

ORDINANCE NUMBER 1152

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, LIMITING THE ISSUANCE OF BUILDING PERMITS IN THE 100 YEAR FLOOD PLAIN SUBJECT TO PREEXISTING CONTRACTUAL COMMITMENTS; LIMITING SERVICE HOOKUPS TO NEW DEVELOPMENTS LYING WITHIN 10 HORIZONTAL FEET OF THE TOPS OF EITHER 49 SLOUGH, THE UNNAMED SLOUGH OR THE PAYETTE RIVER. SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER;

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

Section 1. Subject to any preexisting contractual agreements entered into between the City and adjoining landowners, there will be no building permits issued within the 100 year flood plain for lands contained within the boundaries of LID 98-1 and which lie south and west of the unnamed slough, which slough lies south of 12th Avenue South.

Section 2. The City shall not provide City water or sewer service to any new development, any new construction or any new structures lying closer than ten (10) feet horizontally from the tops of the banks of either the unnamed slough, the 49 slough or the Payette River, unless those potential system users have obtained proper permits from the US Army Corps of Engineers.

Section 3. That area which is contained in LID 98-1 is more particularly described as follows:

All that property lying west of U.S. Highway Business Alternate 95, south of Sixth Avenue South, east of the high water mark on the east bank of the Payette River and north of the following described line;

Beginning at a point on the south east corner of Block 4 of Carpenter's Subdivision, according to the plat thereof on file in Book 2, page 29, Plat records of Payette County, Idaho, said tract being located in Sec. 3, Twp. 8 north, Range 5 W., B.M., thence run west along the south boundary of Block 4 to the south west corner of Block 4;
thence run north along the west boundary of block 4 to the north west of block 4;
thence continue in a northerly direction to a point where the south boundary of Mountain View

Drive intersects a line which extends south from the west side of South Eleventh Street; thence due west to a point on the high water mark on the east bank of the Payette River.

Section 4. The unnamed slough is described as that slough which runs from the South boundary of the project (LID 98-1) at NE 10th Avenue just east of where 11th street would intersect with NE 10th Avenue in a northwesterly direction across the project to a point where the slough connects with the Payette River in the area southwest of 12th Avenue South.

Section 5. In the event the above described property is not annexed by the City or in the event the project designated as LID 98-1 is not undertaken, then this ordinance shall have no force or effect.

Section 6. This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Section 7. Any ordinances or resolutions which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 8. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall constitute Ordinance Number 1152.

Section 9. This Ordinance may be published by summary in accordance with the Statutes of the State of Idaho.

Passed and approved by the Mayor and City Council this 2nd day of March, 1998.

CITY OF PAYETTE

By Ann Crosby
Mayor

ATTEST: John P. Zampa
City Clerk