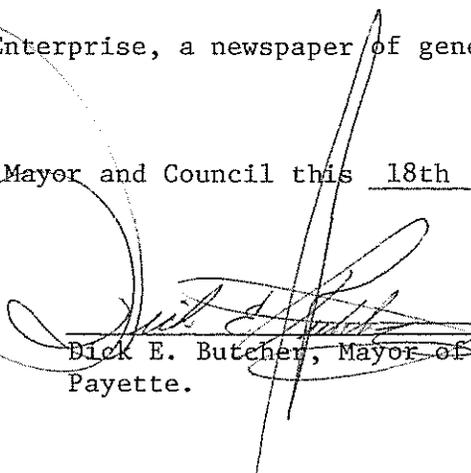
E. Within ten days after the completion of improvements, the completion of which is guaranteed by a surety bond or other guarantee as provided for in subsection C of this section and the filing of the as-built plans as provided in subsection D of this section, the city engineer shall certify the completion and 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.

16.28.060 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.

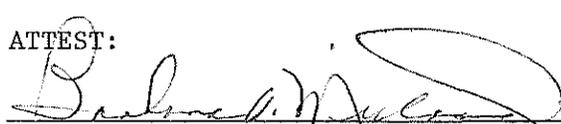
B. Drainage structures, channel improvements and storm sewers shall be constructed in accordance with the standard specifications of the city. These structures, improvements and sewers shall be so constructed to dispose of the calculated maximum runoff to a point of final discharge or acceptable wasteway.

That this Ordinance shall take effect and be in force from and after its publication in the Independent Enterprise, a newspaper of general circulation in the City of Payette, Idaho.

PASSED and APPROVED by the Mayor and Council this 18th day of February _____, 1980.


Dick E. Butcher, Mayor of the City of Payette.

ATTEST:


Barbara A. Millard, Clerk of the City of Payette, Idaho.