

TITLE 10 SUBDIVISIONS

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CHAPTER 1

GENERAL PROVISIONS

10-1-1: SHORT TITLE:

This Title shall be known as the *SUBDIVISION ORDINANCE OF THE CITY OF EMMETT, IDAHO*.

10-1-2: AUTHORITY:

These regulations are authorized by title 50, chapter 13 of the Idaho Code; title 67, chapter 65 of the Idaho Code; and article 12, section 2 of the Idaho Constitution, as amended or subsequently codified.

10-1-3: PURPOSE:

The purposes of these regulations are to promote the public health, safety and general welfare, and to provide for the harmonious development of the community.

10-1-4: JURISDICTION:

These regulations shall apply to the subdividing of land within the corporate limits of Emmett and the property within the impact area boundary.

10-1-5: INTERPRETATION:

All subdivisions as herein defined shall be submitted for approval by the Council and shall comply with the provisions of these regulations. These regulations shall supplement all other regulations, and where at variances with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall apply.

10-1-6: ADMINISTRATION:

The Council shall appoint an Administrator to carry out the provisions as herein specified and to serve at the pleasure of the Council. The Administrator shall receive and process all subdivision applications.

10-1-7: COMBINING OF PERMITS:

The City is hereby required to coordinate with other departments and agencies concerning all permits which may be required in this Title and previously or subsequently adopted City ordinances.

10-1-8: DEFINITIONS:

Terms or words used herein shall be interpreted as follows: the present tense includes the past or future tense, the singular includes the plural and the plural includes the

singular; the word "shall" is mandatory; "may" is permissive; and the word "should" is preferred; and the masculine shall include the feminine.

ADMINISTRATOR: An official, having knowledge in the principles and practices of subdividing, who is appointed by the Council to administer this Title.

BLOCK: A group of lots, tracts or parcels within well-defined boundaries, usually streets.

BUILDING SETBACK LINE: An imaginary line established by a zoning ordinance that requires all buildings to be set back a certain distance from lot lines.

COMMISSION: The Planning and Zoning Commission, appointed by the Council.

COMPREHENSIVE PLAN: An adopted document that herein may be referred to as a Comprehensive Plan showing the general location and extent of present and proposed development.

CONDOMINIUM: An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof; together with a separate interest in real property, in an interest or interests in real property or in any combination thereof.

COUNCIL: The City Council of Emmett, Idaho.

COVENANT: A written promise or pledge.

CULVERT: A drain that channels water under a bridge, street, road or driveway.

DEDICATION: The setting apart of land or interests in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land becomes public land upon the acceptance by the City.

FINAL PLAT: The map of a subdivision to be recorded after approval by the City Council and any accompanying material as described in these regulations.

HILLSIDE SUBDIVISION: Any subdivision application that includes any portion of property with grades in excess of fifteen percent (15%). These types of subdivisions are subject to the additional requirements of Section [10-5-2](#) of this Title.

PLANNED UNIT DEVELOPMENT SUBDIVISION: A subdivision designed as a combination of planned land uses for a tract of land to be developed as a unit under single ownership or control, which is developed for the purpose of selling individual lots or estates, whether fronting on private or dedicated streets, which may include three (3) or more principal buildings. (See Section [9-9-1](#) of this Code.)

PLAT: The drawing of a subdivision, cemetery, townsite or other tract of land or a replatting of such certifications, descriptions and approvals.

PRELIMINARY PLAT: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the City for approval.

RESERVE STRIP: A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street extension or widening.

STREET: A right of way which provides access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, land, place and other such terms.

A. Alley: A minor street providing secondary access at the back or side of a property otherwise abutting a street.

B. Minor Street: A street which has the primary purpose of providing access to abutting properties.

C. Collector Street: A street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.

D. Arterial: A street designated for the purpose of carrying fast and/or heavy traffic.

E. Loop: A minor street with both terminal points on the same street of origin.

F. Cul-De-Sac: A street connected to another street at one end only and provided with a turnaround space at its terminus.

G. Frontage: A minor street, parallel and adjacent to an arterial street to provide access to abutting properties.

H. Partial: A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

I. Private: A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

SUBDIVIDER: A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this Title. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have proprietary rights in the property to represent the owner. Upon request, the subdivider must demonstrate authority to subdivide subject property.

SUBDIVISION: The result of an act of dividing any land, vacant or improved, into three (3) ⁵⁵ or more lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of transfer of ownership or development, which may also include the dedication of a public street and the addition to, or creation of, a cemetery.

SURVEYOR: Any person who is licensed in the state as a land surveyor to do professional surveying.

UTILITIES: Installations for conducting water, sewage, gas, electricity, television, storm water and similar facilities providing service to and used by the public.

VARIANCE: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship. (Ord. 805, 11-28-1989; amd. Ord. 866, 11-12-1996; Ord. 917, 8-8-2000)

CHAPTER 2

PROCEDURE FOR SUBDIVISION APPROVAL

10-2-1: SUBDIVISION APPROVAL REQUIRED:

A. Any person desiring to create a "subdivision" as herein defined shall submit all necessary applications to the administrator. No final plat shall be filed with the county recorder or improvements made on the property until the plat has been acted upon by the commission and approved by the council. No lots shall be sold until the plat has been recorded in the office of the county recorder. (Ord. 805, 11-28-1989)

B. Without any action on the part of the Emmett city council or the Emmett zoning commission, the administrator may allow land to be divided into two (2) parcels if the following conditions are met:

1. The division meets the minimum frontage width and lot square feet requirements.
2. The division meets the requirements of the Idaho Code.
3. The survey and preparation of the legal descriptions and map are done by a licensed surveyor.
4. The applicant has made a written application to the administrator demonstrating that the requirements of this code have been met.
5. The administrator finds the division promotes the orderly development of the city.
6. The land that is the subject of the application has not been part of a larger parcel that was divided after 1978. (Ord. O2005-4, 4-26-2005)

10-2-2: PREAPPLICATION:

A. Application: The subdivider may submit a preapplication to enable the administrator to review and comment on the proposed subdivision. The preapplication shall include at least one copy of a sketch plan. The sketch plan shall include the entire developmental scheme of the proposed subdivision in schematic form and include the following:

1. The general layout and approximate dimensions of streets, blocks and lots in sketch form.
2. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site.
3. The areas set aside for schools, parks and other public facilities.

B. Fee: No fee required.

C. Administrator Action: The administrator shall notify the subdivider within thirty (30) days from the date of receiving an acceptable preapplication as to the general conformance or nonconformance of the proposal with this title, and shall provide the necessary forms and checklists, as well as any additional concerns. (Ord. 805, 11-28-1989)

10-2-3: PRELIMINARY PLAT:

A. Application: The subdivider shall file with the administrator a complete subdivision application form and preliminary plat data as required in this title.

B. Combining Preliminary And Final Plats (Also Called A Minor Subdivision): The applicant may request that the subdivision application be processed as both a preliminary and final plat if all of the following exist:

1. The proposed subdivision does not exceed ten (10) lots.
2. No new street dedication or street widening is involved. Street dedication on contiguous existing public streets is allowed.
3. No major special development considerations are involved (floodplain, hillside, etc.).
4. Information for both preliminary and final plat is complete.

C. Content Of Preliminary Plat: The subdivider shall submit to the administrator at least the following:

1. Six (6) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. The plat shall have dimensions of not less than twenty four inches by thirty six inches (24" x 36"); shall be drawn to a scale of not less than one inch to one hundred feet (1" = 100'); shall show the drafting date and north arrow.
2. Six (6) sets of preliminary engineering plans (not meant to be cross sections or detailed designs) for streets, water, sewers, sidewalks and other required public improvements.
3. A written application requesting approval of the preliminary plat.
4. Appropriate information that sufficiently details the proposed development within any special development area.
5. Proof of interest in the subject property.
6. Irrigation District and User Information: If the proposed subdivision is located within the boundaries of an irrigation district and/or ditch company, the subdivider shall identify the irrigation or drainage entity having jurisdiction and provide the names and addresses of each property owner within 500 feet of the subdivision boundary, either upstream or downstream, who may share the same irrigation or drainage delivery system.

D. Requirements Of Preliminary Plats: The following shall be shown on the preliminary plat or shall be submitted separately:

1. The name of the proposed subdivision.
2. The names, addresses and telephone numbers of the subdivider or subdividers and the engineer or surveyor who prepared the preliminary plat.
3. The name and address of all adjoining owners of property whether or not bisected by a public right of way as shown on record in the county assessor's office.
4. The legal description of the subdivision.
5. A statement of the intended use of the proposed subdivision.
6. A map of the entire area scheduled for development.
7. A vicinity map showing the relationship of the proposed plat to the surrounding area (1/2 mile minimum radius, scale optional).
8. The land use and existing zoning of the proposed subdivision and the adjacent land.
9. Streets, street names, rights of way and roadway widths, including adjoining streets or roadways.
10. Lot lines and blocks showing the dimensions and numbers of each.
11. Contour lines, shown at two foot (2') intervals.
12. A site report as required by the appropriate health district where individual wells or septic tanks are proposed.
13. Any proposed or existing utilities.
14. A copy of any proposed restrictive covenants and/or deed restrictions.
15. Any dedications to the public and/or easements, together with a statement of location, dimensions and purpose of such.
16. Any additional required information for special developments.
17. A statement as to whether or not a variance will be requested with respect to any provision of this title describing the particular provision, the variance requested and the reasons thereof.

E. Fee: At the time of submission of an application for a preliminary plat, the subdivider shall pay a processing fee in accordance with the fee schedule established by the city

council. There shall be no additional fee for the combining of the preliminary and final plats. (Ord. 805, 11-28-1989)

F. Administrator Review:

1. Certification: Upon receipt of the preliminary plat, and all other required data as provided for herein, the administrator shall certify the application as complete and shall affix the date of application acceptance thereon.

2. Review By City Of Emmett's Engineering Firm: The city of Emmett's engineering firm will review preliminary subdivision plats and plans. The developer shall be responsible for all fees charged by that firm. These application review fees must be paid at the time of application as a pre-payment before any review will begin from the City Engineer.

3. Review By Other Agencies: The administrator shall refer the preliminary plat and application to as many agencies as deemed necessary. The developer shall be responsible for all fees charged because of reviews by other agencies. (Ord. O2005-4, 4-26-2005)

G. Public Notification:

1. Notification To Property Owners: The administrator shall notify all adjoining property owners within three hundred feet (300') whose names and addresses have been provided by the subdivider at least ten (10) days prior to the commission meeting.

2. Failure To Notify: The administrator's failure to comply with the notification provision shall not invalidate the city's action, provided the spirit of the procedure is observed.

3. Public Hearing Process: Prior to approving or disapproving a preliminary plat, at least one public hearing in which interested persons shall have an opportunity to be heard shall be held. The public hearing will be held with the commission which will recommend action to the city council, which will consider the recommendations of the commission and make the final determination. At least fifteen (15) days prior to the hearing, notice of the time and place shall be published in the official newspaper or paper of general circulation within the jurisdiction. The applicant is responsible for all notices and publishing costs.

H. Action By The Commission And Council: Within twenty (20) days after the public hearing, the commission shall, in writing, either recommend to the city council for approval, conditional approval or disapproval of the preliminary plat application as presented. The applicant shall be responsible for all required notices and publishing costs associated with the public hearing. See Section 10-2-3.M for actions on Minor Subdivisions with no more than four (4) building lots. (Ord. 805, 11-28-1989)

The city council shall consider the recommendation of the commission at the next available regularly scheduled council meeting and may delay their decision pending submission of additional information or approve, conditionally approve, or disapprove the

preliminary plat application as presented to the commission. Should the council disapprove the recommendation of the commission it shall hold a public hearing following the notification and hearing procedures listed above. (Ord. 866, 11-12-1996)

In determining the acceptance of a proposed subdivision, the commission and city council shall consider the objectives of this title and at least the following:

1. The conformance of the subdivision with the comprehensive development plan.
2. The availability of public services to accommodate the proposed development.
3. The continuity of the proposed development with the capital improvement program.
4. The public financial capability of supporting services for the proposed development.
5. The other health, safety or environmental problems that may be brought to the commission's attention.

Upon granting or denying a preliminary plat, the city council shall specify:

- a. The ordinance and standards used in evaluating the application.
- b. The reasons for approval or denial.
- c. The actions, if any, that the applicant could take to obtain approval.

I. Notification To Applicant: Within ten (10) days after a decision has been rendered by the council, the administrator shall provide the applicant with written notice of the action on the request. The preliminary plat will not be considered fully approved until all conditions have been satisfied and the appeal period has expired.

J. Action On Combined Preliminary And Final Plat: A recommendation shall be forwarded to the council in the same manner as herein specified for a final plat. The commission may recommend that the combined application be approved, approved conditionally or disapproved.

K. Appeal Of Decision Of Council: The applicant or an affected citizen of Emmett shall have twenty (20) days from the date of the mailing of the notice of the decision of the council within which to appeal said decision to a court of competent jurisdiction.

L. Approval Period:

1. Failure to file and obtain the certification of the acceptance of the final plat application from the subdivider within eighteen months after action by the city council shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the city council. Said application for time extension shall be submitted in writing to the administrator prior to the expiration date and shall state the reasons for failure to

file the final plat application. The application shall also include a proposed length of extension, not to exceed twelve months. More than one (1) extension may be granted upon showing of good cause.

2. Phasing: In the event the development of the preliminary plat is made in successive contiguous phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such phases, if submitted within successive intervals of one year, may be considered for final approval without resubmission for preliminary plat approval. The one year timeframe shall begin on the recording date of the final plat of the prior phase. (Ord. 805, 11-28-1989)

M. Minor Subdivisions: Subdivisions with no new roads or infrastructure with no more than four (4) building lots may obtain preliminary approval from the administrator. Final approval must be obtained from the city council. Minor subdivisions with five (5) or more building lots shall still obtain preliminary approval from the commission.

N. Legal Descriptions: An applicant who requests a division of any parcel will provide a legal description for each parcel created. The format of the legal description will be in a format acceptable to the Gem County assessor's office. The applicant will pay for the cost of obtaining these legal descriptions. (Ord. O2005-4, 4-26-2005)

O. Construction Plans: After approval of a preliminary plat application by City Council, the applicant shall submit to the administrator the required number of final construction plans prepared by a civil engineer licensed in Idaho. Such plans shall adhere to the design and improvement standards set forth in this title as well as all applicable City standards as outlined in the latest version of the "Standards for Public Works Construction" manual. No construction of any kind shall take place on the site of an approved subdivision until final construction plans are reviewed and approved by the City Engineer. Systems reviewed and subject to approval include, but are not limited to:

1. Streets, including curbs and sidewalks.
2. Water delivery system and/or water supply.
3. Sanitary sewer system.
4. Storm water collection and treatment plans, including storm water management during construction.
5. Streetlight plans.
6. Off site improvements (streets, traffic signals, sidewalks, lighting, etc.).
7. Irrigation water delivery system.
8. Site grading plans.

P. Effect of Approval: Upon final written approval and signatures and upon subsequent review and approval of construction plans by the City Engineer, the applicant may proceed with construction of the subdivision. Approval of the preliminary plat does not, however, authorize the conveyance of lots or other privileges reserved until after the final plat is approved and recorded.

10-2-4: FINAL PLAT:

A. Application Content: After the approval or conditional approval of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The final plat shall include and be in compliance with all items required under Idaho Code title 50, chapter 13 and shall be drawn at such a scale and contain lettering of such size as to enable the same to be placed on a sheet of eighteen inch by twenty seven inch (18" x 27") Mylar sheet with no part of the drawing nearer to the edge than one inch (1"). The final plat application shall include at least the following:

1. Three (3) copies of the final plat.
2. A written application for approval of such final plat as stipulated by the city.
3. Proof of current ownership of the real property included in the proposed final plat.
4. Such other information as the administrator or city may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat.
5. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof.
6. Conformance with all requirements and provisions of this title.
7. Conformance with acceptable engineering practices and local standards.
8. Final Construction Completion letter, issued by the City of Emmett Public Works Department,

B. Fee: All fees shall be paid at the time of submission of an application for a final plat. The applicant shall pay final plat fee as set by Resolution of the City Council.

C. Administrator Review: Upon receipt of the final plat, and compliance with all other requirements as provided for herein, the administrator shall certify the application as complete and shall affix the date of acceptance thereon. (Ord. 805, 11-28-1989)

D. Review By City Of Emmett's Engineering Firm: The city of Emmett's engineering firm shall review final subdivision plats and plans. The developer shall be responsible for all fees charged by that firm. These application review fees must be paid at the time of application as a pre-payment before any review of the final plat will begin from the City Engineer.

E. Agency Review: The administrator may transmit one copy of the final plat or other documents submitted, for review and recommendation to the departments and agencies as he deems necessary to ensure compliance with the preliminary approval and/or conditions of preliminary approval. (Ord. 805, 11-28-1989; amd. Ord. O2005-4, 4-26-2005)

F. Public Meeting (Deliberation) Process: Prior to approving or disapproving a final plat, at least one public meeting (deliberation) shall be held by the city council. (Ord. O2005-4, 4-26-2005)

G. Action By The Council:

The city council may delay their decision pending submission of additional information or approve, or disapprove the final plat application as presented. Upon granting or denying an application for final plat, the city council shall specify:

1. The ordinance and standard used in evaluating the application.
2. The reasons for approval or denial.
3. The actions, if any, that the applicant could take to obtain approval. (Ord. 866, 11-12-1996; amd. Ord. O2005-4, 4-26-2005)

H. Notification To Applicant: Within ten (10) days after a decision has been rendered by the council, the administrator shall provide the applicant with written notice of the action on the final plat. The final plat will not be considered fully approved until all conditions have been satisfied and the appeal period has expired.

I. Appeal Of Decision Of Council: The applicant or citizen shall have twenty (20) days from the date of the mailing of the notice of the decision of the council within which to appeal said decision to a court of competent jurisdiction.

J. Approval Period: Final plat shall be filed with the county recorder within one year after written approval by the city, otherwise such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the subdivider and granted by the city council. Said application for time extension shall be submitted in writing to the administrator prior to the expiration date and shall state the reasons for failure to record the final plat. The application shall also include a proposed length of extension, not to exceed six (6) months. (Ord. 805, 11-28-1989; amd. Ord. O2005-4, 4-26-2005)

K. Method Of Recording: Upon approval of the final plat by the council, the subdivider's prepayment of recording fees, posting of surety bonds or other acceptable guarantee and the inclusion of the following signatures on the final plat, the subdivider may submit the final plat to the county recorder for recording:

1. Certification and signature of the City Clerk verifying that the subdivision has been approved by the City Council.
2. Certification of an authorized representative of Southwest District Health Department regarding the sanitation restrictions on the face of the plat per Idaho Code section 50-1326.
3. Certification of the county surveyor, as required by Idaho Code 50-1305.
4. Certification of the city engineer, as required by Idaho Code 50-1308(1).

5. Certification of the county treasurer, as required by Idaho Code 50-1308(1). This certification is only valid if the plat is recorded within thirty (30) days of signature.

(Ord. 866, 11-12-1996; amd. Ord. O2005-4, 4-26-2005)

CHAPTER 3 DESIGN STANDARDS

10-3-1: MINIMUM DESIGN STANDARDS REQUIRED:

All plats submitted pursuant to the provisions of this title, and all subdivisions, improvements and facilities, constructed or made in accordance with said provisions shall comply with the minimum design standards set forth hereinafter in this chapter; provided, however, that any higher standards adopted by any highway district, state highway department or health agency shall prevail over those set forth herein. (Ord. 805, 11-28-1989)

10-3-2: DEDICATION:

Within a proposed subdivision, arterial and collector streets, as shown on the comprehensive plan, shall be dedicated to the public in all cases, in general. All other streets shall also be dedicated to public use. (Ord. 805, 11-28-1989)

10-3-3: LOCATION:

Street and road location shall conform to the following:

A. Street Location And Arrangements: When an official street plan or comprehensive development plan has been adopted, subdivision streets shall conform to such plans.

B. Minor Streets: Shall be so arranged as to discourage their use by through traffic.

C. Stub Streets: Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas.

D. Relation To Topography: Streets shall be arranged in proper relation to topography.

E. Alleys: Alleys shall be provided in multiple dwellings or commercial subdivisions unless other provisions are made for service access and off street loading and parking. Dead end alleys shall be prohibited in all cases.

F. Frontage Roads: Where a subdivision abuts or contains an arterial street, it shall be required that there be frontage roads approximately parallel to, and on each side of, such arterial street; or, such other treatment as is necessary for the adequate protection of residential properties and to separate through traffic from local traffic. (Ord. 805, 11-28-1989)

G. Cul-De-Sac Streets: Cul-de-sac streets shall not be more than seven hundred feet (700') in length and shall terminate with an adequate turnaround having a minimum radius for right of way that is not less than the minimum requirement of the international fire code that has been adopted by the city. (Ord. O2005-4, 4-26-2005)

H.Half Streets: Half streets shall be prohibited except where unusual circumstances make such necessary to the reasonable development of a tract in conformance with this title and where satisfactory assurance for dedication of the remaining part of the street is provided. (Ord. 805, 11-28-1989)

I.Private Streets: Private streets and roads shall be prohibited. (Ord. 910, 11-9-1999)

10-3-4: SPECIFICATIONS:

A.Street Right Of Way Widths: Street and road right of way widths shall conform to the adopted major street plan or comprehensive development plan and the rules of the state division of highways and the highway district or department having jurisdiction.

Minimum right of way standards are as follows:

1. Street right of way width is to be measured from property line to property line.

Highway And Street Types	Widths	Face To Face Curb
Expressway or freeway	160-260 feet	140-240 feet
Major arterial	120 feet	100 feet
Minor arterial	80 feet	60 feet
Collector street	60 feet	44 feet
Minor street	50 feet	36 feet
Alley	20 feet	20 feet

(Ord. O2005-4, 4-26-2005)

B.Street Grades: Street grades shall not exceed ten percent (10%) on either minor or collector streets, and six percent (6%) for arterial streets.

C.Street Alignment: Street alignment shall be as follows:

1. Horizontal Alignment: When street lines deflect from each other by more than ten degrees (10°) in alignment, the centerlines shall be connected by a curve having a minimum radius of five hundred feet (500') for arterial streets, three hundred feet (300') for collector streets. Between reverse curves on collector and arterial streets, there shall be a minimum tangent distance of two hundred feet (200');

2. Vertical Alignment: Minimum stopping sight distances shall be two hundred feet (200') for minor streets and designed in accordance with design speed for collector and arterial streets. (Ord. 805, 11-28-1989)

10-3-5: STREET NAMES:

The naming of streets shall conform to the following:

A. Street names shall not duplicate any existing street names within the city except where a new street is a continuation of an existing street; street names that may be spelled differently but sound the same as existing streets shall not be used.

B. All new streets shall be named as follows: streets having predominantly east-west direction shall be named "street" or "road"; streets having a predominantly north-south direction shall be named "avenue" or "way"; meandering streets shall be named "drive", "lane", "path" or "trail"; and cul-de-sacs shall be named "circle", "court" or "place". (Ord. 805, 11-28-1989)

10-3-6: INTERSECTIONS:

Intersections shall conform to the following:

A. Angle Of Intersection: Streets shall intersect at ninety degrees (90°) or as closely thereto as possible, and in no case shall streets intersect at less than seventy degrees (70°).

B. Sight Triangles: Minimum clear sight distances at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred feet (100') from the center of the intersection.

C. Number Of Streets: No more than two (2) streets shall cross at any one intersection.

D. "T" Intersections: "T" intersections may be used wherever such design will not restrict the free movement of traffic.

E. Centerline Offsets: Street centerlines shall be offset by a distance of at least one hundred twenty five feet (125').

F. Vertical Alignment Of Intersection: A nearly flat grade with appropriate drainage slopes is desirable within intersections. This flat section shall be extended a minimum of one hundred feet (100') each way from the intersection. An allowance of two percent (2%) maximum intersection grade in rolling terrain, and four percent (4%) in hilly terrain, will be permitted. (Ord. 805, 11-28-1989)

10-3-7: PEDESTRIAN WALKWAYS:

Right of way for pedestrian walkways (at least 10 feet wide) may be required where necessary to obtain convenient pedestrian circulation. (Ord. 805, 11-28-1989)

10-3-8: EASEMENTS:

Unobstructed utility easements shall be provided along front lot lines, rear lot lines and side lot lines when deemed necessary; total easement width shall not be less than five feet (5'). Unobstructed drainageway easements shall be provided as required by the city. (Ord. 805, 11-28-1989)

10-3-9: BLOCKS:

Every block shall be so designed as to provide two (2) tiers of lots, except where lots back onto arterial street, natural feature or subdivision boundary; blocks should not be less than five hundred feet (500') long in all cases. (Ord. 805, 11-28-1989)

10-3-10: LOTS:

Lots shall conform to the following:

A.Zoning: The lot width, depth and total area shall not be less than the requirements of any applicable zoning ordinance.

B.Future Arrangements: Where parcels of land are subdivided into unusually large lots (such as when large lots are approved for septic tanks), the parcels shall be divided, where feasible, so as to allow for future resubdividing into smaller parcels.

C.Sufficient Area For Septic Tank: Where individual septic tanks have been authorized, sufficient area shall be provided for a replacement sewage disposal system. (Ord. 805, 11-28-1989)

10-3-11: PUBLIC SITES AND OPEN SPACES:

Public sites and open spaces shall conform to the following:

A.Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community shall be preserved in the design of the subdivision.

B. Open Space Defined: "Common open space" shall mean land area exclusive of street rights of way and street buffers, except for right of way specifically dedicated for landscaping within a subdivision. Street buffers wider than the required minimum dimension may be counted as open space. Storm water detention facilities must be designed in accordance with subsection [9-17-11B](#) of this chapter in order to count toward the open space requirement. Open space may be active or passive in its intended use, and must be accessible by all residents of the subdivision.

C.Special Developments: In the case of planned unit developments and large scale developments, the city may require park or open space facilities. (Ord. 805, 11-28-1989)

D.Phasing Required: Development of subdivisions shall be phased to avoid the extension of city services. Each phase must include the required parks, pathways, and open space.

E. Phasing Agreement: Subdividers requesting phased subdivisions shall enter into a phasing agreement with the city. Any phasing agreement shall be approved and executed by the council and the developer on or before the preliminary plat approval by the council.

F. Contribution:

1. The developer of each residential subdivision, or any part thereof, consisting of nine (9) or more dwelling units, without regard to the number of phases within the subdivision, shall set aside or acquire land area within, adjacent to, or in the general vicinity of the subdivision for parks. Parks, pathways and open space shall be within the city of Emmett. Parks shall be set aside in accordance with the following formula:

$$P = x \text{ multiplied by } .0277$$

"P" is the parks contribution in acres

"x" is the number of single-family lots, townhouse sublots, or condominium units contained within the plat. Where multi-family lots are being platted with no fixed number of units, "x" is the maximum number of residential units possible within the subdivision based on current zoning regulations.

2. Where a parcel of land is owned or otherwise controlled, in any manner, directly or indirectly:

a. By the same individual(s) or entity(ies), including, but not limited to, corporation(s), partnership(s), limited liability company(ies) or trust(s), or

b. By different individuals or entities, including, but not limited to, corporations, partnerships, limited liability companies or trusts where: 1) such individual(s) or entity(ies) have a controlling ownership or contractual right with the other individual(s) or entity(ies), or 2) the same individual(s) or entity(ies) act in any manner as an employee, owner, partner, agent, stockholder, director, member, officer or trustee of the entity(ies), multiple subdivisions of said parcel that cumulatively result in nine (9) or more dwelling units, are subject to the provisions of the ordinance codified herein, and shall provide the required improvements subject to the required standards at or before the platting or development of nine (9) or more dwelling units.

G. Required Improvements: Improvements for parks shall be based on size and be considered either a minipark (between 1/4 acre and 1 acre), or a neighborhood park (between 1 and 10 acres).

1. Minipark:

a. Minimum improvements: Finished grading and ground cover, trees and shrubs, picnic table, trash container(s), park bench(es). All parks shall provide an average of fifteen (15) trees per acre, of which at least fifteen percent (15%) shall be of four inch (4") caliper or greater. A maximum of twenty percent (20%) of any single tree species may be used.

2. Neighborhood Park:

a. Minimum improvements: Finished grading and ground cover, large grassy areas, trees and shrubs, sheltered picnic table(s), trash container(s), park bench(es), parking as required by

ordinance, and one or more of the following: play structure, restrooms, an athletic field, trails, hard surface multiple use court (tennis or basketball courts), or gardens that demonstrate conservation principles. All parks shall provide an average of fifteen (15) trees per acre, of which at least fifteen percent (15%) shall be of four inch (4") caliper or greater. A maximum of twenty percent (20%) of any single tree species may be used.

H. Required Standards: Land proposed to be dedicated for recreation purposes shall meet identified needs and standards contained within the parks master plan. All parks, green space, and trails shall meet the following criteria for development, location and size (unless unusual conditions exist that prohibit meeting one or more of the criteria):

1. Shall provide safe and convenient access, including ADA standards.
2. Shall not be gated so as to restrict access.
3. Shall not be configured in such a manner that will create a perception of intruding on private space.
4. Shall be configured in size, shape, topography and improvements to be functional for the intended users.
5. Shall not create undue negative impact on adjacent properties and shall be buffered from conflicting land uses.
6. Shall not create undue demands on city services.
7. Shall require low maintenance, or provide for maintenance or a maintenance endowment.
8. Shall not conflict with the use or planned use depicted in the parks master plan.
9. Shall be connected in a useful manner to other recreation opportunities. Preserved green space within proposed developments shall be designed to be contiguous and interconnecting with adjacent green space (both existing and potential future space). The following criteria for connections shall be met.
10. The developer shall define a meaningful pedestrian circulation system for each development, which connects to the major trail system, parks, schools, shopping areas and community assets. Subdividers shall install such sidewalks and trails as required by ordinance and according to city standards. No park dedication credit will be given for pedestrian improvements required by ordinance.
11. The developer shall construct and pave all trails through and abutting their developments identified in the parks master plan. Such trail improvements shall be undertaken at the same time as other public improvements are installed within the development (i.e., grading with site grading and paving with street or parking lot paving). Deviation from this timing requirement may be allowed only when deemed beneficial for the project. Park dedication credit may be given for trails and pedestrian improvements identified in the parks master plan. The minimum pathway width shall be 10 feet (except in cases where topography requires less).

12. The developer may complete, construct and pave all trails not identified in the parks master plan. Park dedication credit will be given for such trails if they connect to existing or proposed trails identified in the parks master plan.

13. The city may permit easements to be granted by developers for trail corridors identified in the parks master plan, thereby allowing the developer to include the land area in the determination of setbacks and building density on the site. In such cases, park dedication credit will not be given.

14. To be eligible for park dedication credit, land dedicated must be located on slopes less than twenty five degrees (25°), and must be located outside of drainways, floodways and wetland areas.

I. Dedication And Maintenance: All park land shall be dedicated to the city of Emmett upon completion, unless otherwise allowed by the city council upon recommendation by the parks department. Parks shall be guaranteed and maintained by the developer for a period of two (2) years after full build out. Any privately owned and maintained park or recreation space (by the future residents or business owners of the subdivision) must meet the following: The City of Emmett will not accept land dedications as public parks if the gross area is less than one-acre in size, unless otherwise allowed by the City Council, upon receiving a recommendation from the Parks Department.

1. Land area shall not be occupied by nonrecreational buildings and shall be available for the use of all the residents or employees of the proposed subdivision.

2. The use of the private green space shall be restricted for public parks, playground, trail green space or recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the tract and which cannot be modified without the consent of the city council.

3. The proposed private green space shall be reasonably adaptable for use for such purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private green space land.

4. The facilities proposed for such purposes are in accordance with the provisions of the recreational element of the comprehensive plan.

5. The private ownership and maintenance of the green space shall be adequately provided for by written agreement.

6. Public and private green space for park or recreation purposes shall be complementary to one another and their use should not be exclusive to the homeowners, residents, or employees of the development only.

J. In Lieu Contributions: After receiving a recommendation by the parks department, the city council may at their discretion approve and accept voluntary cash contributions in lieu of park land dedication/park improvements, which contributions must be segregated by the city and not used for any other purpose other than the acquisition of park land and/or park improvements. The fee structure for cash contributions for acquisition of park land shall be the appraised value of the required land area at the time of the application. The appraisal shall be submitted by a

mutually agreed upon appraiser and paid for by the applicant. The fee structure for park improvements, including all costs of acquisition, construction and all related costs, shall be based upon the estimated costs of an approved improvement provided by a qualified contractor and/or vendor. The City will not grant a 100% waiver for open space within a subdivision unless it can be proved there is existing open space or parkland within ¼ mile of the subdivision or other allowances are made to break-up the housing density.

10-3-12: PROTECTIVE COVENANTS:

Protective covenants may be prepared and recorded as part of a subdivision. The city shall review and approve subdivision restrictive covenants prior to recording. The determination of the city, upon reviewing and approving the protective covenants, is to resolve any conflicts with existing subdivision and zoning regulations. (Ord. 805, 11-28-1989)

Chapter 4

IMPROVEMENT STANDARDS

10-4-1: RESPONSIBILITY FOR PLANS:

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer a complete set of construction plans, including profiles, cross sections, specifications and other supporting data for all required public streets, utilities and other facilities. All construction plans shall be prepared in accordance with the public agencies' standards or specifications. (Ord. 805, 11-28-1989)

10-4-2: REQUIRED PUBLIC IMPROVEMENTS:

Every subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

A. Monuments: Survey monuments shall be set in accordance with section 50-1303, Idaho Code. Also, all lot corners; block corners; street center lines; center of cul-de-sacs; point of curvature; point of tangency; and points of beginning shall be surveyed and established on the ground.

B. Streets And Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Council.

C. Curbs And Gutters: Vertical curbs and gutters shall be constructed on collector and arterial streets. Rolled curbs and gutters shall be required on minor streets. All construction shall be in accordance with the standards and specifications adopted by the Council.

D. Bicycle Pathways: A bicycle pathway may be required within subdivisions, as part of the public right of way or separate easement.

E. Installation Of Public Utilities: Underground utilities are encouraged and may be required subject to the Council adopted policies and ordinances.

F. Driveways: All driveway openings in curbs shall be as specified by the Public Works Department, Highway District or State Highway Division.

G. Storm Drainage: The requirements for each particular subdivision shall be established by the Council. Construction shall follow the specifications and procedures established by the Council. (Ord. 805, 11-28-1989)

H. Public Water Supply And Sewer Systems: All public water supply or sewer systems (serving 2 or more separate premises or households) shall be constructed in accordance with any adopted local plans and specifications. All new public water supply or sewer systems shall be an extension of an existing public system whenever possible. If it is determined by the City Council that a new water supply or sewer system is necessary, such system shall be built to

the standards and specifications required by the City. Section 50-1326, Idaho Code, requires that all water and sewer plans be submitted to the State Department of Health and Welfare or its authorized agent for approval.

I. Fire Hydrants And Water Mains: Adequate fire protection shall be required in accordance with the appropriate Fire Department or district standards.

J. Street Name Signs: Street name signs shall be installed in the appropriate locations at each street intersection in accordance with local standards.

K. Sidewalks And Pedestrian Walkways: Sidewalks may be required on both sides of the street or on only one side of the street subject to review and approval by the Council.

L. Greenbelt: Greenbelts or landscaping screening may be required by the Council.

M. Street Lighting: A subdivider will put in streetlights subject to the requirements of the City and the public utility providing such lighting.

N. Irrigation: Irrigation water shall be provided to each lot. Specific irrigation development plans shall be submitted for approval to the Commission and Council along with the final plat and shall be designed and constructed in accordance with City irrigation construction standards. (Ord. 881, 3-24-1998)

10-4-3: WARRANTY AND GUARANTEE OF COMPLETION OF IMPROVEMENTS:

A. Warranty Agreement: The City requires a one year warranty agreement with responsible parties prior to acceptance of public improvements for public maintenance.

B. Financial Guarantee Arrangements: In lieu of the actual installation of required landscaping before filing of the final plat, the Council may permit the subdivider to provide a financial guarantee in one or a combination of the arrangements outlined in Section C below for those outstanding requirements. All other required improvements must be completed and accepted by the City before filing the final plat application.

Once building construction within a subdivision has begun, it shall be halted once twenty five percent (25%) of the lots in that phase have received or been issued building permits for primary structures (e.g., houses). In order for any further building permits to be issued, remaining landscaping pertaining to the phase shall be completed.

C Cash Deposit, Certified Check, Or Irrevocable Bank Letter Of Credit:

1. Deposit: A cash deposit, certified check, or an irrevocable bank letter of credit or such other surety acceptable by the Council, shall be deposited with the City Clerk.

2. Dollar Value: The dollar value of the cash deposit, certified check, or irrevocable bank letter of credit shall be equal to one hundred fifty percent (150%) of the estimated cost of the materials and installation of the landscaping as recommended by the Superintendent of Public Works or Zoning Administrator and approved by the Council.

3. Time: The duration for the cash deposit, certified check, or irrevocable bank letter of credit shall be for a period to be specified by the Council.

4. Progressive Payment: In the case of cash deposits or certified checks, an agreement between the Council and the subdivider may provide for progressive payment out of the cash deposit or reduction of the certified check, or irrevocable bank letter of credit, to the extent of the cost of the completed portion of the landscaping, in accordance with a previously entered into agreement.

D Conditional Approval Of Final Plat: The approval of all final subdivision plats shall be conditioned on the accomplishment of the following:

1. The construction of improvements required by this Title shall have been completed by the subdivider and approved by the Council; except that

2. For landscaping improvements, Surety acceptable to the Council shall have been filed with the City Clerk in the form of a cash deposit, certified check, or irrevocable bank letter of credit.

E Inspection Of Public Improvements Under Construction: Before approving a final plat and construction plans and specifications for public improvements, an agreement between the subdivider and the Council shall be made to provide for checking or inspecting the construction and its conformity to the submitted plans.

F. Submittal of As-Built Plans: Prior to acceptance by the Council of any improvements installed by the subdivider and before the first building permit is issued, two (2) sets of as built plans and specifications, certified by the subdivider's engineer, shall be filed with the Public Works Department. Within ten (10) days after completion of improvements and submission of as-built drawings, the City Engineer shall certify the completion of the improvements and the acceptance of the improvements, and shall submit copy of such certification to the subdivider.

G. Penalty In Case Of Failure To Complete Landscaping Improvements: In the event the subdivider 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 the landscaping improvements, it shall be the responsibility of the Council to proceed to have such work completed. In order to accomplish this, the Council shall reimburse itself for the cost and expense thereof by appropriating the cash deposits, certified check, or irrevocable bank letter of credit which the subdivider deposited.

CHAPTER 5

SPECIAL DEVELOPMENT SUBDIVISIONS

10-5-1: PURPOSE:

The purpose of this Chapter is to identify various types of developments that normally pose special concerns to the City when reviewing and acting upon subdivision requests.

10-5-2: HILLSIDE SUBDIVISION:

- A. Appearance and Preservation: In order to preserve, retain, enhance and promote the existing and future appearance, natural topographic features, qualities and resources of hillsides, special consideration shall be given to the following:
1. Skyline and ridge tops.
 2. Rolling grassy land forms, including knolls, ridges and meadows.
 3. Tree and shrub masses, grass, wildflowers and topsoil.
 4. Rock outcroppings.
 5. Streambeds, draws and drainage swales, especially where tree and plant formations occur.
 6. Characteristic vistas and scenic panoramas.
- B. Hillside Development Evaluation: All development proposals shall take into account the following:
1. Planning of development to fit the topography, soils, geology, hydrology and other conditions existing on the proposed site.
 2. Orientation of development on the site so that grading and other site preparation is kept to an absolute minimum.
 3. Shaping of essential grading to blend with natural land forms and to minimize the necessity of padding and/or terracing of building sites.
 4. Division of large tracts into smaller workable units on which construction can be completed within one construction season.
 5. Completion of paving as rapidly as possible after grading.
 6. Allocation of areas not suited for development to open space and recreation uses.
 7. Minimizing disruption of existing plant and animal life.
 8. Consideration of the view from and of the hills.

C. Engineering Plans: The developer shall retain a professional engineer(s) to obtain the following information:

1. Soils Report: For any proposed hillside development, a soils engineering report shall be submitted with the preliminary plat. This report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and opinions and recommendations covering the adequacy of sites to be developed.

2. Geology Report:

a. For any proposed hillside development, a geology report shall be submitted with the preliminary plat. This report shall include an adequate description of site geology and an evaluation of the relationship between the proposed development and the underlying geology and recommendations for remedial remedies.

b. The investigation and subsequent report shall be completed by a professional geologist registered in the State of Idaho.

3. Hydrology Report:

a. For any proposed hillside development, a hydrology report shall be submitted with the preliminary plat. This report shall include an adequate description of the hydrology, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed.

b. In a flood-prone area, flood frequency curves shall be provided for the area proposed for development.

D. Grading Plan:

1. A preliminary grading plan shall be submitted with each hillside preliminary plat proposal and shall include the following information:

a. Approximate limiting dimensions, elevations or finish contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels and related construction.

b. Preliminary plans and approximate locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed.

c. A description of methods to be employed in disposing of soil and other material that is removed from the grading site, including the location of the disposal site.

2. A final grading plan shall be submitted with each final plat and shall include the following information:

- a. Limiting dimensions, elevations or finish contours to be achieved by the grading, including all proposed cut and fill slopes, and proposed drainage channels and related construction.
- b. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed.
- c. A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage together with estimated starting and completion dates.

E. Development Standards:

1. Soils:

- a. Fill areas shall be prepared by removing organic material, such as vegetation and rubbish, and any other material which is determined by the soils engineer to be detrimental to proper compaction or otherwise not conducive to stability; no rock or similar irreducible material with a maximum dimension greater than eight inches (8") shall be used as fill material in fills that are intended to provide structural strength.
- b. Fills shall be compacted to at least ninety five percent (95%) of maximum density, as determined by AASHTO T99 and ASTM D698.
- c. Cut slopes shall be no steeper than two (2) horizontal to one vertical; subsurface drainage shall be provided as necessary for stability.
- d. Fill slopes shall be no steeper than two (2) horizontal to one vertical; fill slopes shall not be located on natural slopes two to one (2:1) or steeper, or where fill slope toes out within twelve feet (12') horizontally of the top of an existing or planned cut slope.
- e. Tops and toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3') plus one-fifth (1/5) of the height of the cut or fill but need not exceed a horizontal distance of ten feet (10'); tops and toes of cut and fill slopes shall be set back from structures a distance of six feet (6') plus one-fifth (1/5) the height of the cut or fill, but need not exceed ten feet (10').
- f. The maximum horizontal distance of disturbed soil surface shall not exceed seventy five feet (75').

2. Roadways:

- a. Road alignments should follow natural terrain and no unnecessary cuts or fills shall be allowed in order to create additional lots or building sites.
- b. One-way streets shall be permitted and encouraged where appropriate for the terrain and where public safety would not be jeopardized. Minimum width shall be seventeen feet (17') between the backs of curbs if off-street parking is provided.

c. The width of the graded section shall extend three feet (3') beyond the curb back or edge of pavement on both the cut and fill sides of the roadway. If sidewalk is to be installed parallel to the roadway, the graded section shall be increased by the width of the sidewalk plus one foot (1') beyond the curb back.

d. Standard six inch (6") vertical curb and gutter shall be installed along both sides of all paved roadways.

e. A pedestrian walkway plan shall be required.

3. Driveways and Parking: Combinations of collective private driveways, cluster parking areas and on-street parallel parking bays shall be used to attempt to optimize the objectives of minimum soil disturbance, minimum impervious cover, excellence of design and aesthetic sensitivity.

F. Vegetation and Revegetation:

1. The developer shall submit a slope stabilization and revegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and the method of disposal, the vegetation to be planted, and slope stabilization measures to be installed. The plan shall include an analysis of the environmental effects of such operations, including the effects on slope stability, soil erosion, water quality and fish and wildlife.

2. Vegetation sufficient to stabilize the soil shall be established on all disturbed areas as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with perennial vegetal cover after all construction is completed. Efforts shall be made to plant those species that tend to recover from fire damage and do not contribute to a rapid rate of fire spread.

3. The developer shall be fully responsible for any destruction of native vegetation proposed for retention. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of construction until the notice of completion is filed. The developer shall be responsible for replacing such destroyed vegetation.

G. Maintenance: The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved or a building permit granted under the provisions of this Title shall continuously maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures or means, and other protective devices, plantings and ground cover installed or completed.

H. Utilities: All new service utilities shall be placed underground. (Ord. 805, 11-28-1989)

10-5-3: PLANNED UNIT AND CONDOMINIUM SUBDIVISIONS:

A. General: Planned unit and condominium developments shall be subject to requirements as set forth in the Zoning Ordinance and also subject to all provisions within this Title.

B. Minimum Area: There is no minimum area.

- C. Site Development Plan: The developer shall provide the City with a rendering of adequate scale to show the completed development that will include at least the following:
1. Architectural style and building design.
 2. Building materials and color.
 3. Landscaping.
 4. Screening.
 5. Garbage areas.
 6. Parking.
 7. Open space. (Ord. 805, 11-28-1989)
- D. Streets: Street construction standards shall be based upon recommendations from an engineer of the City. Adequate construction standards may vary depending on the size of the development and the demands placed on such improvements. No private streets shall be allowed. The minimum standard for a street shall be the same as for a minor street in subsection [10-3-4A](#) of this Title. (Ord. 910, 11-9-1999)
- E. Homeowner's Association: The Homeowner's Association bylaws and other similar deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open space shall meet with the approval of the Council.
- F. Storage Areas: Storage areas shall be provided for the anticipated needs of boats, campers and trailers. For typical residential development, one adequate space shall be provided every two (2) living units.
- G. Parking Space: One additional parking space beyond that which is required by the Zoning Ordinance may be required for every three (3) dwelling units to accommodate visitor parking.
- H. Maintenance Building: A maintenance building may need to be provided, size and location to be suitable for the service needs that are necessary for the repair and maintenance of all common areas.
- I. Open Space: The location of open space shall be appropriate to the development and shall be of such shape and area to be usable and convenient to the residents of the development.
- J. Control During Development: Single ownership or control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned. (Ord. 805, 11-28-1989)

10-5-4: MOBILE HOME SUBDIVISION:

- A. General: Mobile home subdivisions shall be subject to any requirements set forth in the Zoning Ordinance.
- B. Special Requirements: Mobile home subdivisions shall be subject to the following special requirements:
 - 1. Screening from adjacent areas, other than subdivisions of the same type, by aesthetically acceptable fences, walls, living planting areas and existing natural or manmade barriers.
 - 2. Creation of a Homeowner's Association to assure that all common areas are adequately maintained. (Ord. 805, 11-28-1989)

10-5-5: LARGE-SCALE DEVELOPMENT SUBDIVISION:

- A. Required Information: Due to the impact that a large-scale development would have on public utilities and services, the developer shall submit the following information along with the preliminary plat:
 - 1. Identification of all public services that would be provided to the development.
 - 2. Estimate the public service costs to provide adequate service to the development.
 - 3. Estimate the tax revenue that will be generated from the development.
 - 4. Suggested public means of financing the services for the development if the cost for the public services would not be offset by tax revenue received from the development. (Ord. 805, 11-28-1989)

10-5-6: CEMETERY SUBDIVISION:

- A. Function: The developer shall provide the City with written documentation that will sufficiently explain the functions of the proposed cemetery for either human or animal remains.
- B. Compliance With Idaho Code: The developer shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the proposed cemetery with the procedural management requirements that are outlined in title 27, Idaho Code. (Ord. 805, 11-28-1989)

10-5-7: SUBDIVISION WITHIN A FLOOD PLAIN:

- A. Flood Areas: For any proposed subdivision that is located within a flood plain, the developer shall provide the City with a development plan of adequate scale and supporting documentation that will show and explain at least the following:
 - 1. Location of all planned improvements.
 - 2. The location of the floodway and the floodway fringe per engineering practices as specified by the Army Corps of Engineers.

3. The location of the present water channel.
4. Any planned rerouting of waterways.
5. All major drainageways.
6. Areas of frequent flooding.
7. Means of floodproofing buildings.
8. Means of insuring loans for improvements within the flood plain.

New construction and substantial improvements of residential structures within the flood plain shall have the lowest floor (including basement) elevated to one foot (1') above the level of the 100-year flood; and, for new construction or substantial improvements of nonresidential structures, the lowest floor (including basement) shall be elevated to one foot (1') above the level of the 100-year flood, or together with attendant utility and sanitary facilities, shall be floodproofed up to one foot (1') above the level of the 100-year flood.

- B. Justification For Development: Upon the determination that buildings are planned within the flood plain or that alterations of any kind are anticipated within the flood plain area that will alter the flow of water, the developer shall demonstrate conclusively to the City that such development will not present a hazard to life, limb or property; will not have adverse effects on the safety, use or stability of a public way or drainage channel or the natural environment.

No subdivision or part thereof shall be approved if levees, fills, structures or other features within the proposed subdivision will individually or collectively significantly increase flood flows, heights or damages.

Subdivisions shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage.
2. All public utilities and facilities are located and constructed to minimize or eliminate flood damages.
3. Adequate drainage is provided so as to reduce exposure to flood hazards.

New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding. (Ord. 805, 11-28-1989)