

ORDINANCE NO. 312-08

AN ORDINANCE OF THE CITY OF NEW MEADOWS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REPEALING ARTICLE 12 OF THE NEW MEADOWS CITY CODE; ENACTING A NEW ARTICLE 12 OF THE NEW MEADOWS CITY CODE, “NEW MEADOWS SUBDIVISION ORDINANCE”; APPROVING THE SUMMARY OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE FOR ADOPTION.

WHEREAS, the City of New Meadows, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho; and

WHEREAS, pursuant to Chapter 65, Title 67, Idaho Code, the City of New Meadows has the authority to adopt, establish and amend a Subdivision Ordinance; and

WHEREAS, the Mayor and Council have determined that good cause exists for amending the Subdivision Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NEW MEDAOWS, ADAMS COUNTY, IDAHO;

Section 1: That Article 12 of the New Meadows City Code is hereby repealed;

Section 2: That a new Article 12, New Meadows Subdivision Ordinance is hereby enacted as follows:

**ARTICLE 12-1
GENERAL SUBDIVISION PROVISIONS**

Section: 1

- 12-1-1 Authority
- 12-1-2 Purpose
- 12-1-3 Jurisdiction
- 12-1-4 Interpretation
- 12-1-5 Administration
- 12-1-6 Definitions

12-1-1 **AUTHORITY:** Authority for these regulations include, but are not limited to, 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.

12-1-2 PURPOSE: The purpose of these regulations is to promote the public health, safety and general welfare, and to provide for:

- A. The harmonious development of the area;
- B. The coordination of streets and roads within the subdivision with other existing or planned streets and roads;
- C. Adequate open space for travel, light, air and recreation;
- D. Adequate transportation, water drainage, and sanitary facilities;
- E. The avoidance of sprawled subdivision of land that would result in either of the following:
 - 1. The lack of water supply, sewer service, drainage, transportation or other public services; or
 - 2. The unnecessary imposition of an excessive expenditure of public funds for the supply of such services.
- F. The requirements as to the extent and the manner in which:
 - 1. Roads shall be created and improved; and
 - 2. Water and sewer and other utility mains, piping connections or other facilities shall be installed.
- G. The manner and form of making and filing of any plat;
- H. The administration of these regulations by defining the powers and duties of approval authorities; and
- I. Implementation of the goals and policies of the New Meadows Comprehensive Plan.

12-1-3 JURISDICTION: These regulations shall apply to the subdividing of land within the corporate limits of the City including the property within New Meadows' area of impact, or as mutually defined by both the city and county under the requires of Idaho Code section 67-6526. .

12-1-4 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 variance with other laws, regulations, ordinances or resolutions, the more restrictive requirements shall apply.

12-1-5 ADMINISTRATION: The administration of this Title shall be conducted by the Administrator. The Administrator shall be appointed by the Mayor with the approval of the Council.

12-1-6 DEFINITIONS: For the purpose of this Title, certain terms are defined as set forth. All words in the present tense include the future tense; the plural includes the singular, and all words in the singular include the plural unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory.

Administrator: An officer appointed by the Council, and sometimes referred to as "Administrator."

Alley: A thoroughfare through the middle of a block giving access to the rear of lots or buildings.

Applicant: A private individual or entity proposing a subdivision of land.

Arterial Street: As defined by the Rural Functional Classification system.

Bank Letter of Credit: See Financial Guarantee

Base Material: Gravel that is ¾ minus in size with 70% fractured faces.

Capital Improvements: Any alteration to the land or construction associated with the construction or installation of streets, easements, drainage facilities, curbs, gutters, sidewalks, water system, sewage system, storm sewers, gas, electric or telephone lines, lot pin monuments and other such items associated with the subdivision and/or development of land, including grading or fill of land.

Certificate of Ownership: The term "Certificate of Ownership" shall mean the certification of a Title Insurance Company licensed under the laws of the State of Idaho as to the ownership of property and of any interest shown therein of record.

Collector Street: As defined by the Rural Functional Classification system.

Commission: The New Meadows Planning and Zoning Commission.

Conditional Use Permit: The term " Conditional Use" shall mean a use or occupancy of a structure, or use of land, permitted only upon issuance of a Conditional Use Permit and subject to the limitations and conditions specified therein.

Council: The City of New Meadows City Council.

Cul-De-Sac: A street closed at one end with a round area for turning around.

Dedication: Conveyance of land as a grant to the public by a private owner and acceptance of that land on behalf of the public.

Deliberation: A discussion of the Council or Commission in which it publicly discusses and considers a plat application without accepting public testimony.

Driveway: An access off a public street to an individual lot.

Easement: An interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

Final Plat: A final drawing or maps of the subdivision and dedication prepared for filing for the record with the County Recorder and containing all of the elements set forth in the Idaho Code and in this ordinance.

Financial Guarantee: Shall mean an acceptable guarantee to the City of New Meadows for the completion of infrastructure, that under any circumstances that could arise after the initial negotiation, New Meadows will have access to a specified amount of money in the form of a certified check, a surety bond, a cash deposit, a negotiable bond, an irrevocable bank letter of credit or other acceptable agreement to the Commission by the subdivider.

Floodplain: That area adjoining the channel of a river, stream, watercourse, lake or other body of water which may be inundated by flood, as defined by the Federal Emergency Management Agency's Flood Insurance Map.

Granular Barrow: Free Draining material, 6" or less, and approved by the City Engineer

Improvements: See Capital Improvements.

Local Street: As defined by the Rural Functional Classification system.

Negotiable Bond: See Financial Guarantee.

Plat: A map or representation of a parcel, subdivision or division of land into lots, blocks, or roads to be filed as a public document.

Preliminary Plat: An approximate drawing of a proposed subdivision together with appropriate documents, maps, and other elements which shall furnish a basis for approval or disapproval or the general layout of a subdivision.

Private Street: A street not held in public ownership.

Restricted Covenants: Limitations placed on property by its owner prior to that sale of the property.

Rezone: An application to change the zoning of a parcel or an area of property.

Right-of-Way: A strip of land of a defined width held for or containing public services such as roads, utilities, etc.

Sidewalks: Sidewalks shall be constructed of concrete with the proper base to ensure long life under severe temperature fluctuations and exposure to salt as specified in the latest edition of the Idaho Standards for Public Works Construction book of standards.

Sketch Plan: A conceptual drawing of a subdivision to be reviewed by the Administrator prior to submitting a preliminary plat application.

Stub Street: A temporary cul-de-sac street constructed with the intention of extending the street through future development.

Subdivider: See Applicant.

Subdivision: The division of land into 2 or more lots, parcels, tracts, or sites.

Successive Contiguous Segments: The phasing of the final approval and construction of a subdivision over a period of time.

Surety Bond: See Financial Guarantee.

T Intersection: A three-way intersection where one street terminates by intersecting another street at a 90 degree angle forming a T.

Table: The decision to postpone action to a later date.

Variance: The word "Variance" shall mean a modification of the requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space,

height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.

**ARTICLE 12-2
PROCEDURE FOR SUBDIVISION APPROVAL**

Section: 2

12-2-1	Subdivision Approval Required
12-2-2	Pre-Application
12-2-3	Preliminary Plat
12-2-4	Extension of Preliminary Plat Action
12-2-5	Final Plat

12-2-1 **SUBDIVISION APPROVAL REQUIRED:** Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the Administrator on forms provided by the City. No final plat shall be filed with the County Recorder until the public improvements are completed and approved, the “as-built” corrected construction drawings have been filed with the City and DEQ and the final plat has been acted upon by the Council and signed by the appropriate officials. No lots shall be sold until the final plat has been recorded in the office of the County Recorder.

12-2-2 **PRE-APPLICATION:**

- A. Application: The subdivider shall submit a pre-application to enable the Administrator and / or City Engineer to review and comment on the proposed subdivision. The pre-application shall include at least three (3) copies of a sketch plan. The sketch plan shall include the entire development scheme of the proposed subdivision, in schematic form, and include the following:
1. The general layout and approximate dimensions of the streets, blocks and lots in sketch form;
 2. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site; and
 3. The areas set aside for schools, parks and other public facilities.
- B. Fee: A fee for processing and checking a pre-application shall be due upon submittal of the pre-application to the Administrator. The amount of the fee shall be established by resolution of the Council.
- C. Administrator Action: The Administrator shall notify the subdivider within fifteen (15) days from the date of receiving an acceptable pre-application as to the general conformance or nonconformance of the proposal with this Title, and shall provide the necessary forms and check lists, as well as the following considerations:

1. Compliance of the proposed development with existing local or state policies, the zoning ordinance, and other applicable ordinances;
 2. Determination if additional permits or ordinance conflicts, such as rezone, conditional use permit or variance are needed and the manner of coordinating such permits;
 3. Consideration of any unique environmental features or hazardous concerns that may be directly or indirectly associated with the subject property, such as areas that have been designated as areas of critical environmental concern, unique plant or animal life and floodplains; and
 4. Consideration of other local and state agencies that the subdivider should contact before preparing a preliminary plat application.
- D. The pre-application review is for informational purposes only. No rights shall vest with the pre-application review.

12-2-3 PRELIMINARY PLAT

- A. Application: The subdivider shall file with the Administrator a complete subdivision application form and preliminary plat documents as required by this Title.
- B. Content of the Preliminary Plat: The contents of the preliminary plat and related information shall be in such a form as stipulated by the Commission; however, additional maps or data as deemed necessary by the Administrator may also be required. 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; each copy of the preliminary plat shall be on good quality paper and shall be drawn at a scale of not less than 1"=100' and contain lettering of such size as to enable the same to be placed on eighteen inch by twenty seven inch (18" x 27") drawing paper. No part of the drawing shall be nearer than three (3) inches to the left edge and one half (1/2) inch to the other edges of the drawing. The plat shall show the drafting date and a north arrow.
 2. A written application requesting approval of the preliminary plat.
- C. Requirements of Preliminary Plats: The following shall be shown on the preliminary plat or shall be submitted separately together with any other pertinent information requested by the Administrator:
1. The name of the proposed subdivision, which does not duplicate the name of any other subdivision in Adams County;

2. The names, addresses and telephone numbers of the subdividers, the engineer or surveyor who prepared the plat, and any other professional person involved in the subdivision;
3. Certificate of Ownership
4. Agency Review - The applicant shall provide written conceptual approval from the following agencies indicating that adequate provisions for services can be made for the proposed subdivision plat: Southwest District Health Department, Idaho Division of Environmental Quality, Meadows Valley Rural Fire Protection District, Idaho Power, Cable One, New Meadows Public Works Department and Meadows Valley Public School District. Other agencies the applicant shall provide written conceptual approval from are Idaho Department of Lands, Federal Emergency Management Agency, Army Corps of Engineers.
5. A list of all property owners and their mailing addresses who are within three hundred (300) feet of the external boundaries of the land being considered. The list shall be produced by a licensed title company conducting business in Adams County.
6. The legal description of the subdivision by section, township and range.
7. A statement of the intended use of the proposed subdivision, such as residential single family, two-family and multiple housing, commercial, industrial, recreational, or agricultural and a showing of any site proposed for parks, playgrounds, schools, churches or other public uses;
8. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent development;
9. A vicinity map showing the relationship of the proposed plat to the surrounding area (covering at least a two (2) square mile area);
10. The land use and existing zoning of the proposed subdivision and the adjacent land;
11. Existing streets, street names, rights of way and roadway widths, including adjoining streets or roadways, along with the type of surface and the existence of sidewalks and greenways;
12. Approximate location and length of the boundary lines of each lot, parcel or site and the proposed lot and block numbers. Approximate gross and net acreage enclosed by the subdivision and the square footage in each lot;
13. Contour lines, shown at five foot (5') intervals where land slope is greater than twenty percent (20%) and at two foot (2') intervals where land slope is twenty percent (20%) or less, referenced to an established bench mark of the city vertical control system, including its location and elevation;
14. Location, size and direction of flow of all existing utilities, including, but not limited to, storm and sanitary sewers, irrigation laterals, ditches,

drainage's, bridges, culverts, water mains, fire hydrants, gas, power, and telephone lines, and street lights. If utilities are not on or adjacent to the property, indicate direction and distance to nearest ones that can serve the subdivision.

15. A copy of any proposed restricted covenants and/or deed restrictions.
 16. Any dedications to the public and/or easements both public and private, together with a statement of location, dimensions, and purpose of such on both, the subject property and surrounding properties;
 17. A statement as to whether or not any variance will be requested with respect to any provision of this Title describing the particular provision, the variance requested, and the reasons thereof;
 18. Location, right-of-way width and name of all public or private traffic ways, the location, right-of-way width and use of any proposed public or private pedestrian ways or special ways, and a statement of intended improvements to be made thereto;
 19. A statement as to what improvements will be made to existing utilities and what other on-site improvements will be made;
 20. Approximate lot corner and easement locations of all adjacent subdivisions;
 21. Approximate location, size and direction of flow of all drainage, irrigation, sewer and waterline improvements which will be part of the subdivision development. If none, specify in what manner water and sewer services will be provided to the proposed development.
 22. Cost estimate of all proposed public capital improvements.
- D. Fees: A fee for processing and checking a preliminary plat shall be due upon submittal of the preliminary plat to the Administrator. The amount of the fee shall be established by resolution of the Council.
- E. 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. The administrator shall, thereafter, place the preliminary plat on the agenda for consideration at the next available regular meeting of the Commission. One copy of the preliminary plat shall be delivered by the Administrator to each member of the Commission at least five (5) days prior to the meeting for plat consideration.
 2. Review by Other Agencies: The Administrator may require the subdivider to provide the preliminary plat and application to as many agencies as deemed necessary that were not contacted by the applicant previously. Such agencies may include the following:

- a) Other City departments, including but not limited to, Public Works, and the City Engineer.
 - b) The appropriate utility companies, irrigation companies or districts and drainage districts;
 - c) Other agencies having an interest in the proposed subdivision.
3. Administrator Review: Upon expiration of the time allowance for department and agency review, the Administrator shall prepare a report for the Commission.

F. Commission Recommendation:

- 1. Hearing by Commission: The Commission shall hold a public hearing to consider the preliminary plat, review comments from concerned persons and agencies and the report from the Administrator to arrive at a recommendation on the preliminary plat to be forwarded to the Council.
- 2. Commission's Findings: In determining the recommendation of a proposed subdivision the Commission shall consider the objective of this Title and at least the following
 - a) The conformance of the subdivision with the city Zoning Ordinance;
 - b) The availability of public services to accommodate the proposed development;
 - c) The continuity of the proposed development with capital improvements;
 - d) The public financial capability of supporting services for the proposed development; and
 - e) The other health, safety or environmental problems that may be brought to the Commission's attention; and
 - f) The direction provided by the goals and policies of the New Meadows Comprehensive Plan.
- 3. Recommended Action on Preliminary Plat: The Commission may recommend approval, conditional approval, disapproval or that the preliminary plat be returned to the subdivider for modification. Any hearing may be continued to a date certain not to exceed thirty (30) days from the date of the first hearing. Any additional continuances are possible only if consented to by the sponsor. The Commission's recommendation, and the reasons for such recommendation shall be stated in writing and forwarded to the applicant. The Commission shall also forward a statement of the recommended action and the reasons for such recommendation together with a copy of the preliminary plat to the Council within the following ten (10) days. Upon its recommendation to grant or deny a preliminary plat the Commission shall specify:
 - a) The regulations and standards used in evaluating the application

- b) the reasons for its recommendation of approval or denial.

G. Council Action:

1. Deliberation by the Council. The Council shall review the Commission's recommendation at its next available regularly scheduled meeting. At this time the Council will decide by majority vote to approve or disapprove the Commission's recommendation, remand the application back to the Commission for further review, or to hold a public hearing before the Council to receive further testimony.
2. Hearing by Council: If the Council does not approve the Commission's recommendation it shall set a date for a public hearing at which time all interested persons may appear before the Council to be heard. The Council shall review the Commission's recommendation, the preliminary plat, comments from concerned persons and agencies, and the report from the Administrator to arrive at a decision on the preliminary plat.
3. Council's Findings: In determining the acceptance of a proposed subdivision the Council shall consider the objective of this Title and at least the following:
 - a) The conformance of the subdivision with the City Zoning Ordinance;
 - b) The availability of public services to accommodate the proposed development;
 - c) The continuity of the proposed development with the City's capital improvements;
 - d) The public financial capability of supporting services for the proposed development; and
 - e) The other health, safety or environmental problems that may be brought to the Council's attention; and
 - f) The direction provided by the goals and policies of the New Meadows Comprehensive Plan.
4. Action on Preliminary Plat: The Council may approve, conditionally approve, or disapprove the Commission's recommendation. The Council may also choose to remand the matter back to the Commission for further review, return the preliminary plat to the sponsor for modification, or schedule a public hearing to receive further testimony. Upon granting or denying a preliminary plat the Council shall specify:
 - a) The regulations and standards used in evaluating the application;
 - b) The reasons for approval or denial.
5. Development Agreement: The Council may require a Development Agreement that establishes the responsibilities and expectations of

both the subdivider and the City concerning this development to be completed and signed as part of the preliminary plat approval process.

6. Construction Drawings: The Council may require the completion of detailed construction drawings of all improvements contemplated in the development.
- H. Construction of the public improvements may begin when all of the following are completed:
1. City Council approves the detailed Construction Drawings of all utilities, streets and other public improvements
 2. Guarantees of one hundred twenty-five percent (125%) of the estimated cost for the completion of the public improvements are provided to the City and the City Council approves and accepts said guarantees
 3. Payment for the number of water & sewer hook-up fees to be used in the development is received by the City. If the development is approved for phased development, the hook-up fees for each phase shall be paid to the City before the construction of the public improvements for that phase can begin. Hook-ups cannot be re-sold to another party by the developer.
- I. Final approval and acceptance of public improvements:
1. Upon public improvement construction completion, the Owner shall notify the City in writing and schedule a "walk through" with the Construction Contractor and / or owner, City Public Works Department and City Engineer to visually inspect said improvements.
 2. If all improvements are satisfactory, the City Engineer will forward a recommendation to the City Council to accept and approve the public improvements.
 3. If there is work to be done to complete the improvements to the City representative's satisfaction, a "punch list" will be developed by the City Engineer and provided to the Owner and Construction Contractor.
 4. Upon completion of the improvements to the City Engineer's satisfaction, he will send his recommendation for approval and acceptance to the City Council in writing.
 5. The developer shall guarantee the integrity of the public improvements for a period of two years and provide an approved guarantee in the amount of twenty percent (20%) of the cost of the public improvements with the guarantee in affect for the same period of two years.
 6. The City Council will review the City Engineer's recommendation and take appropriate action.
- J. Approval Period:

Failure to file and obtain the certification of the acceptance of the final plat application by the Administrator within one (1) year after action by the Council on the preliminary plat 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 Council.

In the event that the development of the preliminary plat is made in successive contiguous segments in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of one (1) year may be considered for final approval without resubmission of the preliminary plat.

12-2-4 EXTENSION OF PRELIMINARY PLAT ACTION:

- A. Application: The subdivider may request an extension of the preliminary plat approval beyond the one (1) year approval period for cause by submitting a request in writing to the Administrator prior to the expiration of one (1) year from the date of Council approval of the preliminary plat and establishing the cause for the extension.
- B. Fee: A fee for processing and checking a preliminary plat time extension shall be due upon submittal of the pre-application to the Administrator. The amount of the fee shall be established by resolution of the Council.
- C. Council Deliberation: The Council, at its next available regularly scheduled meeting, shall determine whether the preliminary plat complies with all of the applicable requirements set forth at the time of application for the time extension and may extend the preliminary plat approval for a period not to exceed twelve (12) months.

12-2-5 FINAL PLAT:

- A. Application: After the approval of the completed construction improvements of the preliminary plat, the subdivider may cause the total parcel, or any part thereof, if approved for phased development, to be surveyed, and a final plat prepared in accordance with the approved preliminary plat. The subdivider shall submit to the administrator:
 - 1. Ten (10) copies of the final plat,
 - 2. Certificate of Ownership, and
 - 3. Four (4) unfolded copies of the final utility, street and drainage improvement "as-built" corrected construction plans.

B. Content of the Final Plat: The final plat shall include and be in compliance with all items required under Title 50, Chapter 13 of the Idaho Code and shall be drawn at a scale of not less than 1"=100' and contain lettering of such size as to enable the same to be placed on eighteen inch by twenty seven inch (18" x 27") drawing paper. No part of the drawing shall be nearer than three (3) inches to the left edge and one-half (1/2) inch to the other edges of the drawing. The reverse of said sheet shall not be used for any portion of the drawing. The final plat shall include at least the following:

- a. Name of subdivision.
- b. Date of preparation, the scale and a symbol designating true North.
- c. A legal description of the site.
- d. A complete description of primary control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.
- e. Boundary lines of the subdivision, rights-of-way lines of streets, easements, irrigation ditches, and lot lines with accurate bearings and distances.
- f. Designations of all streets and other rights-of-way, including dimensions and names of each street.
- g. The location and dimensions of any easements.
- h. Identification of each lot by number and square footage.
- i. The location and description of all monuments found or set with indication of cap numbers.
- j. Statement of dedication of easements, rights-of-way and any site for public use.
- k. Certification by surveyor or engineer as to the accuracy of the survey and plat.
- l. Certification of the Chairperson of the Planning and Zoning Commission that the preliminary plat has been before the Commission for a public hearing.

C. Fees: A fee for processing and checking a final plat shall be due upon submittal of the final plat to the Administrator. The amount of the fee shall be established by resolution of the Council.

D. Administrator Review:

- a. Acceptance: Upon receipt of the final plat and compliance with all other requirements provided for, the Administrator shall certify the

application as complete and shall affix the date of acceptance thereon.

- b. Resubmittal of Final Plat: The Administrator shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the Administrator determines that there is substantial difference in the final plat from that which was approved as a preliminary plat or required conditions have not been met, the Administrator may require that the final plat be resubmitted to the Commission in the same manner as required in the preliminary plat process.
 - c. Submission to the Council: Upon the review of the final “as-built” corrected construction plans streets, water, sewer, and other public improvements constructed in compliance with the preliminary plat and all conditional requirements and the determination of the City Engineer that all requirements have been met, the Administrator shall place the final plat on the Council agenda for the next available regularly scheduled meeting.
- E. Council Action: The Council, at its next available regularly scheduled meeting following receipt of the Administrator’s report, shall determine whether:
- a. Conditions imposed on the preliminary plat have been met or have been properly guaranteed.
 - b. The essential terms of the guarantee assure completion of improvements.
 - c. All public improvements have been completed, inspected, accepted and the two (2) year warranty is properly insured by a surety in the amount of twenty per cent (20%) of the cost of improvements.
 - d. The requirements of all City ordinances and the State Law have been met. The Council may thereupon approve or disapprove the proposed final plat. If the Council approves the plat, the Mayor shall sign the plat and allow the subdivider to transmit the plat to the County Recorder for recording. If the Council disapproves the plat, it will be returned to the subdivider with reasons for denial. Final actions to disapprove must be given within twenty (20) days after the Council’s meeting.
- F. Fees: At the time of submittal of plans and specifications a fee for the cost and expense of plan checking as provided for by resolution of the City Council shall be paid. Any costs incurred by the course of these procedures shall be paid by the applicant.
- G. Approval Period: Final plats shall be filed with the County Recorder within sixty (60) days after written approval by the Council; 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 Council under the same procedures as stated under Section 12-2-4.

- H. Method of Recording: Upon approval of the final plat by the Council and posting of surety bond or other acceptable guarantee and the inclusion of the following signatures on the plat, the subdivider shall submit the final plat to the County Recorder for recording:
- a. Certification and signature of the City Council verifying that the subdivision has been approved;
 - b. Certification and signature of the City Clerk verifying that the subdivision meets the city requirements and has been approved by the Council;
 - c. Certification of the sanitation restrictions on the face of the plat per Section 50-1326, Idaho Code; and
 - d. Signature of the County Surveyor or Engineer;
 - e. The signature of the County Treasurer; and
 - f. Certification of the Chairperson of the Planning and Zoning Commission.

**ARTICLE 12-3
DESIGN STANDARDS**

Section: 3

12-3-1	Minimum Design Standards Required
12-3-2	Dedication of Streets
12-3-3	Street Location
12-3-4	Street specifications
12-3-5	Street Names
12-3-6	Intersection
12-3-7	Pedestrian Walkways
12-3-8	Utility and Drainage Way Easements
12-3-9	Lots
12-3-10	Public Sites and Open Spaces
12-3-11	Restrictive Covenants
12-3-12	Right-of-Way Requirements
12-3-13	Water System Construction
12-3-14	Sewer System Construction
12-3-15	Pressurized Irrigation System

12-3-1 **MINIMUM DESIGN STANDARDS REQUIRED:** All plats submitted pursuant to the provisions of this Section, and all subdivisions, improvements and facilities completed, 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 with jurisdictional authority shall prevail over those set forth herein.

12-3-2 **DEDICATION OF STREETS:** Within a proposed subdivision, arterial and collector streets, shall be dedicated to the public in all cases; in general, all other streets shall also be dedicated to public use.

12-3-3 **STREET LOCATION:** Street and road location shall conform to the following:

- A. **Street Location and Arrangements:** Collector type streets may, for aesthetic reasons, curve and wind in accordance with these standards, but such traffic ways shall maintain a grid type pattern approximately one-quarter (1/4) of a mile square.

- B. **Stub Street:** 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

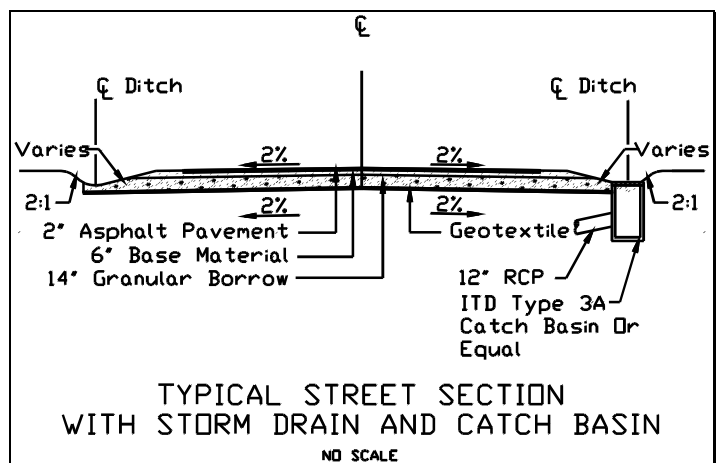
streets into adjacent areas. A vehicular non-access reserve strip may be required and held in public ownership. Temporary cul-de-sacs shall be required and held in public ownership

- C. Relation to Topography: Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and acceptable gradients.
- D. Alleys: Alleys shall be provided in multiple dwelling 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.
- E. Cul-De Sac Streets: Cul-de-sac streets shall not be more than five hundred feet (500') in length and shall terminate with an adequate turn-around having a minimum radius of fifty feet (50') for right-of-way.
- F. Half Streets: Half streets shall be. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract. A vehicular non-access reserve street may be required and held in public ownership.
- G. Private Streets: Private streets and roads shall be prohibited within a subdivision.

12-3-4 STREET SPECIFICATIONS:

- A. Street Right-of-Way Widths: Street and road right-of-way widths shall conform to the adopted minimum standards under Section 12-3-12.
- B. Street Grades: Street grades shall not exceed ten percent (10%) on either local or collector streets and six percent (6%) for arterial streets. Minimum street grades shall be four-tenths percent (0.4%).

- C. Street Construction: Public streets shall be in accordance with the City of New Meadows' Master Street Plan and the drainage diagram shown to the right. All MINOR street sections shall be constructed



with a high-strength geotextile fabric barrier, minimum of 14" of granular borrow topped with 6" of base material plus 3" of asphaltic concrete to finish the driving surface. The road base shall be a full 32' in width plus 4'

shoulders to accommodate an asphaltic concrete surface width of 32'. MINOR street rights of way shall be a minimum of 60' and on-street parking shall not be allowed. On-street parking shall require a street base width to accommodate an asphaltic concrete driving surface of 42' in width with a right of way of 70'. All COLLECTOR/ARTERIAL street sections shall be constructed with a geotextile fabric barrier, minimum of 14" of granular borrow topped with 6" of base material plus 3" of asphaltic concrete to finish the driving surface. The road base shall be a full 32' in width plus 4' shoulders to accommodate an asphaltic concrete surface width of 32'. COLLECTOR / ARTERIAL street rights of way shall be a minimum of 64' for a COLLECTOR and 80' for an ARTERIAL with no on-street parking allowed. A stormwater retention/drainage system may be designed next to the roadway with a 5' sidewalk placed adjacent to the edge of the right of way/property line. Street lights are required at the intersection of streets to facilitate traffic movements. All driveways shall be constructed to access onto MINOR streets and shall not access COLLECTOR / ARTERIAL streets.

12-3-5 STREET NAMES: The naming of streets shall conform to the following:

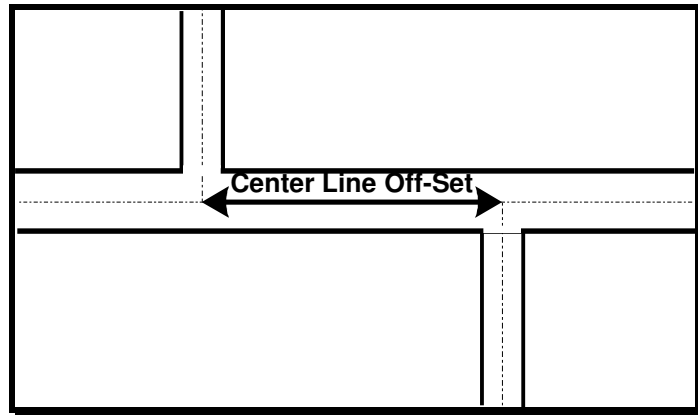
- A. Street names shall not duplicate any existing name within the limits of this Title except where a new street is a continuation of an existing street. Street names if spelled differently but sound the same as existing streets shall not be used.
- B. All new streets shall be named as follows: Streets having predominantly north-south direction shall be named "street" or "way"; streets having a predominantly east-west direction shall be named "avenue" or "road" meandering streets shall be named "drive", "lane", "path", or "trail" and cul-de-sacs shall be named "circle", "court" or "place."
- C. When any new subdivision contains any street which is a continuation of any street, such new street shall take the name of such existing street. No new street that is not a continuation of an existing street shall be given the same or similar name of any existing street. The City Engineer shall have the power to change the name of any street on any map or plat submitted to make such map or plat conform to the provisions of this Section.

12-3-6 INTERSECTION

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

- B. Number of Streets: No more than two (2) streets shall cross at any one intersection.
- C. Intersections: "T" intersections may be used wherever such design will not restrict the free movement of traffic.

- D. Center Line Off-Sets: Street Center lines shall be off-set by a distance of at least one hundred twenty-five (125) feet.



- E. 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.

12-3-7 PEDESTRIAN SIDEWALKS: Five foot (5') sidewalks shall be required to facilitate the safe movement of pedestrian traffic. Sidewalks shall comply with ADA requirements and be constructed to ISPWC Specifications and Standards. The pedestrian easement shall be in accordance with Section 12-3-12 of this Title.

12-3-8 UTILITY AND DRAINAGE WAY 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 be in accordance with the minimum standards under Section 12-3-12. Unobstructed drainage way easements shall be provided as required by the Council.

12-3-9 LOTS: Lots shall conform to the following:

- A. Zoning: The lot width, depth and total area shall not be less than the requirements of the applicable zoning district or districts.
- B. Future Arrangements: Where parcels of land are subdivided into unusually large lots, the parcels shall be divided, where feasible, so as to allow for future re-subdividing into smaller parcels. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks.

Whenever such future subdividing or lot splitting is contemplated the subdivision plan thereof shall be approved by the Commission and City Council prior to the taking of such action.

C. Septic tanks are not allowed.

12-3-10 PUBLIC SITES AND OPEN SPACES: Public sites and open spaces shall conform to the following:

- A. Public Uses: Where it is determined that a proposed park, playground, school or other public use should be located in whole or in part within a proposed subdivision the Commission shall notify the appropriate public agency concerning the land proposed to be acquired. Within thirty (30) days of the date of notice, the public agency may request the governing body to suspend consideration of the subdivision for sixty (60) days. If an agreement is not reached within sixty (60) days the Commission shall resume consideration of the subdivision.

- B. Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community (such as watercourses, historic sites and similar irreplaceable assets) shall be maintained in the design of the subdivision.

12-3-11 RESTRICTIVE COVENANTS: Restrictive covenants may be prepared and recorded as part of a subdivision. This is done to provide protection to future property owners by establishing higher standards than required under other regulations. The provisions within protective covenants are enforceable through private civil action and local governments cannot enforce these provisions.

12-3-12 RIGHT-OF-WAY REQUIREMENTS:

Traffic Ways	Residential	Commercial	Industrial
Alley	20 feet	20 feet	Not Allowed
One Way Road	25 feet	Not Allowed	Not Allowed
Residential/Local Street	60 feet	60 feet	60 feet
Collector Street	64 feet	64 feet	64 feet
Arterial Street	80 feet	80 feet	80 feet
Cul-de-sac	100 feet	120 feet	140 feet
Pedestrian Walkway	10 feet	10 feet	10 feet
Utility Easement	15 feet	15 feet	15 feet
Drainage Easement	10 feet	15 feet	20 feet
Access Easement	12 feet	12 feet	20 feet

WATER SYSTEM CONSTRUCTION: The minimum specification for the public water system shall be an 8" C900 Polyvinyl Chloride (PVC) pipe per ISPWC Standards and Specifications or better. All main lines shall be extended to the end of the development to facilitate the connection to subsequent developments. Service lines shall connect to the water main with CITY approved saddles, be 1" Polyvinyl Chloride (PVC) 200 psi pipe, or better, to a copper backflow meter setter with all copper fittings. The meter shall be a Neptune radio read meter, or compatible to that system, for each living unit. The meter box shall be white PVC with a locking meter lid and accommodate two meters when appropriate. Fire Hydrants shall be Mueller steamer hydrants.

SEWER SYSTEM CONSTRUCTION: The minimum specification for the public sewer system shall be an 8" SDR 35 Polyvinyl Chloride (PVC) pipe per ISPWC Standards and Specifications or better. All sewer main lines shall be kept at the proper depth to allow gravity flow into the sewer system with the extension of the sewer main to the edge of any new development to accommodate future adjacent development. Service line connection to existing CITY sewer mains shall use a CITY approved saddle on the main line with placement of the service line so it does not protrude past the exterior wall of the main line. On new construction, sewer service Ys shall be installed in the sewer main line for each lot and the 4" sewer service line extended from the Y to the edge of the lot it is to serve. The end of the sewer service line shall be marked with a green steel post for future location purposes.

PRESSURIZED IRRIGATION SYSTEM: An irrigation source independent of the municipal water system is required. The irrigation system shall meet the minimum specifications of the ISPWC Standards and Specifications or better and be reviewed for approval by the City Council. The irrigation system shall provide an outlet at a rear corner of each lot, provide a minimum of 25 psi with all outlets open and be marked with "non-potable" decals. The system shall be operated and maintained by the development's owner and / or Homeowner's Association.

ARTICLE 12-4 IMPROVEMENT STANDARDS

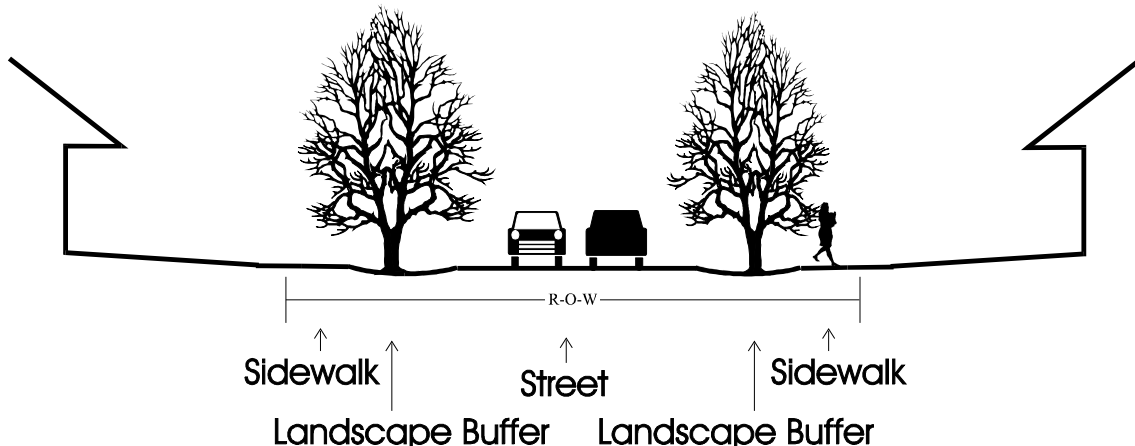
Section: 4

- 12-4-1 Responsibility for Plans
- 12-4-2 Required Public Improvements
- 12-4-3 Guarantee of Completion of Improvements

12-4-1 **RESPONSIBILITY FOR PLANS:** It shall be the responsibility of the subdivider of every proposed subdivision to provide a complete set of construction plans, including profiles, cross sections, specifications and other facilities. Such construction plans shall be based upon preliminary plans which have been submitted with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the responsible public agencies. All construction plans shall be prepared in accordance with the public agencies' standards or specifications. All construction plans shall be stamped by an engineer registered to practice in the State of Idaho.

12-4-2 **REQUIRED PUBLIC IMPROVEMENTS:** Every subdivider shall install the following public improvements and other improvements in accordance with the conditions and specifications as follows:

- A. **Monuments:** Monuments shall be set in accordance with Section 50-1303, Idaho Code.
- B. **Streets and Alleys:** All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Council.
- C. **Sidewalk and Buffer Areas:** Sidewalks and a landscaped buffer area shall be constructed on both sides of local and collector roads according to the following diagram:



- A. Installation of Public Utilities: Underground utilities shall be required in all new subdivisions. Existing utilities or new large transmission lines shall not be required to be buried underground. Utilities shall include power, cable television, water, sewer, and telephone services.
- B. Driveways: All driveway openings to roads within the City shall be as specified by the Administration, Highway District, or Idaho Transportation Department.
- C. Public Water Supply and Sewer Systems: All new public water supply or service systems shall be an extension of an existing public system.
- D. Fire Hydrants and Water Mains: Adequate fire protection shall be required in accordance with standards established by the latest adopted publication of the International Fire Code.
- E. Street Name Signs: Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the local standards. Cost of street signs and installation shall be the responsibility of the City-Subdivider.
- F. Storm Drainage: An adequate storm drainage system shall be required in all subdivisions. The storm drainage system shall be designed by and Idaho registered professional engineer to keep stormwater on-site and allow the stormwater to percolate into the ground.
- G. Greenbelt: Greenbelts or landscaping screening may be required for the protection of residential properties from adjacent major arterial streets, waterways, railroad rights of way or other features. Subdivision plats shall show the location of any greenbelt areas.
- H. Street Lighting: Street lights shall be installed at intersections throughout the subdivision. Cost of installing conventional wood poles, high pressure sodium luminaries and underground power service shall be the responsibility of the subdivider. Other types or configurations for lighting shall be reviewed for possible approval by the City. Street lighting shall be compatible with Idaho Power's system and approved by Idaho Power.

12-4-3 GUARANTEE OF COMPLETION OF IMPROVEMENTS

- A. Financial Guarantee Arrangements: The City Council may require the subdivider to provide a financial guarantee of performance in one or a

combination of the following arrangements for those requirements which are over and beyond the requirements of any other agency responsible for the administration, operation and maintenance of the applicable public improvement.

1. Surety Bond:
 - a) Accrual: The bond shall accrue to the City covering construction, operation and maintenance of the specific public improvement.
 - b) Amount: The bond shall be in an amount equal to one hundred twenty five percent (125%) of the total estimated cost for completing construction of the specific public improvements, as estimated by the developer and approved by the City engineer.
 - c) Term Length: The term length in which the bond is in force, for the duration of that phase of the project, shall be for a period to be specified by the Council in the Development Agreement for the specific public improvement.
 - d) Bonding with Surety Company: The bond shall be with a surety company authorized to do business in the state of Idaho, acceptable to the Council.

2. Cash Deposit, Certified Check, Negotiable Bond or Irrevocable Bank Letter of Credit
 - a) Treasurer, Escrow Agent or Trust Company: A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit acceptable by the Council, shall be deposited with an escrow agent or trust company.
 - b) Dollar Value: The dollar value of the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit shall be equal to one hundred twenty five percent (125%) of the estimate cost of construction for the specific public improvement, as estimated by the developer and approved by the City engineer.
 - c) Escrow Time: The escrow time for the cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit shall be until the project is completed and accepted by the City Engineer.
 - d) 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, negotiable bond, or irrevocable bank letter of credit, to the extent of the

cost of the completed portion of the public improvement, in accordance with the Development Agreement.

e)

B. Approval of Final Plat: The approval of all final subdivision plats shall be conditioned on the following:

1. The construction of improvements required by this Title shall have been completed by the subdivider and approved by the City engineer and accepted by the City Council.

C. Inspection of Public Improvements Under Construction: Before construction of public improvements shall begin, approval of -construction plans and specifications for public improvements, and an agreement between the subdivider and the Council shall be made to provide for inspecting the construction and its conformity to the submitted plans.

D. Penalty in Case of Failure to Complete the Construction of a Public Improvement: 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 public improvements it the Council may 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 deposit, certified check, irrevocable bank letter of credit, or negotiable bond which the subdivider may have deposited in lieu of a surety bond, or may take such steps as may be necessary to require performance by the bonding or surety company, and as included in a the Development Agreement between the Council and subdivider.

ARTICLE 12-5 HEARING AND NOTICE OF HEARING REQUIREMENTS

Section: 5

12-5-1	Preliminary Plat
12-5-2	Final Plat
12-5-3	Notice Requirements

12-5-1 PRELIMINARY PLAT:

- A. Commission Action: Preliminary plats are subject to a public hearing before the Commission. Such public hearing is subject to the notice requirements of Section 12-5-3.
- B. Council Action: Preliminary plat applications may be subject to a public hearing before the Council. Such public hearing is subject to the notice requirements of Section 12-5-3.

12-5-2 FINAL PLAT:

- A. Commission Action: Final plat applications are not subject to review by the Commission.
- B. Council Action: The Council shall review final plat applications at a public meeting, however, public testimony concerning the final plat application is prohibited. If the Council decides it would be appropriate for additional public testimony, it shall schedule the final plat application for a public hearing, subject to the notice requirements of Section 12-5-3, at its next regularly scheduled meeting.

12-5-3 NOTICE REQUIREMENTS: All public hearings before the Commission or Council required by this ordinance are subject to the following notice requirements:

- A. Public notice by one publication has been given in a newspaper of general circulation in the City indicating the time, place and purpose for the hearing at least fifteen (15) days prior to such hearing.
- B. The City has sent notice indicating the time, place and purpose for the hearing through the US Mail to all property owners within three hundred (300) feet of the external boundaries of the subject site at least fifteen days prior to such hearing.
- C. The City has posted a notice on the subject property at a location clearly visible by off-site viewers indicating the time, place and purpose for the hearing at least one (1) week prior to such hearing.

Section 3: This ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, shall be published once in the official newspaper of the City and shall take effect and be in force upon its passage, approval, and publication.

DATED this __14__ day of April, 2008.

CITY OF NEW MEADOWS
Adams County, Idaho

ATTEST:

By: /s/Gale Stillman
Mayor

/s/ Jacob Qualls
City Clerk

(S E A L)