

CITY OF DIETRICH

SUBDIVISION ORDINANCE NO. 2006-01

AN ORDINANCE OF THE CITY OF DIETRICH, LINCOLN COUNTY, IDAHO PROVIDING FOR REGULATIONS OF SUBDIVISIONS; PROVIDING STATEMENTS AND RULES FOR PURPOSES, JURISDICTION, INTERPRETATION, ADMINISTRATION, COMBINING OF PERMITS, SEVERABILITY, DEFINITIONS; PROCEDURE FOR SUBDIVISION APPROVAL, PREAPPLICATION, PLATS, DESIGN STANDARDS, SPECIAL DEVELOPMENT STANDARDS, CONDOMINIUMS, FLOOD PLAIN, VACATION AND DEDICATION, VARIANCES, DETECTION OF VIOLATIONS, ENFORCEMENT AND PENALTIES, AMENDMENT PROCEDURES, AND FOR EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DIETRICH, LINCOLN COUNTY, IDAHO.

SUBDIVISION ORDINANCE

ARTICLE I

GENERAL PROVISION

SECTION I. TITLE

This Ordinance shall be known as the "Subdivision Ordinance" of Dietrich, Idaho.

SECTION II. 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 of subsequently codified.

SECTION III. PURPOSE

The purposes of these regulations are 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 scattered 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; and
 2. The unnecessary imposition of an 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, sewer and other utility mains, piping connections or other facilities shall be installed as condition precedent to the approval of the plot;
- G. The manner and form of making and filing of any plat; and
- H. The administration of these regulations by defining the procedures for the equitable review and approval of all plats and subdivisions covered by these regulations.

SECTION IV. JURISDICTION

This ordinance shall apply to the subdividing and developing of all land within the incorporated territory of the City of Dietrich. This ordinance also applies to property within the areas of impact, as negotiated with Lincoln County.

SECTION V. 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. This ordinance shall not apply to any subdivision or any lot or lots forming a part of any subdivision created and recorded prior to the effective date hereof, except for the further dividing of lots.

SECTION VI. ADMINISTRATION

The City Council shall appoint a Planning and Zoning commission to carry out the provisions as herein specified. The Commission shall receive and make recommendations on all subdivision applications or other issues related to City planning and zoning.

In the event the Commission fails to act or carry out its responsibilities according to the regulations contained herein, the Council shall assume all the duties of the Commission as herein specified in relation to the application or issue concerned.

SECTION VII SEVERABILITY

Where any work, phrase, clause, sentence, paragraph, section or other part of these regulations are held invalid by a court of competent jurisdiction, such judgment shall affect only that part so held invalid.

ARTICLE II

DEFINITION

SECTION I. INTERPRETATION OF TERMS OR WORDS

For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

- A. The present tense includes the past or future tense, the singular includes the plural and the plural includes the singular;
- B. The word "shall" is mandatory; "may" is permissive, and the word "should" is preferred; and
- C. The masculine shall include the feminine.

SECTION II. MEANING OF TERMS OR WORDS

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

Building – Any structure used or intended for supporting or sheltering any use or occupancy.

Building Setback Line - An imaginary line established by subdivision regulations and zoning ordinances requiring all buildings to be set back a certain distance from lot line

Building Site - An area proposed or provided and improved by grading, filling, excavation or other means for erecting foundations or pads for buildings.

City - The City of Dietrich, Idaho, as specified by City Ordinance.

Cemetery - A lot that has been platted for the selling of sites for the burial of animal or human remains.

Commission – Duly authorized Dietrich City Planning and Zoning Commission, or in the absence of such, the Dietrich City Council.

Comprehensive Plan - An adopted document that herein may be referred to as a Comprehensive Plan. The document shall show the general location and extent of present and proposed development, including, but not limited to, housing, industrial and commercial uses, streets, parks, schools and other community facilities.

Condominium – A multi-family dwelling containing two (2) or more dwelling units in which each unit is under single ownership, excluding the ground beneath the unit.

Council - The City Council of the City of Dietrich, Idaho.

County Recorder - The Office of the Lincoln County Recorder.

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 interest in land for use by the public. Land becomes dedicated, either by ordinance, resolution, or entry in the official minutes, or by the recording of a plat showing such dedication.

Developer - The owner or his legally authorized agent of lands that are being platted or mapped, or authorized agent(s) of a sub divider or the sub divider himself.

Dwelling Unit – A building or separate portion thereof having a single kitchen, and at least one (1) bathroom, to be occupied exclusively as a residence.

Easement - A grant by a property owner to specific persons or to the public to use land for specific purposes. Also, a right acquired by prescription.

Engineer - Any person who is licensed in the State to practice professional engineering.

Flood – General and temporary condition of partial or complete inundation of normally dry lands from 1) the overflow of inland waters and/or 2) the unusual and rapid accumulation of runoff or surface waters from any source.

One Hundred (100) Year Flood – Flood having an indicated average frequency of occurrence once in one hundred (100) years, although the flood may occur in any year.

One Hundred (100) Year Flood Elevation – The maximum high water elevation of the one hundred (100) year flood at any given point on the floodplain.

Floodplain – A relatively flat area or low land adjoining a body of water, which has or may be inundated by water from the one hundred (100) year flood.

Floodway – That portion of the flood hazard area that includes the channel and the portion of the adjacent area that conveys the major portion of the flow for the one hundred (100) year flood.

Governing Body - The Mayor and City Council of the City of Dietrich, Idaho.

Hillside Subdivision - Any subdivision, or portion thereof having an average slope of ten percent (10%) or more.

Highway - A street designated as a highway by an appropriate State or Federal agency.

Improvement - Any alteration to the land or other physical constructions associated with subdivision and building site developments.

Large Scale Development - A subdivision, the size of which consists of fifty (50) or more lots or dwelling units.

Lot - A parcel, plot, tract or other land area of suitable size as required in these regulations and the existing zoning ordinance: and created by subdivision for sale, transfer or lease.

Lot Area - The area of any lot shall be determined exclusive of street, highway, alley, road or other rights-of-way.

Lot Types - As used in these regulations, lot types are as follows:

- A. A Corner Lot is a lot located at the intersection of two (2) or more streets;
- B. An Interior Lot is a lot other than a Corner Lot with frontage on only one (1) street;
- C. A Through Lot is a lot with frontage on more than one (1) street other than a corner lot. Also known as Double Frontage Lots;
- D. A Reversed Lot is a lot with frontage on a side street or other right-of-way other than Interior or Corner Lot.

Manufactured Home – As defined in Idaho code.

Mobile Home Park - A park designed and intended for purposes of rental spaces where residence is in manufactured homes exclusively.

Mobile home – As defined in Idaho code. No mobile home may be placed on a single-family lot or mobile home park within the City after the effective date of this ordinance unless it meets the rehabilitation standard as specified in Title 44 of the Idaho Code and also meets the siting standards of a manufactured home as stated above. Mobile homes do not include recreational vehicles.

Monument - Any permanent marker either of concrete, galvanized iron pipe, or iron or steel rods. used to permanently establish any tract, parcel, lot or street lines, as specified in Section 50-1303, Idaho Code.

Open Space - An area open to the sky for outdoor recreation activity. Streets, buildings, or other covered structures are not included in computing these areas.

Original Parcel of Land - A lot or tract as recorded on any plat or record on file in the office of the County Recorder, or any unplatted contiguous parcel of land held in one (1) ownership and of record at the effective date of this Ordinance.

Owner - The individual, firm, association, syndicate, partnership, or corporation having proprietary interest in the land to be subdivided.

Performance Bond - An amount of money or other negotiable security paid by the sub divider or his surety to the City Clerk and/or Recorder which guaranteed that the sub divider will perform all actions required by an approved plat, and provides that if the sub divider defaults and fails to comply with the provisions of an approved plat, the sub divider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

Planned Unit Development Subdivision - A project controlled by one (1) owner, partnership, or corporation and characterized by a unified site design, involving varying the normal zoning requirements and restrictions so that the maximum long range benefit can be gained and the unique features of the site preserved and enhanced.

Plat - The drawing, mapping or planning of a subdivision, cemetery, townsite or other tract of land or a re-platting of such including certifications, descriptions and approvals:

- A. Preliminary Plat: The first formal presentation by maps or drawings of a proposed subdivision as required in these regulations; and
- B. Final Plat: The final and formal presentation by maps or drawings of an approved subdivision development, the original and one (1) copy of which is filed with the County Clerk and Recorder.

Post - The act of placing posters on or near the property under construction to be subdivided in a visible location near the closest public roads.

Recreational Vehicle Park - Rental space for recreational vehicles on a limited basis, generally overnight but normally not longer than a week. This may include motor homes and pickup campers.

Reserve Strip - A strip of land between a dedicated street or partial street and adjacent property; which is reserved or held in public ownership for future street extension or widening.

Right-of-Way - A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks and other public utilities of service areas.

Sidewalk - That portion of the street right-of-way outside the street surface which is improved for pedestrian use.

Standard Specifications - Shall be the specifications as may be specified in this Ordinance or as officially adopted by the City.

State - The State of Idaho.

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, lane, 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 - A street which has the primary purpose of providing access to abutting properties.

- C. Collector - 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 heavier traffic movements.
- E. Cul-de-sac - A street connected to another street at one end only and provided with a turn-around space at its terminus.
- F. Dead-End - A street connecting to another street at one end only and not having provision for vehicular turn-around at its terminus.
- G. Frontage - A minor street, parallel to and adjacent to an arterial street, which has the primary purpose of providing 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 which provides vehicular and pedestrian access to one or more properties, however, not accepted for public dedication or maintenance.
- J. Side Street - A secondary street that provides access to a corner lot of which the principle building is not oriented toward.

Sub divider - A sub divider 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 Ordinance. The sub divider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

Subdivision – “Subdivision” means the division of a previously un-platted tract of land, which may or may not include streets, highways, alleys, or other land intended to be dedicated to the public use.

Surveyor - Any person who is licensed in the State as a Public Land Surveyor to do professional surveying.

Tract – A defined area of land.

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

Variance to Subdivision Ordinance - 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 the regulations would result in unnecessary and undue hardship.

Vicinity Map - A small-scale map showing the location of a tract of land in relation to a larger area.

ARTICLE III

PROCEDURE FOR SUBDIVISION APPROVAL

SECTION I. SUBDIVISION APPROVAL REQUIRED

Any person desiring to create a subdivision as herein defined shall submit all necessary applications to the City. 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 Lincoln County Recorder. For subdivisions less than 5 units the Planning and Zoning Commission may be petitioned to simplify this process.

SECTION II PRE-APPLICATION

- A. Application: Prior to the filing of an application for approval of the preliminary plat the sub divider shall submit eight (8) copies of a sketch plan to the Commission. The sketch plan shall include the entire developmental scheme of the proposed subdivision, in schematic form and include the area proposed for immediate development in such a form and content as required by the Commission and shall include the following:
1. The general layout of streets, including proposed street names, blocks, and lots, all in sketch form.
 2. The existing conditions and characteristics of the land on or adjacent to the proposed subdivision site; and
 3. Areas set aside for schools, parks, and other public facilities;
 4. Preliminary plan for providing and funding all necessary utilities including, but not limited to electricity, phone, potable water, sanitary sewer waste disposal, and irrigation water.
- B. Fee: The fees shall be set by resolution of the City Council
- C. Commission Action: The sub divider shall submit the pre-application to the members of the Planning and Zoning Commission ten (10) days prior to the regular meeting. A mailing list can be obtained from the City Clerk. At the regular meeting the sub divider shall present his pre-application and intent to the Commission for review and comment. The Commission may, if it deems necessary, request a review of the pre-application by other agencies. The Commission will review the pre-application to determine its compliance with this ordinance as well as the following concerns:
1. The compliance of the proposed development with existing local or State policies, goals, and objectives or development plans;
 2. Determination of additional special permits or ordinance conflicts such as rezoning, conditional use permit, or variance that may be needed and the determination of the manner that such requirements can be combined into one permit;
 3. Advise the applicant of any known unique environmental or hazardous concerns that may be directly or indirectly associated with the subject property, such as areas that have been designated by the State as areas of critical environmental concern, unique plant or animal live, flood plain, airport flight pattern and the like; and
 4. Provide the sub divider with all necessary forms.

SECTION III. PRELIMINARY PLAT

- A. Application: Upon completion of the pre-application procedures, the subdivider shall file with the Commission a completed subdivision application form and preliminary plat data as required in this Ordinance in such form and content as required by the Commission.
- B. Combining both Preliminary and Final Plats: The applicant may also request that the subdivision application be processed as both a preliminary and final plat if the following exists:

1. The proposed subdivision does not exceed ten (10) lots;
2. No new street dedication or street widening is involved;
3. No major special development considerations are involved, such as development in a flood plain, hillside development or the like; and
4. All required information for both the preliminary plat and final plat is complete and in an acceptable form. A request to combine both preliminary plat and final plat into one application shall be acted upon by the Commission.

C. Content of Preliminary Plat: The contents of the preliminary plat and related information shall be in such a form as stipulated by the Commission; however, any additional maps or data deemed necessary by the Commission may also be required. The sub divider shall submit to the Commission at least the following:

1. Eight (8) copies of the preliminary engineering plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated.
2. Eight (8) sets of preliminary engineering plans including a master utility map for streets, water, sewers, sidewalks and other required public improvement maps; said engineering plans shall contain sufficient information and detail to enable the Commission to make a preliminary determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards as outlined in this Ordinance.
3. A written application requesting approval of the Preliminary Plat on a form prescribed by the Commission; and
4. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, planned unit development, flood plain, cemetery, mobile home, large-scale development, hazardous and unique areas of development, including any known or potential conflict with any and all applicable ordinances.

D. Requirement of Preliminary Plats: The following shall be shown on the preliminary plat submitted or shall be submitted with the same:

1. The name of the proposed subdivision;
2. The name, address, and telephone number of the sub divider(s), and the engineer or surveyor who prepared the 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, such as; residential single-family, two (2) family and multiple housing, commercial, industrial, recreational, or agricultural and a showing of any sites proposed for parks, playgrounds, schools, churches, or other public uses. Also, requested zoning changes shall be outlined;
6. A map of the entire area scheduled for development if the proposed subdivision is a portion of a larger holding intended for subsequent 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 the dimensions and numbers of each, and the total number of lots by block;
11. A site report as required by the South-Central Health District if wells or septic tanks are proposed;
12. Any proposed or existing utilities, including, but not limited to; irrigation laterals, ditches, drainages, bridges, culverts, water mains, fire hydrants, electric power lines, television cable lines, and their respective profiles or indicated alternative methods;
13. A copy of any proposed or existing restrictive covenants and/or deed restrictions, or if none, a state that none are proposed.
14. Any dedications to the public and/or easements together with a statement of location, dimensions, and purpose of such.
15. Any additional required information for special developments as specified in Article V of this Ordinance;
16. A statement as to whether or not a variance will be requested with respect to any provision of this Ordinance describing the particular provision, the variance requested, and the reasons therefore; and
17. At the Commission's or Council's request the sub divider shall show contours at five (5) foot intervals where land slope is greater than ten percent (10%) and at two (2) foot intervals where land slope is greater than ten percent (10%) or less, with an established bench mark, including location and elevation.

E. Fee: At the time of submission of an application for a preliminary plat a nonrefundable fee as set by resolution of the City Council. There shall be no additional fee for the combining of the preliminary and final plats

F. Submission Requirements: The sub divider shall submit eight (8) copies of the preliminary plat and required supplemental material, along with the required fee to the Commission at least ten (10) days prior to the regular Commission meeting. The submission shall also be in such form as prescribed by the Commission.

G. Public Notification:

1. Notification to Property Owners: The sub divider shall notify all adjoining property owners of the Council's meeting by written notification and posting of the subject land under consideration. Such written notification and posting shall be mailed at least fifteen (15) days prior to the Commission meeting.
2. Failure to Notify: The failure of the sub divider to comply with the notification provision shall invalidate the Commission's action.

H. Commission Action:

1. At the next regular Commission meeting subsequent to public notification, the sub divider shall present the preliminary plat for action. The Commission may recommend that the preliminary plat be approved, conditionally approved, disapproved, or tabled for additional information. Such action will occur within thirty (30) days of the date of the regular meeting at which the plat is first considered. The action and the reasons for such action shall be stated in writing by the commission and forwarded to the applicant.

2. The Commission shall also forward a statement of the action taken and the reasons for such action together with a copy of the preliminary plat to the Council for their action.

I. Council Action:

1. At the next regular Council meeting subsequent to the Commission's recommendation to the council, the sub divider shall present the preliminary plat for action. The Council may approve, approve conditionally, disapprove, or table the preliminary plat for additional information. Such action shall occur within thirty (30) days of the date of the regular meeting when the preliminary plat was submitted to the Council.
2. Action on Combined Preliminary and Final Plat: If the Commission's conclusion is favorable to the sub divider's request and the recommendation from the Commission is that the submission be considered as both a preliminary plat and a final plat, then the 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, disapproved, to tabled for additional information.

- J. Appeals: Any person who appeals in person or writing before the Council may appeal in writing the decision of the Commission relative to any action taken by the Council. Such appeal must be submitted to the Council within ten (10) days from such Commission action.

K. Approval Period:

1. Failure to file and obtain the certification of the acceptance of the final plat application by the developer within one (1) year after action by the Council shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for and granted by the Council prior to the expiration date
2. 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 or less may be considered for final approval without resubmission for preliminary plat approval, providing each contiguous segment qualifies as a subdivision as specified herein.

SECTION IV. FINAL PLAT

- A. Application: After the approval or conditional approval of the preliminary plat, the sub divider may cause the subdivision, or any part thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat. The sub divider shall submit to the Commission the following:
1. Three (3) copies and the original of the final plat.
 2. Three (3) copies and the original of the final engineering construction drawings for streets, water, sewer, sidewalk, and other public improvements.
- B. Content of 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 such a scale and contain lettering of such size as to enable the same to be placed on one sheet of eighteen by twenty-four inch (18"x24") drawing paper, with no part of the drawing nearer to the edge than one (1) inch. The reverse of said sheet shall not be used for any portion of the drawing, but may contain written matter as to dedications,

certifications and other information. The final plat shall include at least the following:

1. A written application for approval of such final plat as stipulated by the Commission;
2. Proof of current ownership of the real property included in the proposed final plat;
3. Such other and further information as the Commission may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat;
4. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof;
5. Conformance with all requirements and provisions of this Ordinance, and acceptable engineering practices and local standards.

C. Fee: As determined by resolution of the City Council.

D. Commission Review:

1. Submittal of Final Plat: The Commission shall review the final plat for compliance with the approved or conditionally approved preliminary plat. If the Commission determines that there is substantial difference in the final plat than that which was considered as a preliminary plat or conditions which have not been met, the Commission may require that the final plat be resubmitted in the same manner as required in the preliminary plat process.
2. Submission to the Council: Upon the determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the Commission shall place the final plat on the Council agenda within forty-five (45) days for the date that an acceptable final plat application was received and acknowledged by the Commission.

E. Agency Review: The Commission may transmit one (1) copy of the final plat, or other document submitted, for review and recommendation to the same departments and agencies, or others as they may deem necessary to insure compliance with the preliminary approval and/or conditions of preliminary approval. Such agency review shall also include the construction standards of improvements, compliance with health standards, the cost estimate for all improvements and the legal review of the performance bond.

F. Council Action: The Council at its next meeting following receipt of the Commission's report shall consider comments from concerned persons and agencies to arrive at a decision on the final plat. If said final plat conforms to the requirements of this Ordinance applicable at the time of approval of the preliminary plat, all rulings made by the Commission on the preliminary plat, and the requirements of the Idaho State law, the council shall approve, approve conditionally, disapprove or table the final plat for additional information within thirty (30) days of the date of the regular meeting at which the final plat is first considered by the Council.

G. Approval Period: Final plat and covenants, if any, shall be filed with the county Recorder within one (1) year 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 and granted by the Council.

- H. Method of Recording: Upon approval of the final plat by the council, the sub divider's prepayment of recording fees, and the inclusion of the following signatures on the final plat, the final plat shall be submitted to the Lincoln County Recorder for recording:
1. Certification and signature of the Council verifying that the subdivision has been approved; and
 2. Certification and signature of an Engineer or Building Inspector verifying that the subdivision meets the city requirements and has been approved by the Council and the Planning and Zoning Commission; and
 3. Certification and signature of local or State health agency that all health requirements have been complied with.

ARTICLE IV

DESIGN STANDARDS

SECTION I. MINIMUM DESIGN STANDARDS REQUIRED

All plats submitted pursuant to the provisions of this Ordinance, and all subdivisions, improvements and facilities done, constructed or made in accordance with said provisions shall comply with the minimum design standards set forth hereinafter in this Article; provided, however, that any higher standards adopted by any Highway District, State Highway Department or Health Agency shall prevail over those set forth herein.

SECTION II. DEDICATION

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.

SECTION III. LOCATION

Street and road location shall conform to the following:

- A. Street Location and Arrangements: When a major street or plan or comprehensive development plan has been adopted, subdivision streets shall conform to such plans.
- B. Minor Streets: 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 the new subdivision shall be such that said streets extend to the boundary line of the tract to make provisions for future extension of said streets into adjacent areas. A reserve strip may be required and held in public ownership.
- D. Street Continuation and Extension: The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into new subdivisions unless otherwise approved by the commission or department having jurisdiction over such streets.
- E. Relation to Topography: Streets shall be so arranged in proper relation to topography so as to result in usable lots, safe streets, and acceptable gradients;

- F. Alley: 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;
- G. Cul-de-sac Streets: Cul-de-sac streets shall not be more than five hundred (500) feet in length and shall terminate with an adequate turnaround having a minimum radius of sixty (60) feet for right-of-way;
- 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 Ordinance and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract is to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract;
- I. Private Streets: Private streets and roads shall be prohibited.

SECTION IV. 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 Department of Highways and the Highway District or Department having jurisdiction.

HIGHWAY AND STREET TYPES & WIDTHS

Minor Arterial:	Eighty (80) feet
Collector Street:	Sixty (60) feet
Minor Street:	Fifty (50) feet

- B. Street Grades: Street grades shall not exceed nine percent (9%) on either minor or collector streets, and five percent (5%) for arterial streets. No street grade shall be less than three-tenths of a foot (3/10') per one hundred feet (100').
- C. 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 and one hundred fifty feet (150') for minor streets. Between reverse curves on minor streets there shall be a minimum tangent distance of one hundred feet (100') and two hundred feet (200') on collector and arterial streets respectively; and
 - 2. Vertical Alignment: Minimum sight distances shall be two hundred feet (200') for minor streets and three hundred feet (300') for collector and arterial streets.

SECTION V. STREET NAMES

The naming of streets shall conform to the following:

- A. Street names shall not duplicate any existing street name 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; and
- B. All new streets shall be named as follows: Streets having predominantly north-south direction shall have phonetic names; streets having a predominantly east-west direction shall have numerical names; meandering streets shall be named "Drive," "Lane," "Path," and cul-de-sacs shall be named "Circle," "Court," and "Place."

SECTION VI. INTERSECTIONS

Intersections shall conform to the following:

- 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 eighty (80) degrees;
- B. Sight Triangles: Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is eighty (80) feet from the center of the intersection;
- C. Number of Streets: No more than two (2) streets shall cross at any one (1) 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 (125) feet;
- 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 (100) feet 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.

SECTION VIII. EASEMENTS

Unobstructed utility easements shall be provided along front lot lines, rear lot lines and/or side lot lines when deemed necessary; total easement width shall not be less than twelve feet (12').

Unobstructed drainage way easements shall be provided as required by the Commission.

SECTION VIIIa. PEDESTRIAN WALKWAYS – Right of way for pedestrian walkways in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas. The pedestrian easement shall be at least ten feet wide and extend entirely through the block.

SECTION IX. BLOCKS

Every block shall be so designed as to provide two (2) tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary; blocks shall not be less than 300 feet long in all cases, nor exceed 600 feet in length.

The length, width and shape of blocks shall be determined with due regard to adequate sites suitable to the special needs of the type of use contemplated; the zoning requirements as to lot size and dimensions; the need for convenient access, circulation, control and safety of street traffic; and the limitations and opportunities of topography.

SECTION X. LOTS

Lots shall conform to the following:

- A. Lot Sizes: No subdivision plat in the area included in any Zoning District shall be hereafter be approved by the City unless all lots shown meet the area requirements specified for that district in the Zoning Ordinance.
- B. Lot Lines: Side lot lines shall be essentially at right angles to straight streets and shall conform to the radius of curved streets.
- C. Width Related to Length: Narrow, deep lots shall be avoided.
- D. Corner Lots: Corner lots shall have sufficient extra width to permit appropriate building setback from both streets or orientation to both streets.

- E. Uninhabitable Areas: Land subject to flooding or which shall otherwise be deemed to be uninhabitable shall not be platted for residential purposes or for any other uses that may increase or create a danger to health, life, or property, or which may increase or create a flood hazard. Such land within a subdivision shall be set aside for other uses such as parks, green belts, or other open space.
- F. Back-up Lots: Lots shall not back into such features as highways, arterial streets, shopping centers, or industrial properties, except where there is a minor access street provided. If a minor access street is not provided, such lots shall back into a landscaped easement along the rear at least twenty (20) feet wide in addition to the utility easement. This restricted access will minimize noise and protect the quality of outdoor living areas.
- G. Lot Frontage: All rectangular lots shall have at least seventy five (75) feet of frontage upon a publicly dedicated street, or fifty (50) feet if frontage is on the radial portion of a cul-de-sac. Variances may be permitted for an Approved Planned Unit Development.
- H. Future Arrangements: Where parcels of land are subdivided into unusually large lots (such as when large lots are approved for septic tank operations), the parcels shall be divided, where feasible, so as to allow for future 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 plan thereof shall be approved by the Commission prior to the taking of such action.

SECTION XI. PLANTING STRIPS AND RESERVE STRIPS

Planting strips and reserve strips shall conform to the following:

- A. Planting Strips: Planting strips shall be required to be placed next to incompatible features such as highways, railroads, commercial, or industrial uses to screen the view from residential properties. Such screens shall be a minimum of 20 feet wide, and shall not be a part of the normal roadway right-of-way or utility easement; and
- B. Reserve Strips:
 1. Reserve Strips: Private - Privately held reserve strips controlling access to streets shall be prohibited.
 2. Reserve Strips: Public - A one foot (1') reserve may be required to be placed at the end or along "stub," "dead-end," or "half streets" which terminate at subdivision boundaries. These reserves shall be deeded in fee simple to the City for future street purposes.

SECTION XII. PUBLIC SITES AND OPEN SPACES

Public sites and open spaces shall conform to the following:

- A. Public Uses: Where a proposed park, playground, school or other public use shown on the Comprehensive Plan is located in whole or part within a subdivision, a suitable area for this purpose shall be dedicated to the public or reserved for public purchase. If within two (2) years of plat recording, the purchase is not agreed on, the reservation shall be canceled or shall automatically cease to exist, and
- B. Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourse, historic

spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.

SECTION XIII. LARGE SCALE DEVELOPMENTS

Large scale development shall be governed by the following provisions:

- A. Modification: This Ordinance may be modified in accordance with the variance provisions of this Ordinance in the case of a subdivision large enough to constitute a complete community or neighborhood. It must be consistent with the Dietrich Comprehensive Plan which provides and dedicates adequate public open space and improvements for circulation, recreation-, education, light, air and service needs of the tract when fully developed and populated; and
- B. Neighborhood Characteristics: A community or neighborhood under this provision shall be consistent with the Comprehensive Plan, bounded by major streets or natural physical barriers, and may contain public areas of sufficient size for school, playgrounds, parks and other public facilities to serve its population.

SECTION XIV IMPROVEMENT STANDARDS

- A. Purpose: It is the purpose of this Section to establish and define the public improvements which will be required to be constructed by the sub divider as conditions for final plat approval and also to outline the procedures and responsibilities of the sub divider and the various public officials and agencies concerned with the administration, planning design, construction, and financing of public facilities and to further establish procedures for assuring compliance with these requirements.
- B. Responsibility For Plans: It shall be the responsibility of the sub divider 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. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the City Engineer or Building Inspector and other responsible public agencies. All construction plans shall be prepared in accordance with the public agencies' standards or specification.
- C. Required Public Improvements: Every sub divider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:
 - 1 Monuments: Monuments shall be set in accordance with Section 50-1313, Idaho Code;
 - 2 Street and Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Council. Vertical curbs and gutters may be required on all collector and arterial streets;
 - 3 Curbs, Gutters, and Drainage: Curbs and gutters may be required on all minor streets and shall be constructed in accordance with the standards and specifications adopted by the Council. An adequate storm drainage system plan shall be required in all subdivisions.

- 4 Installation of Public Utilities: Underground utilities are recommended and may be required by the Commission in areas where overhead facilities would not be compatible with the surrounding properties.
- 5 Driveways: All driveway openings shall be as specified by the City, Highway District, or the State Highway Department.
- 6 Water Supply System: Where practicable, all subdivisions within city limits shall hook onto the city water system. When a proposed subdivision is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances shall be provided by the sub divider. In exceptional circumstances, the sub divider may be required to install a water supply system for the common use of the lots within the subdivision as approved by the Idaho State Department of Environmental Quality. Individual wells are discouraged, but must have the approval of the South-Central Health District, if allowed. At such time as city water becomes available, individual lot owners will be required to hook up to city services.
- 7 Sanitary Sewer System: Where practicable, all subdivisions within city limits shall hook onto the city sanitary sewer system. Sanitary sewers and other required appurtenances thereto shall be provided by the sub divider as approved by the Idaho State Department of Environmental Quality. In exceptional circumstances, the sub divider may install individual, temporary septic tank and drain field systems, but must have the approval of the South-Central Health district, if allowed. At such time as city sewer becomes available, individual lot owners will be required to hook up to city services.
- 8 Sidewalks and Pedestrian Walkways: Sidewalks may be required on both sides of the street. Where the average width of the lots, as measured at the frontage line or at the building setback line is over one hundred (100) feet, sidewalks may be required by the Commission. Pedestrian walkways, where required, shall have easements at least ten (10) feet in width and include a concrete walk at least five (5) feet in width, located generally along the center line of the easement, dedicated as a public pedestrian walkway. Sidewalks and crosswalks shall be constructed in accordance with the standards and specifications as adopted by the Council.
- 9 Street Lighting: Street lights shall be required to be installed at intersections throughout the subdivision. In these cases a sub divider shall conform to the requirements of the City and the public utility providing such lighting.
- 10 Bicycle Paths: Bicycle paths should be considered in all developments and may be required by the Commission.
- 11 Private Improvements and Public Utilities: It shall be the responsibility of the sub divider to arrange and provide for the development, installation, construction, or other improvement of the private facilities and public utilities within and for the subdivision in accordance with the applicable standards and requirements.
- 12 Construction of Public Works: The scope of this section is to define the respective areas of responsibility of the sub divider and the City relative to the installation, construction, or other improvements of public works en-route to and within the boundaries of a subdivision. In certain instances, the City may require formal written agreements with the sub divider that more fully and specifically describe their respective obligations and responsibilities. It

shall be the responsibility of the sub divider to complete at his sole expense all the development and construction of public works for and within his subdivision except as specifically provided otherwise to be the obligation and responsibility of the City, or as may be accepted by the City as being within the spirit and intent of its responsibilities. The sub divider shall complete the installation or construction of all the different phases of public works for which he is responsible before the City will accept any of them. This requirement may be satisfied by completion of a stage, if a staged development is called for in the approved development plan.

- 13 Guarantee of Completion: Until the public works for which the sub divider is responsible are completed, or an acceptable stage in accordance with the approved development plan is completed, the city will issue no building permits for private construction therein – unless a satisfactory performance bond or other suitable guarantee of performance acceptable to the City is provided by the sub divider.
- 14 Evidence of Completion: The sub divider shall notify the City in writing when the public works for which he is responsible have been completed. The City shall also certify, in writing, a copy of which shall be sent to the sub divider, that the said public works have been inspected by their authorized representative, and that said public works have been completed in accordance with applicable standards and specifications. As-built construction plans shall be submitted to the City upon completion of the work, if required. Compliance with the foregoing provisions shall constitute the City's acceptance of the public works. The City shall thereby accept said public works and be responsible for their operation and maintenance in accordance with City policies.
- 15 Streets: The sub divider shall perform, install, construct, or otherwise complete at his sole expense the following items relative to street improvements for and within the boundaries of the subdivision:
 - a. Route for boundary surveys of the dedicated rights-of-way;
 - b. Construction surveys of line and grade;
 - c. Installation of sidewalks, if applicable;
 - d. Installation of curbs and gutters, if applicable;
 - e. Preparation of the sub grade;
 - f. Inspection of the roadway base course;
 - g. Inspection of all phases of construction to assure compliance with applicable standards and specifications;
 - h. Installation of a crushed gravel leveling course to be used as a temporary wearing surface until permanent asphalt pavement is installed;
 - i. Asphalt pavement is to be installed following the installation of any required curbs and gutters.
16. Sanitary Sewage Collection System: The sub divider shall be responsible for the installation of a sanitary sewage collection system within the boundaries of the subdivision. The sub divider shall perform, install, construct, or otherwise complete at his sole expense, the following items relative to sanitary sewers:

- a. Preparation of plans and specifications for the construction of the sanitary sewer system, including extensions from the existing collection system, and the approval of said plans and specifications by the Idaho Department of Health and Welfare.
- b. Construction surveys of line and grade within the subdivision.
- c. Installation of the sewer system for and within the subdivision, including sewers, manholes and other required appurtenances, and if applicable, sewage pumping stations.
- d. If sewer mains are located in a dedicated street or alley, installation of a sewer service line to the property line of each lot.
- e. Inspection of construction to assure compliance with the plans, specifications, and applicable standards.
- f. Installation of a sewer extension from the existing collection systems to a designated point of connection near the subdivision.

Connections to the sewers will be in accordance with existing procedures and policies of the City; and the sub divider will be liable for the payment of sewer assessment and hookup charges as provided by City ordinances.

17. Water Distribution System: The sub divider shall be responsible for the installation of a culinary water distribution system for and within the boundaries of the subdivision on public right-of-way. The sub divider shall perform, install, construct, or otherwise complete at his sole expense the following items relative to a culinary water distribution system:

- a. Preparation of plans and specifications for the construction of the water distribution system, including any required extensions from the existing system, and the approval of said plans and specifications by the Idaho Department of Environmental Quality.
- b. Construction surveys of line and grade within the subdivision.
- c. Installation of the water distribution system within the subdivision, including water lines, control valves, fire hydrants, and appurtenant facilities as approved by the City.
- d. If water mains are located in a dedicated street or alley, installation of a water service line to the property lines of each lot.
- e. Inspection of construction to assure compliance with the plans, specifications, and applicable standards.
- f. Installation of a water line extension or extensions to a designated point of connection near the subdivision.
- g. Connections to the water mains shall be in accordance with existing procedures and policies of the City, and the sub divider shall be liable for the payment of water assessment and hookup charges as provided by City ordinances.

18. Reimbursement for Over-sizing: In the event the City requires the sub divider to install oversized pipe lines or other excess facilities to make provisions for present or future service needs in excess of the requirements for the subdivision, the City shall reimburse the sub divider for the additional costs of material and installation resulting therein, providing said future service needs are not required for property owned by the sub divider, or person, or persons the sub divider is acting as agent for, and providing that the property is not currently under application for subdividing.

ARTICLE V

SPECIAL DEVELOPMENT SUBDIVISIONS

SECTION I. PURPOSE

The purpose of this Article is to identify the various types of special developments that normally pose special concerns to the Council and elected officials when reviewing and acting upon subdivision requests. Therefore, this Article outlines the general plan submittal requirements and design standards that shall be taken into consideration when acting on special developments. The provisions of this Article are in addition to the plan requirements and design standards that are required by Articles III and IV. The required information shall be submitted to the Council with the preliminary plat.

SECTION II. PLANNED UNIT AND CONDOMINIUM SUBDIVISIONS

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

- A. Minimum Area: A planned unit development for the following principal uses shall contain an area of not less than:
1. Two (2) acres or one (1) normal city block for residential use, or for a manufactured home subdivision or park;
 2. Three (3) acres for residential use with subordinate commercial or industrial use;
 3. Seven (7) acres for commercial use; and
 4. Seven (7) acres for light industrial use.
- B. Site Development Plan: The developer shall provide the Council with a colored 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 and drainage;
 4. Screening;
 5. Garbage areas;
 6. Parking; and
 7. Open space.
- C. Private Streets: Private street construction standards shall be based upon recommendations from the City Engineer and Council. Adequate construction standards may vary depending on the size of the development and the demands placed on such improvements.
- D. Home Owner's Association: The Home Owner's Association By-Laws 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 Commission. Any and all powers as specified in such agreements may be required to also be assigned to the jurisdictional agency to insure continued and adequate maintenance of all such common areas, recreational facilities and open space, ability to assess property for delinquencies and enforcement of motor vehicle speed to protect the best interests of the owners involved and of the general public.

- E. Storage Areas: Storage areas shall be provided for the anticipated needs of boats, campers and travel trailers. For typical residential development, one (1) adequate space shall be provided for every three (3) living units. This may be reduced by the Commission if there is a showing that the needs of a particular development are less.
- F. Parking Space: One (1) 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.
- G. Maintenance Building: A maintenance building shall be provided, size and location to be determined by the type and service needed for the necessary repair and maintenance of all common areas.
- H. Open Space: The location of open space shall be appropriate to the development and shall be of such shape and area to be useable and convenient to the residents of the development.
- I. 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.

SECTION III. MOBILE HOME PARKS

- A. General: Mobile home parks shall in general be treated the same as any residential subdivision, subject to any special requirements set forth in the Zoning Ordinance and also subject to the following requirements:
- B. Special Requirements:
 - 1. Developed as a planned unit development with a minimum lot area for the planned development of three (3) acres;
 - 2. Essential community facilities and services for the type of development under consideration are available, or provisions shall be made to assure that these facilities will be provided;
 - 3. The site shall be suitable for residential development and not be subject to hazards such as insects or rodent infestation, objectionable smoke, noxious odors, unusual noise, or the probability of flooding or erosion;
 - 4. Adequacy of provisions for drainage of surface waters and for waste disposal;
 - 5. Protection of existing ground cover;

6. Screening from adjacent areas, other than subdivisions of the same type, by aesthetically acceptable fences, walls, living plant areas, and existing natural or man-made barriers; and
7. The width and construction of access streets shall be suitable for the vehicular traffic requirements of the property served. No lot within the development shall have direct vehicular access to a street bordering the development.

SECTION IV RECREATIONAL VEHICLE PARKS

- A. General: Recreational Vehicle parks shall in general be treated the same as any residential subdivision, subject to any special requirements set forth in the Zoning Ordinance and also subject to the following requirements.
- B. Special Requirements:
 1. Developed as a planned unit development with a minimum lot area for planned development of two (2) acres;
 2. Essential community facilities and services for the type of development under consideration is available, or provisions shall be made to assure that these facilities will be provided;
 3. Adequate provisions for drainage of surface waters and for waste disposal;
 4. Protection of existing ground cover;
 5. Screening from adjacent areas, other than subdivisions of the same type, by aesthetically acceptable fences, walls, living plant areas, and existing natural or man-made barriers; and
 6. The width and construction of access streets shall be suitable for the vehicular traffic requirements of the property served. No lot within the development shall have direct vehicular access to a street bordering the development.
 7. No travel trailer, motor home or camper shall be parked any closer than twelve (12) feet to each other.

SECTION V. LARGE SCALE DEVELOPMENT

- A. Required Information: Due to the impact that 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 that will occur as a result of the subdivision (re: fire protection, police protection, central water, central sewer, road construction, recreation, maintenance, schools and other);
 2. Estimate the public service costs to provide adequate service to the development; and
 3. Estimate the tax revenue that will be generated from the development.

SECTION VI. CEMETERY SUBDIVISION

- A. Function: The developer shall provide the commission with written documentation that will sufficiently explain if the proposed cemetery will be used for either human or animal remains and the functions that are anticipated on the property.
- 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 Idaho code.

SECTION VII. SUBDIVISION WITHIN A FLOOD PLAIN

- A. Flood Areas: For any proposed subdivision that is located within or partially within a flood plain, the developer shall provide the Commission 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 Federal Emergency Management Agency (FEMA);
 3. The location of the present water channel;
 4. Any planned rerouting or waterways;
 5. All major drainage ways;
 6. Areas of frequent flooding;
 7. Means of flood proofing buildings; and
 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 or above the level of the one hundred (100) year flood; and, for new construction or substantial improvements of non-residential structures, the lowest floor (including basement) shall be elevated to or above the level of the one hundred (100) year flood, or together with attendant utility and sanitary facilities, shall be flood proofed up to the level of the one hundred (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 Commission 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. If any part of a proposed subdivision can be safely developed, the Commission shall limit development to that part and shall require that development proceed consistent with that determination.

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, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages; and
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 systems 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.

ARTICLE VI

VACATIONS AND DEDICATIONS

SECTION I APPLICATION PROCEDURE

- A. Application: Any property owner desiring to vacate an existing subdivision, public right-of-way or easement, or desiring to dedicate a street right-of-way or easement shall complete and file an application with the Commission and also file such other applications as are otherwise required by law. These provisions shall not apply to the widening of any street which is shown in the Comprehensive Plan, or the dedication of streets, rights-of-way, or easements to be shown on the recorded plat of a subdivision.
- B. Commission Recommendation: The Commission shall review the request and all agency responses and make a recommendation to the Council either to approve, conditionally approve or deny the request.
- C. Council Action:
1. When considering an application for vacation procedures, the Council shall establish a date for a public hearing and give such public notice as required by law. The Council may approve, deny, or modify the application. Whenever public rights-of-way or lands are vacated, the Council shall provide adjacent property owners with a quit claim deed for said vacated rights-of-way in such proportions as are prescribed by law.
 2. When considering an application for dedication procedures, the Council may approve, deny, or modify the application. When a dedication is approved, the required street improvements shall be constructed or a bond furnished assuring the construction, prior to acceptance of the dedication. To complete the acceptance of any dedication of land, the owner shall furnish to the Council a deed describing and conveying such lands to be recorded with the Lincoln County Recorder.

ARTICLE VII

VARIANCES TO SUBDIVISION ORDINANCE

SECTION I. PURPOSE

The Commission may recommend to the Council a variance from the provisions of this Ordinance on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the Ordinance or that application of such provisions or requirements is impractical. Where in the case of a

particular proposed subdivision, it can be shown that strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the sub divider because of unusual topography, other physical conditions, or other such conditions, which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objectives of this Ordinance, the Council may declare that variance, modification or a waiver of these requirements be granted. The Council shall only recommend variances that it deems necessary to or desirable for the public interest. In making its findings, the Council shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be recommended unless the Council finds after a public hearing:

- A. There are such special circumstances or conditions affecting said property that the strict application of the provisions of this Ordinance would clearly be impracticable, or unreasonable; in such cases, the sub divider shall first state his reasons in writing to the specific provisions or requirements involved;
- B. The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated;
- C. Such variance will not violate the provisions of the Idaho Code; and
- D. Such variance will not have the effect of nullifying the interest and purpose of this Ordinance and the Comprehensive Land Use Plan.

SECTION II PLANNED UNIT DEVELOPMENT VARIANCE

The developer may request a variance from specified portions of this Ordinance in the case of a planned unit development. Upon considering the request variance, the Commission shall take into account the nature of the proposed use of the land and existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, the probable effect of the proposed subdivision upon traffic conditions in the vicinity, adequate open space, light, air and other needs. The Commission's findings and report to the Council shall include whether:

- A. The proposed project will constitute a desirable and stable community development and be in compliance with the Comprehensive Development Plan;
- B. The proposed project will be in harmony with adjacent areas; and
- C. The proposed project will be served with adequate public facilities.

ARTICLE VIII

ENFORCEMENT AND PENALTIES

SECTION I. ENFORCEMENT

No subdivision plat required by this Ordinance or the Idaho Code shall be admitted to the public land records of the County or recorded by the County Recorder, until such subdivision plat has received final approval by the Council. No public board, agency, commission, official or other authority shall proceed with the construction of any of the public improvements required by this Ordinance until the final plat has received approval by the Council.

SECTION II. PENALTIES

Penalties for failure to comply with the provisions of this Ordinance shall be as follows:

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered as a separate offense. The land owner, tenant, sub divider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or of the Idaho Code.

ARTICLE IX

AMENDMENT PROCEDURES

SECTION I. AMENDMENT PROCEDURES

The Council may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance in the manner prescribed by Idaho Code to better serve the City and outlying community. A proposed amendment, supplement, or repeal may be originated by the Council or by petition from the public at large. In all cases, the proposal shall be reviewed by the Council before any action is taken on the issue. Adequate public notice shall be given to obtain comments from the public, either for or against, prior to any action taken.

SECTION II. RESUBMISSION OF APPLICATION

No application for amendment which has been denied by the Council shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purposes within a period of six (6) months from the date of such final action; unless there is an amendment in the Comprehensive Plan which resulted from a change in conditions as applying to the specific property under consideration.

ARTICLE X

If any section, paragraph, clause, or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall in no manner affect the remaining provisions of this ordinance.

ARTICLE XI

EFFECTIVE DATE

SECTION I. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon publication following passage and approval.

Regularly passed and approved by THE CITY COUNCIL OF THE CITY OF DIETRICH, on this ____ day of _____ 2006.

MAYOR

DATE

ATTEST:

CITY CLERK